

**NASSAU COUNTY LEGISLATURE
MINEOLA, NEW YORK
THIRTIETH MEETING
SEPTEMBER 21, 2015 1:00 P.M.
ELEVENTH MEETING OF 2015**

1. Meeting Agendas & Legislative Calendar

Documents: [R-9-21-15.PDF](#)

2. Ordinances

Documents: [367-15 AMENDMENT.PDF](#), [PROPOSED ORD. 105-15.PDF](#), [PROPOSED ORD. 106-15.PDF](#), [PROPOSED ORD. 107-15.PDF](#), [PROPOSED ORD. 108-15.PDF](#), [PROPOSED ORD. 109-15.PDF](#), [PROPOSED ORD. 110-15.PDF](#), [PROPOSED ORD. 111-15.PDF](#), [PROPOSED ORD. 112-15.PDF](#), [PROPOSED ORD. 113-15.PDF](#), [PROPOSED ORD. 114-15.PDF](#), [PROPOSED ORD. 115-15.PDF](#), [PROPOSED ORD. 116-15.PDF](#), [PROPOSED ORD. 117-15.PDF](#), [PROPOSED ORD. 118-15.PDF](#), [PROPOSED ORD. 119-15.PDF](#), [PROPOSED ORD. 120-15.PDF](#), [PROPOSED ORD. 121-15.PDF](#), [PROPOSED ORD. 122-15.PDF](#), [PROPOSED ORD. 123-15.PDF](#), [PROPOSED ORD. 124-15.PDF](#), [PROPOSED ORD. 125-15.PDF](#)

3. Laws

Documents: [383-15.PDF](#)

4. Meeting Minutes

Documents: [R-7407-27485 - SEPT 21 - RULES.PDF](#), [SEPT 21 2015 - FULL LEG - EXP.PDF](#)

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT THE **NASSAU COUNTY LEGISLATURE** WILL HOLD **A FULL SESSION OF THE LEGISLATURE ON MONDAY, SEPTEMBER 21, 2015 STARTING AT 1:00 PM AND COMMITTEE MEETINGS ON WEDNESDAY, SEPTEMBER 9, 2015 STARTING AT 1:00 PM** IN THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER, 1st FLOOR, THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING, 1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501.

FULL LEGISLATIVE SESSION1:00 PM

COMMITTEE	TIME
RULES	1:00 PM
PUBLIC SAFETY	1:00 PM
PLANNING, DEVELOPMENT & THE ENVIRONMENT	1:00 PM
TOWNS, VILLAGES AND CITIES	1:00 PM
ECONOMIC & COMMUNITY DEVELOPMENT & LABOR	1:00 PM
PUBLIC WORKS AND PARKS	1:00 PM

HEALTH AND SOCIAL SERVICES	1:00 PM
GOVERNMENT SERVICES AND OPERATIONS	1:00 PM
MINORITY AFFAIRS	1:00 PM
VETERANS AND SENIOR AFFAIRS	1:00 PM
FINANCE	1:00 PM

William J. Muller 111

WILLIAM J. MULLER III
Clerk of the Legislature
Nassau County, New York

Dated: September 1, 2015
Mineola, NY

As per the Nassau County Fire Marshall's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 251 people and the outer chamber which will stream the meeting live, has a maximum occupancy of 72. Passes will be distributed on a first come first served basis beginning one half hour before the meeting begins and attendees will be given an opportunity to sign in to address the Legislature for a maximum of three minutes. Public comment is limited to Agenda items. The Nassau County Legislature is committed to making its public meetings accessible to individuals with disabilities and every reasonable accommodation will be made so that they can participate. Please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office for the Physically Challenged at 227-7101 or TDD Telephone No. 227-8989 if any assistance is needed. Every Legislative meeting is streamed live on <http://www.nassaucountyny.gov/agencies/Legis/index.html>.

NASSAU COUNTY LEGISLATURE

10th TERM MEETING AGENDA

RULES COMMITTEE

SEPTEMBER 21, 2015 1:00 PM

Norma Gonsalves – Chairwoman
Richard Nicoletto– Vice Chairman
Dennis Dunne
Howard Kopel
Kevan Abrahams – Ranking
Judith Jacobs
Carrié Solages

William J. Muller III, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
A-26-15	PR	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND BUG FREE EXTERMINATING. A-26-15
E-186-15	AS	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF ASSESSMENT, AND SMITH VALUATION SERVICES, INC. DBA STANDARD VALUATION SERVICES. E-186-15
			THE FOLLOWING ITEMS MAY BE UNTABLED
A-40-14	PR	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF NASSAU COUNTY DEPARTMENT OF SOCIAL SERVICES AND MAGNUM LEASING CORP. A-40-14
E-130-15	PW	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND ECG ENGINEERING, P.C. E-130-15
E-145-15	IT	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY, AND US TECH SOLUTIONS INC. E-145-15
E-148-15	IT	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY, AND NETROVERT SOFTWARE INC. E-148-15

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
E-150-15	IT	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY, AND NET@WORK INC. E-150-15
E-154-15	PW	R	<u>RESOLUTION NO. -2015</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND CAMERON ENGINEERING AND ASSOCIATES, LLP. E-154-15

Amendment in the Nature of Substitution 367-15

Language has been added to require the bonds authorized by the ordinance to mature, and Nassau Community College to reimburse the County for debt service and costs of issuance, on or before December 31, 2017 or two years from issuance, whichever is later.

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2015 SEP 21 P 1:36

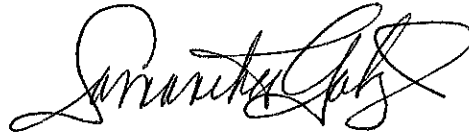
**County of Nassau
Inter-Departmental Memo**

To: Clerk of the County Legislature
From: County Attorney
Date: September 18, 2015
Subject: **ORDINANCE - ORIG. DEPT.** – Office of Management and Budget

AN ORDINANCE PROVIDING FOR AN EXPENDITURE TO FINANCE CERTAIN PAYMENTS TO NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS MEMBER EMPLOYEES AT NASSAU COMMUNITY COLLEGE UPON SEPARATION FROM EMPLOYMENT, AUTHORIZING \$7,650,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon its calendar.

CARNELL T. FOSKEY
County Attorney



By: Samantha A. Goetz
Deputy County Attorney
Appeals

Attachment(s)

ORDINANCE NO. - 2015

AN ORDINANCE PROVIDING FOR AN EXPENDITURE TO FINANCE CERTAIN PAYMENTS TO NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS MEMBER EMPLOYEES AT NASSAU COMMUNITY COLLEGE UPON SEPARATION FROM EMPLOYMENT, AUTHORIZING \$7,650,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

APPROVED AS TO FORM

Deputy County Attorney

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2015 SEP 21 P 1:36

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the continuing administration and management of the County of Nassau (the "County") constituted by the expenditure described herein is a "Type II" Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 2. An expenditure for financing the cost of certain payments to Nassau Community College Federation of Teachers ("NCCFT") member employees at Nassau Community College ("NCC") upon separation from employment pursuant to Section 47 of the Contract between NCCFT and NCC covering the period from September 1, 2013 to August 31, 2017, and related termination payments, in the amount of \$7,650,000 is hereby authorized upon

recommendation of the County Executive and by at least a two-thirds vote of the voting strength of the County Legislature, which expenditure shall be financed with the proceeds from the issuance of \$7,650,000 of bonds including cost of issuance for the making of said payments.

Section 3. The County shall issue its bonds in the aggregate principal amount of \$7,650,000 including cost of issuance pursuant to paragraph 104 of subdivision a of Section 11.00 of the New York State Local Finance Law (the "Law") in order to finance the specific object or purpose or classes of objects or purposes (the "Purpose") described in section 2 of this ordinance.

Section 4. The County Legislature has determined and hereby states that the estimated aggregate maximum cost of such Purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,650,000. The plan of financing includes the issuance of \$7,650,000 bonds of the County and the levy and collection of taxes on all the taxable real property of the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 5. The County Legislature hereby determines that the period of probable usefulness of the Purpose for which said \$7,650,000 bonds authorized pursuant to this ordinance are to be issued, within the limitations of subdivision 104 of paragraph a of Section 11.00 of the Law, is ten (10) years. Notwithstanding the foregoing, bonds authorized by this ordinance shall mature on or before December 31, 2017 or two years from issuance, whichever is later.

Section 6. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County subject to applicable statutory limitations. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of said bonds and any notes issued in anticipation hereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the terms and conditions of this ordinance and the Law, and pursuant to the provisions of section 21.00, section 30.00, section 50.00, sections 56.00 through

60.00 and section 63.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the County Treasurer, the chief financial officer of the County.

Section 8. The County Treasurer is hereby authorized to cause such bonds and/or bond anticipation notes to be printed and to do such things as may be necessary to provide for the sale of such bonds and/or bond anticipation notes and to employ bond counsel to furnish to the purchaser or purchasers of such obligations an opinion as to their legality.

Section 9. The validity of any County bonds authorized by this ordinance and any County bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this ordinance, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution of the State of New York.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1-150.2. Other than as set forth in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The Clerk of the County Legislature is hereby directed to publish this ordinance in full, or a summary thereof, together with a notice in substantially the form prescribed by section 81.00 of the Law in the official newspaper of the County.

Section 12. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said

ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

Section 13. The issuance of bonds and/or bond anticipation notes issued pursuant to this ordinance is subject to reimbursement by NCC to the County for the debt service and allocated costs of issuance on such obligations on or before December 31, 2017 or two years from issuance, whichever is later. The County Executive or his designee shall establish a procedure with NCC for said reimbursement.

Section 14. This ordinance shall take effect immediately upon its adoption.

PROPOSED ORDINANCE NO. 105 - 2015

AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE CERTAIN PAYMENTS TO NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS MEMBER EMPLOYEES AT NASSAU COMMUNITY COLLEGE UPON SEPARATION FROM EMPLOYMENT, AUTHORIZING \$7,650,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

Section 1. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the continuing administration and management of the County of Nassau (the “County”) constituted by the expenditure described herein is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 2. A capital expenditure for financing the cost of certain payments to Nassau Community College Federation of Teachers (“NCCFT”) member employees at Nassau Community College (“NCC”) upon separation from employment pursuant to Section 47 of the Contract between NCCFT and NCC covering the period from September 1, 2013 to August 31, 2017, and related termination payments, in the amount of \$7,650,000 is hereby authorized upon recommendation of the County Executive and by at least a two-thirds vote of the voting strength of the County Legislature, which expenditure shall be financed with the proceeds from the issuance of \$7,650,000 of bonds including cost of issuance for the making of said payments.

Section 3. The County shall issue its bonds in the aggregate principal amount of \$7,650,000 including cost of issuance pursuant to paragraph 104 of subdivision a of Section 11.00 the New York State Local Finance Law (the “Law”) in order to finance the specific object or purpose or classes of objects or purposes (the “Purpose”) described in section 2 of this ordinance.

Section 4. The County Legislature has determined and hereby states that the estimated aggregate maximum cost of such Purpose, including preliminary costs and costs

incidental thereto and the financing thereof, is \$7,650,000. The plan of financing includes the issuance of \$7,650,000 bonds of the County and the levy and collection of taxes on all the taxable real property of the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 5. The County Legislature hereby determines that the period of probable usefulness of the Purpose for which said \$7,650,000 bonds authorized pursuant to this ordinance are to be issued, within the limitations of subdivision 104 of paragraph a of Section 11.00 of the Law, is ten (10) years.

Section 6. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County subject to applicable statutory limitations. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of said bonds and any notes issued in anticipation hereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the terms and conditions of this ordinance and the Law, and pursuant to the provisions of section 21.00, section 30.00, section 50.00, sections 56.00 through 60.00 and section 63.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the County Treasurer, the chief financial officer of the County.

Section 8. The County Treasurer is hereby authorized to cause such bonds and/or bond anticipation notes to be printed and to do such things as may be necessary to provide for the

sale of such bonds and/or bond anticipation notes and to employ bond counsel to furnish to the purchaser or purchasers of such obligations an opinion as to their legality.

Section 9. The validity of any County bonds authorized by this ordinance and any County bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this ordinance, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution of the State of New York.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1-150.2. Other than as set forth in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The Clerk of the County Legislature is hereby directed to publish this ordinance in full, or a summary thereof, together with a notice in substantially the form prescribed by section 81.00 of the Law in the official newspaper of the County.

Section 12. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

Section 13. The issuance of bonds and/or bond anticipation notes issued pursuant to this ordinance is subject to reimbursement by NCC to the County for the debt service on such obligations. The County Executive or his designee shall establish a procedure with NCC for said reimbursement.

Section 14. This ordinance shall take effect immediately upon its adoption.

PROPOSED ORDINANCE NO. 106 - 2015

TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO A CONTRACT WITH TRANSDEV SERVICES, INC., FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF A NASSAU COUNTY BUS SYSTEM.

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law 15-1972, Nassau County is authorized to provide mass transportation services within Nassau County; and

WHEREAS, pursuant to Title 10 of the Miscellaneous Laws of Nassau County and Local Law 15-1972, the County is authorized to contract with public or private entities for the management, operation and maintenance of such services; and

WHEREAS, pursuant to Fixed Route Bus and Paratransit Operation, Management and License Agreement, as amended (the "Agreement"), Transdev Services, Inc. ("Transdev") has been operating and managing the County's fixed route transit and paratransit service, and

WHEREAS, the County and Transdev now wish to amend the Agreement to provide additional funding for services; and

WHEREAS, the County and Transdev have executed an amendment (the "Amendment") to the Agreement, which Amendment is on file with the Clerk of the Nassau County Legislature; now, therefore,

BE IT ORDAINED BY THE COUNTY LEGISLATURE OF NASSAU COUNTY, as follows:

§ 1. The County Executive is hereby authorized to execute the Amendment, as well as any and all ancillary agreements related thereto.

§ 2. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which

such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this Ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 107 –2015

AN ORDINANCE TO AMEND ORDINANCE 58-2014 WHICH
ESTABLISHED TOWING ZONES WITHIN THE COUNTY OF NASSAU.

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. Section 2 of Ordinance 58-2014 is hereby amended to read as follows:

§ 2. Notwithstanding any other law, resolution, or ordinance to the contrary, the following towing zones are established for Nassau County:

Zone 1A: All the territory within the following boundaries: Beginning at a point where the northwest boundary line of the Incorporated Village of Rockville Centre meets the northern boundary line of the Southern State Parkway and the southern boundary line of the Incorporated Village of Hempstead, east along the southern boundary line of the Incorporated Village of Hempstead to the eastern boundary line of the Incorporated Village of Hempstead, then north along the eastern boundary line of the Incorporated Village of Hempstead to the center line of Hempstead Turnpike, then east along the center line of Hempstead Turnpike to the centerline of the Meadowbrook State Parkway, then south on the centerline of the Meadowbrook State Parkway to the centerline of Freeport Creek, then west along the centerline of Freeport Creek to the southern boundary line of the Incorporated Village of Freeport, then west along the southern boundary line of the Incorporated Village of Freeport to Freeport Bay, then south and west through Freeport Bay and Baldwin Bay to the mouth of Parsonage Cove, then north along the center line of Parsonage Canal, then north along Parsonage Canal to the center line of the viaduct under Foxhurst Road which connects Silver Lake Pond and Parsonage Canal, then west along the center line of Foxhurst Road to the center line of Soper Avenue, then north along Soper Avenue and Charing Cross Road to the center line of Sunrise Highway, then west along Sunrise Highway

to the Rockville Center line, then north to a point opposite the Rockville Center line and the Long Island Railroad viaduct, then east along the Long Island Railroad viaduct to a point opposite Charing Cross Road, then south and west along the southern boundary line of the Incorporated Village of Rockville Centre to a point where the southern boundary of the Incorporated Village of Rockville Centre and Incorporated Village of East Rockaway meet, then north and east along the western boundary line of the Incorporated Village of Rockville Centre to point of beginning.

Zone 1B: All the territory within the following boundaries: Beginning at a point where the center line of Hempstead Turnpike meets the centerline of the Meadowbrook State Parkway, then east along the centerline of Hempstead Turnpike to the center line of the Wantagh State Parkway, then south along the center line of the Wantagh State Parkway to the centerline of Sunrise Highway, then west along the centerline of Sunrise Highway to the center line of Meadowbrook Parkway, then north along the centerline of Meadowbrook State Parkway to the point of beginning.

All of the territories of the Incorporated Villages of Freeport and Rockville Centre are located within either Zone 1A or Zone 1B.

Zone 2A: All the territory within the following boundaries: Beginning at a point where the southern boundary line of the City of Glen Cove meets the shore line of Hempstead Bay, northerly and easterly along the shore line of the County of Nassau to the dividing line of Nassau and Suffolk Counties, then southerly along the dividing line of Nassau and Suffolk Counties to the center line of the Northern State Parkway, then west along the center line of the Northern State Parkway to the center line of Cantiague Rock Road, then north along the center line of Cantiague Rock Road to the centerline of Jericho Turnpike, then north east along the center line of Jericho Turnpike to the center line of the Long Island Expressway, then west along the center

line of the Long Island Expressway to the eastern boundary line of the Incorporated Village of Old Westbury, then west along the southern boundary line of the Incorporated Village of Old Westbury, then northerly along the eastern boundary line of the Incorporated Village of Old Westbury to the boundary line of the Incorporated Village of Brookville, then northeasterly along the boundary line of the Incorporated Villages of Old Westbury, Brookville and Upper Brookville to the boundary line of the Incorporated Village of Old Brookville, then northerly and easterly along the boundary line of the Incorporated Village of Old Brookville to the western boundary line of the Incorporated Village of Matinecock, then northern along the western boundary line of the Incorporated Village of Matinecock to the southern boundary line of the City of Glen Cove, then westerly along the boundary line of the City of Glen Cove to the point of beginning.

Zone 2B: All the territory within the following boundaries: Beginning at a point at the eastern boundary line of the Incorporated Village of Old Westbury and the center line of the Long Island Expressway, then east along the center line of the Long Island Expressway to the center line of the Jericho Turnpike, then southwest along the center line of the Jericho Turnpike to the center line of Cantiague Rock Road, then south along the center line of Cantiague Rock Road to the center line of the Northern State Parkway, then east along the center line of the Northern State Parkway to the dividing line of Nassau and Suffolk Counties, then south along the dividing line of Nassau and Suffolk Counties to center line of Old Country Road, then west along the center line of Old Country Road to the center line of the Wantagh State Parkway, then north along the center line of the Wantagh State Parkway to the center line of Brush Hollow Road, then northeasterly along the center line of the Brush Hollow Road to the boundary line of the Incorporated Village of Westbury, then northwesterly along the boundary line of the Incorporated Village of Westbury to the boundary line of the Incorporated Village of Old

Westbury, then northerly along the eastern boundary line of the Incorporated Village of Old Westbury to the point of beginning.

All the territories of the Incorporated Villages of Bayville, Brookville, Centre Island, Cove Neck, Lattingtown, Laurel Hollow, Matinecock, Mill Neck, Muttontown, Old Brookville, Oyster Bay Cove and Upper Brookville as well as the City of Glen Cove are located within either Zone 2A or 2B.

Zone 3A: All the territory within the following boundaries: Beginning at the Queens-Nassau County line and the south side of the Main Line of the Long Island Railroad, east along the south side of the Long Island Railroad to the western boundary line of the Incorporated Village of Floral Park, then south and east along the boundary lines of the Incorporated Village of Floral Park, then east along the southern boundary line of the Incorporated Villages of Stewart Manor and Garden City to the western boundary of East Garden City, then north along the western boundary line of East Garden City to the center line of Old Country Road, then west along the center line of Old Country Road to the eastern boundary of the Incorporated Village of Mineola, then north along the eastern boundary line of the Incorporated Village of Mineola to the center line of Jericho Turnpike, then east on Jericho Turnpike to the to the western boundary line of the Incorporated Village of Old Westbury, then north along the western boundary line of the Village of Old Westbury to the center line of the Northern State Parkway, then north and then west along the center line of the Northern State Parkway to the boundary line of the Incorporated Village of North Hills and along the southern boundary line of the Incorporated Villages of North Hills and Lake Success, then south and west to the dividing line of the Queens-Nassau Counties, then south along the Queens-Nassau line to the point of beginning at the Main Line of the Long Island Railroad.

Zone 3B: All the territory within the following boundaries: Beginning at the point of the eastern boundary line of the Incorporated Village of Mineola and the center line of Jericho Turnpike, south along the eastern boundary line of Incorporated Village of Mineola to the center line of Old Country road, then east along the center line of Old Country road to the east boundary line of the Incorporated Village of Garden City and the center line of Ring Road, Roosevelt Field Mall, then south along the eastern boundary of the Incorporated Village of Garden City to the northern boundary line of the Incorporated Village of Hempstead, then west, south, east, and north along the boundary lines of the Incorporated Village of Hempstead to the center line of the Hempstead-Bethpage Turnpike (Rte. 24), then east along the center line of the Hempstead-Bethpage Turnpike to the center line of the Wantagh State Parkway, then north along the center line of the Wantagh State Parkway to the center line of Brush Hollow Road, then northeast along the center line of Brush Hollow Road to the dividing line of the Towns of North Hempstead and Oyster Bay, then north along that line to the boundary line of the Incorporated Village of Old Westbury, then west along the south boundary of the Incorporated Village of Old Westbury (Jericho Tpke.) to the center line of the Northern State Parkway, then west along the centerline of Jericho Turnpike to the point of beginning.

All territories of the incorporated villages of Bellerose, East Williston, Floral Park, Garden City, Hempstead, Mineola, New Hyde Park, Old Westbury, Stewart Manor, Westbury and Williston Park are located within either Zone 3A or Zone 3B.

Zone 4A: All the territory within the following boundaries: Beginning at a point where the New York City (Queens) - Nassau line meets the center of Rosedale Road, then easterly along the center line of Rosedale Road to the southern boundary line of the Incorporated Village of Valley Stream, then easterly along the southern boundary line of the Incorporated Village of Valley Stream, excluding any territory within the Incorporated Village of Valley Stream, then

easterly along the southern boundary line of the Incorporated Village of Lynbrook to the westerly boundary line of the Incorporated village of East Rockaway, then south and east along the Incorporated Village of East Rockaway boundary line to the center of Thixton Creek, then south along the center line of Thixton Creek through East Rockaway Channel to Broad Channel, then west through Reynolds Channel to the western boundary line of the City of Long Beach, then south along the western boundary line of the City of Long Beach to the Atlantic Ocean coast line, then west along the Atlantic Ocean coast line to the Queens-Nassau County border and north along the Queens-Nassau County border to the point of beginning.

Zone 4B: All the territory within the following boundaries: Beginning at the center line of East Rockaway road at the boundary line of the Incorporated Village of East Rockaway, then north to the meeting of the boundary line of the Incorporated Village of east Rockaway and the Incorporated Village of Lynbrook, then northeast along the southern boundaries of the Incorporated Villages of Lynbrook and Rockville Centre to the point opposite Charing Cross Road and the Long Island railroad viaduct, then south to the center line of Charing Cross Road and Soper Avenue, then southerly along the center line of Soper Avenue to the center line of Foxhurst Road, then easterly along the center line of Foxhurst road to the center line of the viaduct under Foxhurst Road which connects Silver Lake Pond and Parsonage Canal, then southerly along the center line of Parsonage Canal to Middle Bay, then southwesterly through Middle Bay to Garretts Lead, then southerly along the center line of Garretts Lead to the center line of Reynolds Channel, then easterly along the center line of Reynolds Channel to the center line of Jones Inlet, then southerly along the center line of Jones Inlet to the Atlantic Ocean, then westerly along the Atlantic Coast Line to the western boundary line of the City of Long Beach, then north along the western boundary line of the City of Long Beach to Reynolds Channel, then east through Reynolds Channel to Hog Island Channel, then north along Hog Island Channel to

the east Rockaway Channel to Woodmere Bay, then east to Thixton Creek, then north through Thixton Creek to the boundary line of the Incorporated Village of East Rockaway and then north west along the boundary of the Incorporated Village of East Rockaway to the point of beginning.

All territories of the incorporated villages of Atlantic Beach, Island Park, Lawrence, Woodsburgh, Cedarhurst, East Rockaway, Hewlett Harbor, and Hewlett Neck as well as the City of Long Beach are located within either Zone 4A or 4B.

Zone 5A: All the territory within the following boundaries: Beginning at a point where the Queens-Nassau County Line meets the main line of the Long Island Railroad and easterly along the southern boundary lines of the Incorporated village of Floral Park, Stewart Manor and Garden City, to the western boundary line of the Incorporated Villages of Hempstead and Rockville Centre, then south along the western boundary line of the Incorporated Village of Rockville Centre to the eastern boundary line of the Incorporated Village of Lynbrook, then north, west, north and then southwest along the northern boundary of the Incorporated Village of Lynbrook to the south west boundary of the Incorporated Village of Malverne, then north along the Western boundary of the Incorporated Village of Malverne to the center line of the Southern State Parkway, then west along the center line of the Southern State Parkway, then west to the center line of Franklin Avenue, then north along the center line of Franklin Avenue to a point intersecting an imaginary projection of G Street, then west along the center line of G Street to the center line of Meacham Avenue, then south along the center line of Meacham Avenue to the center line of L Street, then west along the center line of L Street to the southern boundary line of Beth David Cemetery, then west along the southern boundary line of Beth David Cemetery to the center line of Elmont Road, then south along the center line of Elmont Road to the center line of Dutch Broadway, then west along the center line of Dutch Broadway to the Queens-Nassau County line, then north along the Queens-Nassau County line to the point of beginning. Zone

5A also includes the that portion of the Rockville Cemetery bounded by Merrick Road, Ocean Avenue, Madison Street and Charles Street, an unincorporated area within the Incorporated Village of Lynbrook.

Zone 5B: All the territory within the following boundaries: Beginning at a point where the Queens-Nassau County Line meets the center line of Dutch Broadway, east along the centerline of Dutch Broadway to the center line of Elmont Road, then north along the center line of Elmont Road to the southern boundary of Beth David Cemetery, then east along the southern boundary line of Beth David Cemetery to the center line of L Street, then east along the center line of L Street to the center line of Meacham Avenue, then north along the center line of Meacham Avenue to the center line of G Street, then east along the center line of G Street and a projection thereof to the center line of Franklin Avenue, then south along the center line of Franklin Avenue to the center line of the Southern State Parkway, then east along the center line of the Southern State Parkway to the north west boundary line of the Incorporated Village of Malverne, then south along the western boundary line of the Incorporated Village of Malverne to the north west boundary of the Incorporated Village of Lynbrook, then east along the northern boundary line of the Incorporated Village of Lynbrook to the western boundary line of the Incorporated Village of Rockville Centre, then south to the northern boundary line of the Incorporated Village of East rockaway, then west along the southern boundary line of the Incorporated Village of Lynbrook to the southern boundary line of the Incorporated Village of Valley Stream, then west along the southern boundary line of the Incorporated Village of Valley Stream until it crosses the center line of Rosedale Road, then west along the center line of Rosedale Road to the Queens-Nassau County line, then north along the Queens-Nassau County Line to the point of beginning.

All territories of the incorporated villages of Lynbrook, Malverne, South Floral Park and Valley Stream are located within either Zone 5A or Zone 5B.

Zone 6A: All the territory within the following boundaries: Beginning at the centerline of Mineola Avenue (Center Drive north of Northern Blvd / North Willis Ave : south of Northern Blvd) and the centerline of Northern Blvd, east along the center line of Northern Blvd to a point south of the rear property line of the houses on the east side of the dead end of Fernwood Lane, Incorporated Village of Flower Hill, then north on the imaginary property line to the southern boundary of the Incorporated Village of Flower Hill, then west and north to the school district 3 and 4 line, then east to West Shore Road, then east across to the Hempstead Harbor shoreline, then north along the western Hempstead Harbor shoreline towards the Incorporated Village of Sands Point, then continuing westerly towards Queens County along the Nassau County Shoreline to where the Queens Nassau County Line meets with the shoreline of Little Neck Bay, then Southerly along the Queens Nassau Border to the western border of the Incorporated Village of Lake Success. Then south and east along the southern border of the Incorporated Village of Lake Success, continuing towards the boundary of the Incorporated Village of North Hills. Then continuing, north and west along the eastern boundary line of the Incorporated Village of Lake Success to the north east Boundary of the Incorporated Village of Lake Success to the center line of Northern Blvd. Then east along the center line of Northern Blvd to the center line of East Shore Road, north on East Shore Rd to the centerline of Bayview Ave, east on the centerline of Bayview Ave to the centerline of Maple St, south on the center line of Maple St to the center line of Northern Blvd, east on the center line of Northern Blvd to the point of beginning.

Zone 6B: All the territory within the following boundaries: Beginning at the centerline of Mineola Avenue (Center Drive north of Northern Blvd / North Willis Ave south of Northern

Blvd) and the Centerline of Northern Blvd, east along the center line of Northern Blvd to a point south of the rear property line of the houses on the east side of the dead end of Fernwood Lane, Incorporated Village of Flower Hill, then north on the imaginary property line to the southern boundary of the Incorporated Village of Flower Hill, then west and north to the School District 3 and 4 line, then east to West Shore Road, east across a imagery line towards the Eastern shoreline of Hempstead Harbor. Then northerly along the Hempstead harbor Shoreline towards the City of Glen Cove, along the southern boundary line of the City of Glen Cove to the western boundary line of the Incorporated Village of Matinecock; then southerly along the western boundary line of the Incorporated Village of Old Brookville; then westerly and southerly along the boundary lines of the Incorporated Villages of Brookville and Old Brookville to the western boundary line of the Incorporated Village of Old Westbury; then southerly along the western boundary line of the Incorporated Village of Old Westbury to the center line of the Northern State Parkway; then westerly along the center line of the Northern State Parkway to the southern boundary line of the Incorporated Village of North Hills; then westerly along the southern boundary lines of the Incorporated Village of North Hills then westerly along the southern boundary lines of the Incorporated Villages of North Hills. Continuing to the North West Boundary of the Incorporated Village of North Hills. Then continuing, north and west along the eastern boundary line of the Incorporated Village of Lake Success to the north east boundary of the Incorporated Village of Lake Success to the center line of Northern Blvd. Then East bound along the center line of Northern Blvd to the center line of East Shore Rd, north on the centerline of East Shore Road to the centerline of Bayview Ave, east on the centerline of Bayview Ave to centerline of Maple St, south on the center line of Maple St to the center line of Northern Blvd, east on the center line of Northern Blvd to the point of beginning.

All the territories of the Incorporated Villages of Baxter Estates, East Hills, Flower Hill, Great Neck, Great Neck Estates, Kensington, Kings Point, Lake Success, Manorhaven, Munsey Park, North Hills, Plandome, Plandome Heights, Plandome Manor, Port Washington North, Roslyn, Roslyn Estates, Roslyn Harbor, Russell Gardens, Saddle Rock, Sands Point, Sea Cliff, Thomaston and the Hamlet of Port Washington are located within either Zone 6A or Zone 6B.

The Beginning points for Zones 6A and 6B are the sector boundaries of Nassau County Police Department Sector 610 and Sector 619.

Zone 7A: All the territory within the following boundaries: Beginning at a point where the Wantagh State Parkway meets the Southern State Parkway, then easterly along the center line of the Southern State Parkway to the center line of the Seaford Oyster Bay Expressway, then south along the center line of the Seaford Oyster Bay Expressway to the center line of Sunrise Highway, then east along the center line of Sunrise Highway to the center line of Hicksville Road, then south along the center line of Hicksville Road to the center line of Merrick Road, then east along the center line of Merrick road to the center line of Massapequa River and an imaginary line to the Atlantic Ocean, then west along the shoreline of the Atlantic Ocean to a point opposite the Meadowbrook State Parkway, then Northerly along the center line of the Meadow brook State Parkway to the center line of Sunrise Highway, then east along the center line of Sunrise Highway to the center line of Wantagh State Parkway, then northerly along the center line of the Wantagh State Parkway to the point of beginning.

Zone 7B: All the territory within the following boundaries: Beginning at a point where the Seaford Oyster Bay Expressway meets the Southern State Parkway, then easterly along the center line of the Southern State Parkway to the Nassau-Suffolk County Line, then southerly along the Nassau-Suffolk County Line to the Atlantic Ocean, then westerly along the Atlantic coast line to a point opposite the center line of the Massapequa River, then north along an

imaginary line and the center of the Massapequa River to the center line of Merrick Road, then west along the center line of Merrick road to the center line of Hicksville Road, then north along the center line of Hicksville Road to the center line of Sunrise Highway, then west along the center line of Sunrise Highway to the center line of the Seaford Oyster Bay Expressway, then north along the center line of the Seaford Oyster Bay Expressway to the point of beginning.

All of the territory of the Incorporated Village of Massapequa Park is located within either Zone 7A or Zone 7B.

Zone 8A: All the territory within the following boundaries: Beginning at the point where the center line of Wantagh State Parkway meets the center line of Old Country Road, then easterly along the center line of Old Country Road to the center line of Broadway-Hicksville Road, then south along the center line of Broadway-Hicksville Road to the center line of Wantagh Avenue, then south along the center line of Wantagh Avenue to the center line of Hempstead Turnpike, then east along the center line of Hempstead Turnpike to the center line of Hicksville Road, then south along the center line of Hicksville Road to the center line of the Seaford Oyster Bay Expressway, then south along the center line of the Seaford Oyster Bay Expressway to the center line of southern State Parkway, then west along the center line of the Southern State parkway to the center line of the Wantagh State Parkway, then north along the center line of the Wantagh State Parkway to the point of beginning.

Zone 8B: All the territory within the following boundaries: Beginning at the center line of Broadway Hicksville Road and Old Country Road, then east along the center line of Old Country Road to the Nassau Suffolk County Line, then south along the Nassau Suffolk County Line to the center line of the southern State Parkway, then west along the center line of the Southern State Parkway to the center line of the Seaford-Oyster Bay Expressway, then north along the center line of the Seaford-Oyster Bay Expressway to the center line of Hicksville

Road; then north along the center line of Hicksville Road to the center line of Hempstead Turnpike, then west along the center line of Hempstead turnpike to the center line of Wantagh Avenue, then north along the centerline of Wantagh Avenue to the center line of Broadway Hicksville Road, then north along the center line of Broadway Hicksville Road to the point of beginning.

All of the territory of the Incorporated Village of Farmingdale is located within either Zone 8A or Zone 8B.

Zone 9: Notwithstanding the description of any other zone to the contrary, the entirety of the Long Island Expressway, from New York City line to the Nassau Suffolk County line, including all entrances and exits and the entirety of the Seaford-Oyster Bay Expressway, from its beginning to its end, including all entrances and exits.

Zone 10: Notwithstanding the description of any other zone to the contrary, the entirety of Nassau County for the purpose of heavy duty towing.

§ 2. This ordinance may be modified to allow for the correction of any typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”),

and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 108 –2015

AN ORDINANCE TO PROVIDE FOR FRANCHISES FOR POLICE TOWING SERVICES.

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. Definitions

a) “Automotive Service Providers,” shall mean mechanics, garages, towing companies, body shops and any similar entities engaged in the business of transporting motor vehicles.

b) “Commissioner” shall mean the Commissioner of the Nassau County Police Department or his designee.

c) “Franchise” shall mean the right within a zone within the County to provide all nonconsensual police towing, consensual police towing and impound services.

d) "Franchisee" shall mean any duly license towing company granted a franchise by the County pursuant to this ordinance. Any automotive service provider who is a duly licensed towing company may be a franchisee.

e) “Heavy duty towing” shall mean towing any vehicle with a gross vehicle weight of 10,001 pounds or more.

f) "Nonconsensual police towing" shall mean the towing of a vehicle as ordered and designated by authorized members of the Police Department, and all related services required to transport, secure and maintain such vehicle and its contents, in situations where the vehicle owner is unable or unwilling to consent to having the vehicle towed. Where an authorized member of the Police Department has directed or authorized the

removal of a vehicle and the owner of the vehicle has not caused the vehicle to be removed within thirty minutes of the direction or authorization to remove, the vehicle owner shall be deemed to be unable to remove the vehicle.

g) "Consensual police towing" shall mean the towing of a vehicle that is damaged or inoperable from a street or highway when a vehicle's operator or owner is unable to acquire an authorized tow truck and requests the Police Department to assist in the removal of the vehicle.

h) "Impound services" shall mean the towing and storage of a vehicle taken into possession by the Police Department which is either abandoned, repossessed, seized, or otherwise taken into custody and/or held as evidence in the course of a police investigation and all related services required to transport, secure and maintain such vehicle and its contents.

i) "Zone" shall mean either a discrete area of the County, a particular road or highway within the County which might otherwise cut across one or more zones or a particular type of towing requiring specialized equipment as are described in Ordinance 28-2014 as amended.

§ 2. The Commissioner is hereby authorized to award exclusive franchises to provide all towing services (consensual police towing, nonconsensual police towing and impound services) on a zone by zone basis within Nassau County. A franchisee may be awarded a franchise in more than one zone. All franchises awarded by the Commissioner shall be subject to approval by this Legislature.

§ 3. A franchise shall be awarded to the capable licensed towing company which submitted the highest sealed bid in response to the Commissioner's request for bids for a particular zone. In requesting bids, the Commissioner shall indicate the expected demand for towing services in a particular zone and the type and amount of equipment and human resources needed to meet that demand. Each bid will be accompanied by a non-refundable processing fee of \$150.00.

§ 4. In awarding a franchise, the Commissioner shall determine whether an applicant is capable of performing the work and meeting the expected demand for services in a given zone. In determining expected demand, the Commissioner shall consider traffic and the history of incidents and collisions within a given zone. In determining the capability of an applicant, the Commissioner shall consider the equipment and human resources of the applicant and its ability to meet the expected demand for towing services within a given zone twenty-four hours a day, seven days a week. The Commissioner shall also consider an applicant's experience and financial security. The Commissioner shall publish regulations regarding expectations and capabilities.

§ 5. The Commissioner shall enter into a franchise agreement with a franchisee. In the franchise agreement, the Commissioner will agree that the Police Department will call upon the franchisee as the need for towing services arises within the franchisee's zone. The franchisee shall agree to perform towing services pursuant to the call of the Police Department without delay at any hour of the day or night during any day of the week.

§ 6. Terms and conditions of franchises.

(a) All franchises granted pursuant to this ordinance shall be exclusive to a zone.

(b) All franchises granted pursuant to this ordinance shall be for a period of a minimum of one year, unless stated otherwise in the franchise agreement.

(c) All fees charged to the public for nonconsensual towing and impound services shall be pursuant to ordinance. All fees charged to the public for consensual towing will be at the prevailing rate of the appropriate town or village.

(d) This Legislature reserves the right to prescribe such other and additional terms and conditions, not in conflict with the County Charter or this ordinance, as in the judgment of the Legislature are in the public interest.

§ 7. Each franchisee awarded a franchise pursuant to this ordinance shall pay a nonrefundable franchise fee to Police Department for the term of the franchise, as set forth in the franchisee's sealed bid for a particular zone.

§ 8. Nothing in this ordinance shall be construed to restrict or prohibit the County from conducting its own towing operations or maintaining its own towing storage yard, either in lieu of, or in addition to, any franchise that is awarded pursuant to this ordinance.

§ 9. Nothing in this ordinance shall be construed to infringe upon the right of any motorist in need of towing services to utilize the licensed towing company of their choice, unless this poses a danger to the health and safety of people or property or constitute an undue public inconvenience.

§ 10. This ordinance may be modified to allow for the correction of any typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 11. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or

provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 12. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 13. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 109- 2015

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO ACCEPT, ON BEHALF OF THE COUNTY OF NASSAU, AN OFFER OF PURCHASE FROM MEMORIAL HOSPITAL FOR CANCER AND ALLIED DISEASES OF CERTAIN PREMISES LOCATED IN UNIONDALE, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 44, BLOCK F, P/O LOT 403 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED, CONTRACT OF SALE AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMATE THE SALE.

WHEREAS, the County of Nassau did heretofore acquire title to this property;

WHEREAS, the Nassau County Legislature has been advised that the aforesaid premises are no longer required by the County of Nassau for public purposes;

WHEREAS, Memorial Hospital for Cancer and Allied Diseases has requested that the County of Nassau convey to it the aforesaid parcel consisting of approximately 5.021 acres of land and improvements and has made an offer to purchase same in the amount of Six Million Five Hundred Thousand and 00/100 Dollars (\$6,500,000.00), pursuant to the terms and conditions set forth in that certain Contract of Sale (the "Contract") by and between the County of Nassau and Memorial Hospital for Cancer and Allied Diseases, a copy of which is on file in the office of the Clerk of the Nassau County Legislature;

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the Nassau County Legislature, the Nassau County Planning Commission has reviewed the proposed action, namely the disposition

of the subject property, and determined that it is an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and has further reviewed the Environmental Assessment Form (“EAF”) for the proposed action and recommends that the Legislature upon its review of the EAF and any supporting documentation, if any, determine that the evidence before it indicates that the proposed action will have no significant environmental impact and does not require further environmental review; and

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature, passed a resolution regarding the proposed action, a copy of such resolution being attached hereto as Appendix A and incorporated herein, recommending that the Legislature conclude that no further environmental review or action is required on such proposed action.

BE IT ORDAINED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

1. That the County Executive is hereby authorized to accept the offer of purchase of Memorial Hospital for Cancer and Allied Diseases in the sum of Six Million Five Hundred Thousand and 00/100 Dollars (\$6,500,000.00), for said premises being more particularly described as follows:

All that certain plot, piece or parcel of land, situate, lying and being in Uniondale, Town of Hempstead, County of Nassau, State of New York, shown and designated as Section 44, Block F, part of Lot 403 on the Land and Tax Map of the County of Nassau,

subject to all of the terms and conditions as outlined in the Contract.

2. That the County Executive be and he hereby is authorized to execute for, and on behalf of the County of Nassau, the deed from the County of Nassau, as Grantor, to Memorial Hospital for Cancer and Allied Diseases, as Grantee, upon compliance with the terms and conditions of this sale, and to execute any and all other

instruments, including the Contract, and to take such other action as is necessary, to effectuate the terms of such offer and carry out the purposes of the Contract.

3. That it is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the proposed sale of the subject property has been determined not to have a significant effect on the environment and no further review is required for the reasons set forth in the attached Determination of Non-Significance.

4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 110 – 2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Office of Housing and Community Development.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated July 30, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
\$12,787,711	U.S. Department of Housing & Urban Development	GRT	HI	AA	\$907,000
		GRT	HI	AB	\$476,000
		GRT	HI	BB	\$0
		GRT	HI	DD	\$52,000
		GRT	HI	DE	\$11,121,711
		GRT	HI	HH	\$231,000

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing

Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 111 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Department of Human Services.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 18, 2015 addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
248,270	New York State Office of Mental Health	GRT	BH	DE	284,270

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section

617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 112 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Department of Human Services.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 18, 2015 addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
480,203.00	New York State Office for the Aging	GRT	HS	AA	50,000.00
		GRT	HS	AB	25,000.00
		GRT	HS	BB	25,000.00
		GRT	HS	DD	75,204.00
		GRT	HS	HF	34,999.00
		GRT	HS	HH	120,000.00
		GRT	HS	DE	150,000.00

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing

Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 113 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Department of Health.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 18, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
1,544,684	New York State Department of Health	GRT	HE	AA	1,021,461
		GRT	HE	AB	416,742
		GRT	HE	DD	33,547
		GRT	HE	DE	55,250
		GRT	HE	HH	17,684

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 114 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Department of Health.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 18, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
54,172	New York State Department of Health	GRT	HE	AA	38,613
		GRT	HE	AB	15,559

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 115– 2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Police Department.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated, August 18, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

§ 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
487,500	New York State Office of Homeland Security	GRT	PD	AA	166,424
		GRT	PD	AB	50,576
		GRT	PD	BB	268,500
		GRT	PD	DD	2,000

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 116 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the District Attorney's Office.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 20, 2015 addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
11,162	District Attorney's Office – Civil Forfeiture (Investigations)	GRT	DA	BB	11,162

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 117 –2015

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION
ORDINANCE IN CONNECTION WITH THE DEPARTMENT OF PARKS, RECREATION &
MUSEUMS.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 20, 2015 addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
1,235,000.00	Rifle Range, and the Mitchel ParkAthletic Track & Fields & Programs	GRT	PK	AA	700,000.00
		GRT	PK	AB	225,000.00
		GRT	PK	BB	40,000.00
		GRT	PK	DD	40,000.00
		GRT	PK	DE	230,000.00

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 118 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the District Attorney's Office.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 20, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
\$ 1,745,221	Successful Forfeiture Cases	GRT	DA	AA	\$ 491,546.00
		GRT	DA	DE	\$ 1,172,948.00
		GRT	DA	HH	\$ 80,727.00

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 119 –2015

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION
TO THE ORDINANCE IN CONNECTION WITH THE DEPARTMENT OF SOCIAL
SERVICES.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated, September 3, 2015,
addressed to the County Legislature, has recommended the appropriation of such funds not
otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the
County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the
following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
165,600	New York State Division of Criminal Justice Service	GRT	SS	DD	3,400
		GRT	SS	DE	162,200

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or
typographical errors subsequent to any approval and adoption of said ordinance without the
necessity for a vote to be taken by the County Legislature or by the members of any Standing
Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of
said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 120 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Nassau County Department of Probation.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated August 18, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
51,666.46	New York State Office of Children and Family Services	GEN	PB	AA	39,547.32
		GEN	FB	AB	12,119.14

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing

Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 121 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Police Department.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated September 3, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
423,367	United States Department of Transportation	GRT	PD	AA	304,531
		GRT	PD	AB	92,546
		GRT	PD	BB	22,613
		GRT	PD	DD	3,677

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing

Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 122 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Correctional Center.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated September 3, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
30,495	New York State Division of Criminal Justice Services	GRT	CC	AA	30,495.00

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 123 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Department of Human Services.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated September 3, 2015 addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
142,453.00	New York State Office for the Aging	GRT	HS	AA	111,500.00
		GRT	HS	AB	30,953.00

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 124 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Board of Elections.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated September 3, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
2,000,000	Dormitory Authority State of New York	GRT	EL	BB	2,000,000

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this

supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

PROPOSED ORDINANCE NO. 125 –2015

AN ORDINANCE supplemental to the annual appropriation ordinance in connection with the Office of the County Executive.

WHEREAS, Nassau County has received certain revenue; and

WHEREAS, such funds have not been otherwise appropriated; and

WHEREAS, the County Executive, by communication dated, September 3, 2015, addressed to the County Legislature, has recommended the appropriation of such funds not otherwise appropriated; and,

WHEREAS, this supplemental appropriation is within the scope of Section 307 of the County Government Law; now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau, as follows:

Section 1. There is hereby appropriated from monies not otherwise appropriated, the following sums of money to the following accounts:

<u>TOTAL AMOUNT</u> (in dollars)	<u>SOURCE OF FUNDS</u>	<u>APPROPRIATED TO:</u>			
		<u>FUND</u>	<u>DEPT. CODE/Index</u>	<u>OBJ. CODE</u>	<u>AMOUNT</u> (in dollars)
155,936.16	New York State Office of Victim Services	GRT	CJ	AA	113,200.00
		GRT	CJ	AB	35,000.00
		GRT	CJ	DD	7,736.16

§ 2. This ordinance may be modified to allow for the correction of any mathematical and/or typographical errors subsequent to any approval and adoption of said ordinance without the necessity for a vote to be taken by the County Legislature or by the members of any Standing Committee of said Legislature if said ordinance is passed by the affirmative vote of a majority of said Legislature.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.

383-15



Staff Summary

Subject	A local law to amend Nassau County Administrative Code Title B, Article 2, of Chapter V with respect to the partial payment of payments in lieu of taxes
Department	County Treasurer
Department Head Name	Beaumont Jefferson
Department Head Signature	<i>[Signature]</i>
Date	September 18, 2015

Internal Approvals			
Date & Init.	Approval	Date & Init.	Approval
	County Executive or Deputy		Director of Legislative Affairs
9/16/15 <i>[Signature]</i>	Budget DCE	9/18/15 <i>[Signature]</i>	Counsel to County Executive

Purpose: This legislation authorizes the County Treasurer to accept partial payments in lieu of taxes ("PILOTs") when the amount tendered is at least \$1 million.

Discussion/Procedure: This local law will amend the Administrative Code in order to provide the County Treasurer with the authority to accept partial PILOT payments of at least \$1 million. The Code currently does not authorize such partial payments. This will eliminate delays in payments, bringing certainty to the County's revenue collection process, and will not prejudice any rights of the County to seek collection of the unpaid balance.

Impact on funding: Improves the County's PILOT collection process.

Recommendation: Approve as submitted.

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE
2015 SEP 18 P 1:25

EDWARD P. MANGANO
County Executive



CARNELL T. FOSKEY
County Attorney

County of Nassau Inter-Departmental Memo

To: Clerk of the County Legislature
From: County Attorney
Date: September 18, 2015
Subject: LOCAL LAW - ORIG. DEPT. – Office of the County Treasurer

A LOCAL LAW amending Title B, Article 2, of Chapter V of the Administrative Code of Nassau County.

The above-described document is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon its calendar.

CARNELL T. FOSKEY
County Attorney

A handwritten signature in cursive script, appearing to read "Samantha A. Goetz".

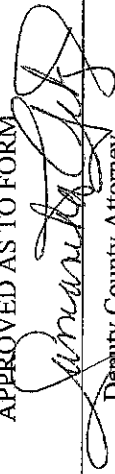
By: Samantha A. Goetz
Deputy County Attorney
Appeal Bureau

Attachments

Introduced by the County Executive:

PROPOSED LOCAL LAW NO. -2015

A LOCAL LAW AMENDING TITLE B, ARTICLE 2, OF CHAPTER V OF THE
ADMINISTRATIVE CODE OF NASSAU COUNTY.

APPROVED AS TO FORM

Deputy County Attorney

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE
2015 SEP 18 P 1:25

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. The Nassau County Administrative Code, is amended to include §5-26.2 which reads as follows:

§ 5-26.2 Partial payments on payments in lieu of taxes. Notwithstanding any other provision of this code, with respect to payments in lieu of taxes the County Treasurer is authorized to accept amounts tendered of at least one million dollars, without prejudice to any rights of the County to enforce collection of any unpaid balance. After any partial payment has been made pursuant to this section, interest and penalties shall be charged against the unpaid balance only. Any partial payment made under this section shall not be construed as a waiver of any fee, as determined by the County Legislature, to offset administrative and associated expenses incurred by the County in connection with

the collection of late or delinquent payments on such terms and conditions and for such period of time as may be prescribed by the County Legislature.

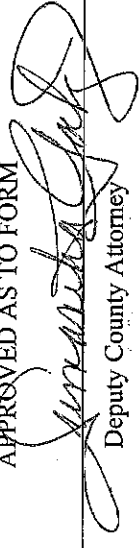
§ 2. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 3. This local law shall take effect immediately.

Introduced by the County Executive:

LOCAL LAW NO. -2015

A LOCAL LAW AMENDING TITLE B, ARTICLE 2, OF CHAPTER V OF THE
ADMINISTRATIVE CODE OF NASSAU COUNTY.

APPROVED AS TO FORM

Deputy County Attorney

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. The Nassau County Administrative Code, is amended to include §5-26.2 which reads as follows:

§ 5-26.2 Partial payments on payments in lieu of taxes. Notwithstanding any other provision of this code, with respect to payments in lieu of taxes the County Treasurer is authorized to accept amounts tendered of at least one million dollars, without prejudice to any rights of the County to enforce collection of any unpaid balance. After any partial payment has been made pursuant to this section, interest and penalties shall be charged against the unpaid balance only. Any partial payment made under this section shall not be construed as a waiver of any fee, as determined by the County Legislature, to offset administrative and associated expenses incurred by the County in connection with

the collection of late or delinquent payments on such terms and conditions and for such period of time as may be prescribed by the County Legislature.

§ 2. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 3. This local law shall take effect immediately.

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

September 21, 2015
5:15 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

RICHARD NICOLELLO
Vice Chairman

DENNIS DUNNE

HOWARD KOPEL

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

CARRIE SOLAGES

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

BRIAN SCHNEIDER	5
STEVE CORTAY.	7
MATT SMITH.	30

2 CHAIRWOMAN GONSLAVES: I apologize. We
3 should have let those who are here for the Rules
4 Committee know that the Rules Committee would be
5 at the end of the legislative meeting. Again, I
6 apologize for those who are here.

7 I'm calling the Rules Committee to order.
8 Mr. Clerk, please call the roll.

9 CLERK MULLER: Legislator Solages?

10 LEGISLATOR SOLAGES: Here.

11 CLERK MULLER: Legislator Jacobs?

12 LEGISLATOR JACOBS: Here.

13 CLERK MULLER: Ranking Member, Minority
14 Leader Abrahams?

15 LEGISLATOR ABRAHAMS: Here.

16 CLERK MULLER: Legislator Kopel?

17 LEGISLATOR KOPEL: Here.

18 CLERK MULLER: Legislator Dunne?

19 LEGISLATOR DUNNE: Here.

20 CLERK MULLER: Vice Chairman Nicoletto?

21 LEGISLATOR NICOLELLO: Here.

22 CLERK MULLER: Chairwoman Gonsalves?

23 CHAIRWOMAN GONSALVES: Present.

CLERK MULLER: We have a quorum.

CHAIRWOMAN GONSLAVES: We have two items on the Rules Committee. The first item is A-26, a resolution authorizing the director of Nassau County Office of Purchasing to award and execute a contract between the County of Nassau, acting on behalf of Nassau County Department of Public Works and Bug Free Exterminating.

Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR NICOLELLO: Second.

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

Anybody to speak on this item? Okay. Brian.

MR. SCHNEIDER: Good afternoon. Brian Schneider from Public Works.

This is a blanket purchase order which will provide pest elimination services for county buildings by Bug Free Extermination. They are licensed and certified applicators through the New York State Department of Environmental Conservation. They were deemed the lowest

responsible bidder by the Department of Purchasing. They have had a contract with the county for over 15 years and is currently providing these services countywide.

Does anybody have any questions?

CHAIRWOMAN GONSALVES: Any questions of Mr. Schneider?

(No verbal response.)

I don't know if there is anybody out there. Any public comment?

(No verbal response.)

There being none; all those in favor of Contract A-26 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. SCHNEIDER: Thank you.

CHAIRWOMAN GONSALVES: Thank you, Brian.

The next item is Item E-186, a resolution authorizing the county executive to execute a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Assessment, and Smith Valuation

1 Rules Committee - 9-21-15 7
2 Services, Inc. d/b/a Standard Valuation Services.
3 Motion, please?
4 LEGISLATOR DUNNE: So moved.
5 LEGISLATOR NICOLELLO: Second.
6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Dunne, seconded by Legislator
8 Nicolello.
9 I apologize. You are sitting there so
10 patiently. Go ahead. Tell us about it.
11 MR. CORTAY: My name is Steven Cortay.
12 I'm the deputy assessor. With me is also Anthony
13 Arcuri. Mr. Arcuri is part of the committee that
14 was formed to conduct this process. He is also
15 the division head for Valuation Standards and is
16 here to assist with any technical questions that
17 you may have.
18 CHAIRWOMAN GONSALVES: Any questions?
19 Okay. You're going to do something. Okay. Go
20 ahead. Would you like to tell us?
21 MR. CORTAY: I'm sorry. I thought there
22 was a question.
23 CHAIRWOMAN GONSALVES: No, no. No
24 question.
25 MR. CORTAY: Briefly, we're here today

to seek approval from the legislature regarding the award of a contract to Standard Valuation Services into Michael Haberman Associates - and I'll explain that in one second when I'm finished with this - to conduct a systematic review and analysis of assessments in conjunction with the staff from the Department of Assessment.

First, we'd like you to understand exactly what a systematic review exactly is.

LEGISLATOR ABRAHAMS: Excuse me, sir? I'm sorry. Madam Presiding Officer, if I may.

CHAIRWOMAN GONSALVES: Yes.

LEGISLATOR ABRAHAMS: Just to correct the record, the only contract that's before us today is Standard Valuations.

MR. CORTAY: I understand that. I understand that. I'll explain that statement once I finish with this.

LEGISLATOR ABRAHAMS: I just wanted to make sure. Thank you.

MR. CORTAY: According to Real Property Tax Law 102, Section 12A, revaluation, reassessment or update is a systematic review of all assessments of all locally assessed

properties valued as of a valuation date of the assessment roll containing these assessments to attain compliance with the standard of assessments set forth in the various subdivisions of this Chapter.

Regardless, all assessments require a systematic analysis in which all assessments are compared to current market and adjusted as necessary to a desired level of assessment to achieve equity. Systematic analysis is the process for reassessment that includes the gathering of data and market information, the grouping of the data for further study, the application of accepted analytical techniques, both diagnostic and perceptive, and the subsequent validation of results before values are implemented on a tentative assessment roll.

This RFP formally requests detailed responses from independent real property valuation firms on the anticipated cost to assist the Department of Assessment in conducting an independent systematic review of all systems in the valuation models used to assigned values to all classes of property in Nassau County.

Copies of the bid were received from three bidders, were provided to all five committee members for them to read and to be familiar with the content prior to our committee meetings. After an initial meeting which outlined the RFP process, the committee members worked independently to analyze the proposals submitted for the purpose of comparison and future discussions. The committee utilized the rating system format, which has been used by other county departments over the years, which was modified to mirror the various sections within the RFP. After having met with each bidder separately and several committee meetings, each member completed their individual rating form, and, in one case, a member provided a written justification explaining his selection performance.

At the final meeting, the committee members presented their individual ratings to the group for discussion. The meeting began with questions: Do we award the entire contract to one firm or do we award contracts to multiple bidders based on property tax class, which was

outlined in the RFP? After a lengthy discussion, the committee came to the unanimous conclusion that splitting the award would ultimately be in the best interest of the department for several reasons.

Dividing the award by tax class would give each vendor the ability to focus personnel into future assignments, thus assuring that the process would be completed on time.

The second reason for dividing the award in such a manner was the savings of approximately \$535,765. The total award amount of \$3,812,074 is \$535,765 less than if the contract was awarded to the lowest bidder with all four classes. So, by dividing and picking and choosing, we ultimately saved over \$500,000 in this process, as well.

As a result of the choices of the committee, Class 1 and Class 3 were awarded to Standard Valuation Services, but the contracts for Class 2 and Class 4, awarded to Michael Haberman and Associates. You'll notice that the only contract for SVS is before you today, which is the result of Mr. Haberman having to provide

additional insurance certificates for the required insured amount per claim, which is in keeping with Nassau County requirements.

As the result of the certificates not being received on time, to be included in this submission today, we will present that contract at the next legislative session.

The one other point I would like to mention, as I'm sure you've noticed that the final bid amount is somewhat different than what was submitted by the vendors. The reason for that was the use of the parcel count in the original RFP. It was carried over into this RFP and ultimately, at the end, the parcel count was incorrect. So when we met with Mr. Haberman and we met with Mr. Smith, we reworked those numbers and brought them to the present numbers that I just read to you. So that's why you'll notice that difference.

Back to your question, Mr. Abrahams --

CHAIRWOMAN GONSALVES: Okay. Mr. Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam Chair.

I guess let's just start so we can talk in layman's terms. What we're proposing today and what you're asking us to take under consideration today is an evaluation of the system, so not an actual re-val, similar to what we did with Collier Trumble where we actually did reassessment. What we're talking about today is basically getting a better understanding of how our system works so that we can address and make corrections as we go along in the future. Am I understanding that correctly?

MR. CORTAY: That's absolutely correct. And I will say to you, having been involved with the re-val from 2003/2004 and now coming back at a later time and since the five years that I've been there, we have been amazed at some of the -- just some of the systems that have never been upgraded. We have models. We have cost tables. Land values have not been upgraded since that 2003/2004 re-val; so this does exactly that. It gives us the opportunity to take every system apart, with the assistance of these two groups, as we mentioned. In the Department of Assessment, we are going to put those back

together and that at the end, after sufficient testing is done and analysis, then we will then modify values accordingly.

LEGISLATOR ABRAHAMS: Okay.

MR. CORTAY: But this is the initial step in that process.

LEGISLATOR ABRAHAMS: Obviously, going back to the days of when the county did its reassessment over a decade ago or started the process a decade ago, why is this here before us today? Why wasn't it here before us a couple of years ago? Why are we at this point in September 2015? Could this have been brought sooner than this? I'm just trying to make sure I understand.

MR. CORTAY: It would have been brought a little sooner in time, except, unfortunately, Super Storm Sandy got in the way of that. Most of our manpower at that point was diverted to dealing with that issue.

LEGISLATOR ABRAHAMS: Okay. I don't mean in terms of manpower why it wasn't brought sooner. The county executive had proposed an assessment on -- froze assessments for a period of time, for four years; could this have been

brought to us during that timeframe? Would it have been wise to bring this before us during that timeframe or should it have waited until after the freeze, as we are now, in regards to the assessments, or it has no correlation?

MR. CORTAY: It could not have been done earlier in time. We would not have been able to devote the personnel to doing that. We had 77,000 properties impacted by Sandy. With maybe 20 assessors and you do the math, you realize that that's just not possible to do. And there are other major issues out there, as you've heard today, with LIPA and all others. We just couldn't do it and do it correctly that way.

LEGISLATOR ABRAHAMS: I see. I see. If I can, just to divulge. You said there were three bidders on this particular contract; I guess the one that's before us right now.

MR. CORTAY: Yes.

LEGISLATOR ABRAHAMS: What were those three bidders in addition to Standard Valuations?

MR. CORTAY: It was Standard Valuation Services, Michael Haberman & Associates, and --

LEGISLATOR ABRAHAMS: Haberman bidded

on this one too? These two classes as well as the other two classes that I believe he's being awarded for?

MR. CORTAY: SVS bid on all four classes. Michael Haberman bid on three of the four classes. And the third bidder was Becker Real Estate, they bid on all four classes.

LEGISLATOR ABRAHAMS: Becker Real Estate?

MR. CORTAY: Yes.

LEGISLATOR ABRAHAMS: No relation to our good colleague, Mr. Fran Becker?

MR. CORTAY: It's Mr. Becker's brother.

LEGISLATOR ABRAHAMS: It is?

MR. CORTAY: Yes.

LEGISLATOR ABRAHAMS: I didn't know that.

What were the bids on each of those particular proposals?

MR. CORTAY: Becker was \$2,608,000. Mr. Haberman, for the Class 2 and Class 4 was \$1,204,074. Mr. Becker's bid was \$14,875,000.

LEGISLATOR ABRAHAMS: You have to talk to your family there, Fran.

And then generally the -- you had discussed the rating format in your presentation.

MR. CORTAY: Yes.

LEGISLATOR ABRAHAMS: If you could just elaborate a little bit more on the rating format.

MR. CORTAY: The rating format basically just followed the RFP and how well each responded to it and was able to perform. Like I said, also, we met individually with all three vendors to just iron out certain details and give them the opportunity to maybe explain something a little bit more in detail before we made our final decision.

The rating system included the contract requirements, again, that were in the RFP, vendor profile, related experience, which was also a major issue here, and the overall cost of the project. It was broken into those four initial groups.

LEGISLATOR ABRAHAMS: Okay. When do we anticipate completion of at least this portion, I guess the analytics and analysis that would be conducted by Standard Valuations?

MR. CORTAY: We expect to be completed

by January 2018.

LEGISLATOR ABRAHAMS: January 2018.

MR. CORTAY: Correct.

LEGISLATOR ABRAHAMS: Madam Presiding Officer, I don't have anything further at this time. I might have something else afterwards.

CHAIRWOMAN GONSALVES: Okay. Fine. Legislator Solages.

LEGISLATOR SOLAGES: Thank you. Good afternoon.

MR. CORTAY: How are you?

LEGISLATOR SOLAGES: I guess we should -
- I should also speak in layman terms.

The problem with the assessment system is that it does not produce accurate assessments. How can we produce more accurate assessments with what you're discussing?

MR. CORTAY: By having more accurate data. By making sure that our operating systems are correct. We are using data that's old. Frankly, in a market like Nassau County, where you're a bedroom community to New York City, markets change here very, very quickly, as we have seen in many cases over the years.

Especially, like, with Super Storm Sandy, that is going to be a challenge in and of itself in this process. I could say to you that we truly don't understand the effects that that storm has had on the value of properties along the barrier islands. Part of the process that we are going to undertake will help us do that. Especially when you've had situations like now for people to conform to FEMA regulations, you have to raise your house. So you say to me, okay, what does that do to the value of my property? I have to say to you right now, because of insufficient data, I don't know. So before we can place value to that, we have to have a better understanding of what that truly is.

So, in analyzing all our internal systems and updating them is going to be the big part, the major issue here to make those values correct.

LEGISLATOR SOLAGES: And I understand there have been some significant events that have happened since the last time we actually took a close look at many properties on the tax roll. But how would this review be distinguishable from

other reviews? Besides new data, what specific processes will you employ to truly find out the real accurate value of these properties?

MR. CORTAY: We're going to do that with both vendors. They're going to assist us in that they have available to them national modelers. In one case, we have a gentleman whose focus is working on utility properties, analyzing and valuing utility properties nationwide. So we're going to have some extremely bright people involved in this.

Part of that process is also going to rub off on our staff, because as a part of this they will be trained to do various parts of this as we go forward. So what that will do is also help us going forward with our own in-house people being able to undertake some of these tasks.

LEGISLATOR SOLAGES: I understand that you will be seeking out help from those around the nation. But just to be clear, the assessment system that we have here in Nassau is unique to Nassau County only; is that correct?

MR. CORTAY: Yes. It's only one of two four-class tax systems in the state.

LEGISLATOR SOLAGES: I understand.

MR. CORTAY: And one of two counties in the state that assesses.

LEGISLATOR SOLAGES: Thank you.

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR KOPEL: Steve -

MR. CORTAY: Yes.

LEGISLATOR KOPEL: Just wondering mechanically how this would work. Let's say we've finished these studies and we've got all this wonderful data and it all comes together. Normally, it's a zero sum game in terms of the value -- the total assessed valuation, right?

MR. CORTAY: It's usually the old rule of thumb is a third go up, a third go down, and a third stay the same.

LEGISLATOR KOPEL: Right. Right. But it's got to be a zero sum gain by definition because, in terms of actual taxes levied. But in terms of the evaluation, one would expect with all this new system that some would go up a lot and some might go down considerably. The question that I have for you is in order to implement anything like this, would you not have

2 to rejigger the entire system so that maybe we go
3 to full value assessment? In other words,
4 there's a cap on increasing assessments for any
5 property. Wouldn't you have to just start from
6 scratch again and get special legislation for
7 that?

8 MR. CORTAY: No. As the level of
9 assessment works out, which I believe is where
10 you are going with this, our intent is to go to
11 100 percent full value.

12 LEGISLATOR KOPEL: Right.

13 MR. CORTAY: We've done that. As a
14 matter of fact, both companies that we're
15 referring to here I've worked with in the past on
16 this issue, where they've done re-vals for eight
17 villages here in the County, and in each case
18 ORPS required them to go to 100 percent full
19 value; my own village included.

20 LEGISLATOR KOPEL: We need legislation
21 for that, don't we, state?

22 MR. CORTAY: No, we don't. The way it's
23 written now is there are two entities that
24 determine the level of assessment; the first is
25 the legislature, where the legislature remains

2 silent, the county assessor would choose the
3 level of assessment.

4 LEGISLATOR KOPEL: So we can go from --

5 MR. CORTAY: So we are proposing 100
6 percent full value.

7 LEGISLATOR KOPEL: So we can go from .25
8 to 100 percent value without any enabling
9 legislation at all?

10 MR. CORTAY: That's correct.

11 LEGISLATOR KOPEL: Didn't we submit some
12 legislation to the state to ask them to allow us
13 to do this?

14 MR. CORTAY: I don't know. That would
15 be before me, before my being here. This is a
16 requirement from ORPS because the villages that
17 have already done their own re-vals were required
18 to go to 100 percent value.

19 LEGISLATOR KOPEL: So are you
20 contemplating going to the 100 percent at that
21 same time?

22 MR. CORTAY: Absolutely.

23 LEGISLATOR KOPEL: Is that part of the
24 process at that point?

25 MR. CORTAY: Absolutely. I will tell

you that the eight homestead villages that are out there now got tremendous results. And I will tell you that even in my own village, because I'm my own village assessor, we actually had a reduction of about two-thirds of the tax certs by going to 100 percent value. But my numbers were actually higher than those for the county.

LEGISLATOR KOPEL: Okay.

MR. CORTAY: Which tells you that the people understood the system better.

LEGISLATOR KOPEL: Right. There's no question that it's a better system and that people don't have to try to translate this thing.

MR. CORTAY: Exactly.

LEGISLATOR KOPEL: It was done anyway, as only a sort of a scheme to be able to raise taxes without the cap at some point. So, yeah, I applaud that.

My concern still is that as a major rejiggering of the whole assessment system, some people might get hit by some massive increases, right?

MR. CORTAY: Ah, to be honest with you, I can't answer that question. But what I will

say is we've thought about that. There will be an extensive amount of testing done after we do what we have to do before we actually re-val. This is a systematic review. It doesn't mean once we finish --

LEGISLATOR KOPEL: By testing, what I mean is just as a matter of dollars and cents. Obviously, you will expect that some properties will have been --

MR. CORTAY: Some might be substantially under assessed.

LEGISLATOR KOPEL: Some might be. But neighborhoods could have gotten better or worse. Some neighborhoods get hot.

MR. CORTAY: Yes. And we're actually going to go through that neighborhood grouping again because we'll further delineate that to hopefully make those values more accurate.

LEGISLATOR KOPEL: Right. They'll be accurate. But, as I say, some of the areas that, again, to use that word, neighborhoods that might have gotten hot, might expect some massive increases.

MR. CORTAY: I'm going to say to you

that's possible. Certainly, we'll know that before we do it not after.

LEGISLATOR KOPEL: Is there any plan to cushion the blows for those areas?

MR. CORTAY: I'm sorry?

LEGISLATOR KOPEL: Is there any plan that you're contemplating to cushion?

MR. CORTAY: No. Because we don't know what we're going to see yet. But before we do any kind of re-val, we would have looked at that first.

LEGISLATOR KOPEL: Okay. Okay. Thanks.

MR. CORTAY: We will not do it before.

CHAIRWOMAN GONSALVES: Legislator Jacobs.

LEGISLATOR JACOBS: I just have a couple of questions to ask you.

Does the New York State Office of Real Estate Property Tax Services provide advisory appraisals?

MR. CORTAY: When requested, yes.

LEGISLATOR JACOBS: For utilities.

MR. CORTAY: When requested.

LEGISLATOR JACOBS: When requested.

MR. CORTAY: Yes.

LEGISLATOR JACOBS: If that's the fact, then why would we need outside vendors to do the appraisals?

MR. CORTAY: Advisory appraisals are not always accurate. At the end of the day, the burden is always on us to make sure that whatever values we place on property are correct.

LEGISLATOR JACOBS: So, in other words, their doing it would result in your doing it -- you would have to redo to make sure they're right?

MR. CORTAY: We don't want to pay tax certs.

LEGISLATOR JACOBS: So that answers my next question, the accuracy. Have they been successfully challenged in the past, like when they do an advisory appraisal and then it's challenged?

MR. CORTAY: I don't know if that's happened. I'm not sure if that's happened. I'm told yes.

LEGISLATOR JACOBS: All right.

Now, the county consents to Standard

Valuation Services subcontracting certain services to the following subcontractors: Federal Appraisal and Consulting and Thimkin (phonetic) and Associates. Have you retained Federal Appraisal and Consulting, the utility specialist to assist in this process?

MR. CORTAY: Yes. Well, he'll be working with Mr. Smith's firm. Both will.

LEGISLATOR JACOBS: So Standard Valuation is going to be working with them.

MR. CORTAY: They'll be working with Standard Valuations.

LEGISLATOR JACOBS: I know this answer. I've been here for a lot of years so I know that these two companies obviously have been around for quite a while.

Are you prepared to answer about their experience? I know from just being here they've done a lot. But explain, I don't know, on a scale from 1 to 10 how you'd rate them with their experience level for what they're doing now for us.

MR. CORTAY: I don't know if I understand what you're looking for.

LEGISLATOR JACOBS: In other words, I'm looking to find out do they have outstanding experience, these two firms that we're choosing. I was here for that initial re-val, and I know it gets everyone crazy. I think it's important that we are aware that whoever we're going with is going to do the best.

MR. CORTAY: I think the biggest benefit here is the fact that these are two local groups. Most of their employees live here in Nassau County. They've been involved in the re-val from the 2003/2004 tax year. They've also been involved with re-valing those eight villages I was speaking of and the City of Glen Cove.

I've worked with both of them well over 30 years myself, being an appraiser, as they are, and doing the same type of work they do. So we just felt that was the biggest benefit they could have, is that they are local people with the degree of knowledge that they need to have.

Mr. Haberman's group right now is doing a re-val for Westchester County. So we know that they are capable of handling something of size.

They were here in 2003/2004 doing a lot

2 of the on-the-ground work at that time because of
3 their local expertise here. So we were very,
4 very comfortable with them.

5 LEGISLATOR JACOBS: Let me just back up
6 for a second then. So right now the county is
7 actually giving Standard Valuation the ability to
8 service different people, such as Thimkin
9 (phonetic) and Associates to do the appraisal.
10 Is there any reason why the county shouldn't have
11 dealt with Thimkin (phonetic) themselves, to hire
12 or not hire them, rather than Standard Valuation?

13 MR. CORTAY: I'm going to ask Mr. Smith
14 to answer that question. He'll be able to answer
15 where you're going with it.

16 LEGISLATOR JACOBS: Okay. Good.

17 MR. SMITH: Hi. Matt Smith.

18 LEGISLATOR JACOBS: Hi, Matt.

19 MR. SMITH: How are you?

20 LEGISLATOR JACOBS: Good.

21 MR. SMITH: The reason that we have them
22 as subcontractors is, first off, Thimikin
23 (phonetic) Associates, they're out of Colorado,
24 and we've utilized them for many years, 15 or so
25 years. So we have that relationship.

When you utilize a national modeler like that, you're using them as a component with your experts and my firm. It's not like we don't have the expertise to do that. As a check, one would think in the complicated matter of doing Nassau County's systematic review that one would want the best national model around and that's what we have.

The second part of the question is utility people. Utilities require quite some expertise. I have people on my staff now that have that expertise. In this process, it was brought to our attention that there are significant problems with the utility base and how they're valued. So, we went to the best utility person in the country, who I also worked with in the past, Mark Pomicast, and had him come in as a subcontractor to work with us to really go through and fix the utility properties.

LEGISLATOR JACOBS: I see. So that's the reason, because you could understand which ones are the best and you have the people that could understand it to work with them.

MR. SMITH: Right.

MR. CORTAY: And just one other thing I wanted to add. Neither one of those individuals had submitted their own bid, which they could have.

LEGISLATOR JACOBS: I see. Okay. Thank you both very much.

CHAIRWOMAN GONSALVES: Minority Leader Kevan.

LEGISLATOR ABRAHAMS: Just to wrap up. Just a generic question just to make sure we understand. You sound very knowledgeable. Give us your rationale on why individuals like yourself or department individuals can't do it. I'm guessing I know the answer to some degree. Obviously, hearing your response in regards to how depleted you were since Sandy and so on and so forth. But if you can, for the record, just give me an understanding of why folks like yourself or other department experts cannot do this job.

MR. CORTAY: While they're doing what they're going to be doing for us, our staff is still doing its same day-to-day operation. I can't put that aside to do a systematic review

for a little over two years. So you're kind of doing two things at once here. What makes this even more interesting is as you're doing a systematic review, things are changing as you keep moving towards that date. You just can't do both things at once and do them accurately. And there is some expertise in certain parts of this process that, frankly, our staff does not have; they will when we're finished because the upside to this, as well as putting good data and good values out there, is that our staff will receive some training from this before it's over. So they will be able to do this as we go forward, with less assistance from outside.

LEGISLATOR ABRAHAMS: Steve, do you have any concern that, obviously, as things are going forward and by the time we're able to utilize this that any of the information that currently is being done will be stale at a later date if we don't use it in a timely manner?

MR. CORTAY: No. Every re-val takes or even a systematic review takes several years, that's factored in. Basically, that's really what time trending is about. And certain other

2 items that we know of can change rapidly, we'll
3 just constantly be reviewing them as the process
4 goes, make sure they're up to date.

5 LEGISLATOR ABRAHAMS: I just want to go
6 back real quick to the bid amounts. Standard
7 Valuation has bid 2.6 on Classes 2 and 4 --

8 MR. CORTAY: One and three.

9 LEGISLATOR ABRAHAMS: I'm sorry.
10 You're right, 1 and 3. Haberman bid 1.2 on 2 and
11 4?

12 MR. CORTAY: That's correct.

13 LEGISLATOR ABRAHAMS: Okay. Did
14 somebody else bid on 1 and 3 also?

15 MR. CORTAY: No. Mr. Becker's firm,
16 they bid on all four but their bid was
17 substantially higher.

18 LEGISLATOR ABRAHAMS: Okay. So no one
19 else bid on 1 and 3?

20 MR. CORTAY: No. We had Tyler
21 Industries which, you know, they inquired but
22 never sent a bid.

23 LEGISLATOR ABRAHAMS: The RFP
24 committee, I know you had mentioned the name and
25 I have it here, has anyone on this committee had

2 any contact with the administration or with, I
3 would say, anybody from Haberman or Standard
4 Valuations during the RFP process?

5 MR. CORTAY: No. Not unless we had
6 specific questions that maybe we needed a
7 response to. And we did have some questions.
8 Like I said before, when we met individually with
9 all three, those questions were given to them in
10 advance and then we sat and discussed it. That
11 was it.

12 LEGISLATOR ABRAHAMS: So no e-mails, no
13 discussion, nothing to that magnitude about the
14 RFP while it went out?

15 MR. CORTAY: No.

16 LEGISLATOR ABRAHAMS: Okay. I don't
17 have anything further.

18 I do want to commend you on your ability
19 to answer our questions very efficiently.

20 MR. CORTAY: Thank you.

21 LEGISLATOR ABRAHAMS: Thank you.
22 Appreciate that very much. Thank you, Steve.

23 CHAIRWOMAN GONSALVES: Since there are
24 no other questions or comments, it's time to take
25 a vote.

All those in favor of Contract E-186
signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

Job well done, Steve.

MR. CORTAY: Thank you very much. We'll
see you for Mr. Haberman's contract in a couple
of weeks.

CHAIRWOMAN GONSALVES: Okay. Let me
tell you, job well done, Steve.

LEGISLATOR JACOBS: Yeah. Very good.
Thank you.

CHAIRWOMAN GONSALVES: Motion to
adjourn?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

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

All in favor signify by saying aye?

(Aye.)

We are adjourned.

(Whereupon, the Rules Committee adjourned

1 Rules Committee - 9-21-15

37

2 at 5:47 p.m.)

3

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New York,
do hereby state:

THAT I attended at the time and place above
mentioned and took stenographic record of the
proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and
accurate transcript of the same and the whole
thereof, according to the best of my ability and
belief.

IN WITNESS WHEREOF, I have hereunto set my
hand this _____ day of _____, 2015.

FRANK GRAY

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FULL LEGISLATURE

EXPEDITED PORTION

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

September 21, 2015
1:36 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chair

KEVAN ABRAHAMS
Minority Leader

SIELA A. BYNOE

CARRIÉ SOLAGES

DENISE FORD

LAURA CURRAN

FRANCIS X. BECKER

HOWARD J. KOPEL

VINCENT T. MUSCARELLA

RICHARD J. NICOLELLO

ELLEN BIRNBAUM

DELIA DeRIGGI-WHITTON

JAMES KENNEDY

LAURA SCHAEFER

DENNIS DUNNE, SR.

JUDY JACOBS

ROSE MARIE WALKER

DONALD MACKENZIE

STEVEN RHOADS

WILLIAM MULLER
Clerk of the Legislature

LIST OF SPEAKERS

BEAUMONT JEFFERSON.	5
CONNELL DENION.	7
CARRIE ANNE TONDO	13

CHAIRWOMAN GONSALVES: I have another emergency item, so I need to establish an emergency for Item 383. A motion to establish the emergency?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Deputy Presiding Officer Nicolello.

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

(Aye.)

Any opposed?

(No verbal response.)

The emergency is established.

Now for the item itself. The item is 383, a local law amending Title B, Article 2 of Chapter 5 of the Administration Code of Nassau County.

Motion, please?

LEGISLATOR BECKER: So moved.

LEGISLATOR WALKER: Second.

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

And we have Mr. Jefferson who will speak on this item. Enlighten us.

MR. JEFFERSON: Good afternoon.
Beaumont Jefferson, County Treasurer.

This is an amendment to the Local Law and it actually provides the county treasurer the ability to accept partial payments for PILOTs of a least \$1 million. The PILOT payment would have to be at least \$1 million. Currently, we do not have the ability to accept partial payments on PILOTs, and this would allow me to accept partial payments on PILOTs. This would also allow us to collect on only PILOTs that are over \$1 million or at least \$1 million, if there is any disputes.

This amendment to the Local Law would allow me to actually -- the time value of money, would actually help me to get this money into the bank as soon as possible, without prejudice.

Any questions?

CHAIRWOMAN GONSALVES: Presiding Officer Nicolello.

LEGISLATOR NICOLELLO: Thank you.
Beaumont, are there any other properties that would potentially fall within these parameters

here, \$1 million in PILOT payments?

MR. JEFFERSON: There are approximately 11 parcels that could potentially fall into that category. One parcel will fall off next year. There are two parcels that are just over \$1 million. They are \$1.1 million. There are about eight parcels that could potentially fall into that category.

LEGISLATOR NICOLELLO: So all this does, for other property purposes, is to allow us, in the event we ever wanted to, to accept a partial payment on a PILOT.

MR. JEFFERSON: That is correct.

LEGISLATOR NICOLELLO: Okay. Just one comment. This two percent cap the state imposed on the utility is nothing but a shift from the ratepayers to the taxpayers and it's created this mess that we're in right now.

CHAIRWOMAN GONSALVES: Legislator Curran. I have two Lauras here. I looked to Laura Curran.

LEGISLATOR SCHAFER: Okay. So you said you have the ability to collect then on any partial -- to get the remaining balance, I

imagine, for any partial payments made. What methods are you able to collect by: court filings, are you only going to be filing lawsuits, are there liens that can be asserted? How would you be able to collect the balance?

MR. JEFFERSON: I would defer that to the County Attorney. I have Connell Denion with me.

LEGISLATOR SCHAEFER: Okay.

MR. DENION: Connell Denion, County Attorney's Office.

As Beaumont said, the law reverses, to the court, the right to pursue the unpaid balance. So the County intends to seek all available remedies to exercise those rights. I don't want to get into the details of what particular form that might take. But the County does intend to exercise those rights to collect the unpaid balance.

I also wanted to add to keep in mind that under the collection guarantee here, the county didn't collect this money; the towns made themselves whole. So we are now without not only the county tax money but also the town tax money

that the town takes and transfers collection obligations to the county treasurer. So that money is not there as well. I think you are probably aware that there are other assessing jurisdictions on the Island out in Suffolk that are looking at this issue. They have LIPA properties; they're trying to figure out what the cap means. So there has been information made available to us. We've been looking at what they're thinking of doing. It's been helpful to us to sort of focus our thinking on some of the possible remedies.

CHAIRWOMAN GONSALVES: Legislator Schafer, okay? All right. Frank, that was Legislator Schafer not Legislator Curran.

Legislator Curran.

LEGISLATOR CURRAN: Thank you. Is one of the options we would explore to get the rest of it -- to make sure I understand it. This item permits the county treasurer to accept the partial payment while we think about how to get the rest. And would one of those ways of getting the rest be to sue?

MR. DENION: Again, I don't want to get

into any details. I said all available legal remedies, all options. There are options available under the Ad Code to collect enforcement of taxes. We'd also look at other ways to enforce payment under the statute itself.

CHAIRWOMAN GONSALVES: Legislator Curran, okay?

LEGISLATOR CURRAN: Yes.

CHAIRWOMAN GONSALVES: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: So, going forward, what are we going to do about reissuing the tax bills? Is it going to be the same amount?

MR. DENION: You mean for these parcels going forward?

LEGISLATOR DeRIGGI-WHITTON: Yes.

MR. DENION: I don't know if assessment is here and wants to address that. I don't know if there's been any decision on that.

As far as I know, I don't know if there is a decision going forward.

LEGISLATOR DeRIGGI-WHITTON: Does this, in fact, change the assessment, accepting this

partial payment and going for the rest?

MR. DENION: No.

MR. JEFFERSON: No. There's no change in assessment.

MR. DENION: This does not affect that.

LEGISLATOR DeRIGGI-WHITTON: Now, with the PILOT, which I guess is different -- obviously, it's different than most. Does the county have any type of lien on these properties during this time?

MR. JEFFERSON: There is no lien, to my knowledge, on any of these properties.

LEGISLATOR DeRIGGI-WHITTON: Because of the --

MR. DENION: Are you referring to under the normal collection processes?

LEGISLATOR DeRIGGI-WHITTON: Right.

MR. DENION: It was on the tax roll. So anything that's on the tax roll is subject to a lien.

LEGISLATOR DeRIGGI-WHITTON: So we can put a lien on their properties?

MR. DENION: A lien exists from day one.

LEGISLATOR DeRIGGI-WHITTON: I think

2 that -- our thought, which I think Kevan Abrahams
3 was pushing, is to why that wasn't our first
4 step, to handle it as if we would with every
5 other --

6 MR. DENION: Again, we're exploring all
7 those possibilities.

8 LEGISLATOR DeRIGGI-WHITTON: Right.
9 But, like, prior, when we were going to try to
10 accept less a couple of weeks ago, when we were
11 approached to accept less, why don't we just put
12 a lien on their property?

13 MR. DENION: Again, there is a lien.
14 There is a statutory lien on all property that's
15 on the tax roll. If you don't pay your taxes
16 then penalties and interest at some point are
17 assessed against the property, and then it comes
18 to the county treasurer, which there is a normal
19 collection process, either selling the tax lien
20 or bringing an action, and it's premature, I
21 think, because the tax lien for this property,
22 the property on the 2015 taxes, there hasn't been
23 a lien sale on that. So there's been no decision
24 on which way to go on this.

25 LEGISLATOR DeRIGGI-WHITTON: So why

1 didn't we just go that road a couple of weeks
2 ago? Why was it before the legislature to reduce
3 their taxes?
4

5 MR. DENION: Again, it's premature to
6 talk about what type of remedy.

7 LEGISLATOR DeRIGGI-WHITTON: No. No.
8 I'm talking about before, like a couple of weeks
9 ago. Why didn't we just proceed with the lien,
10 like we would with everyone else? Why did we
11 consider lowering their taxes?

12 MR. DENION: Again, there is a lien and
13 that's it's premature to say that we would just
14 enforce against the lien under the normal
15 process. Again, we're not taking that out as a
16 possibility. That may, in fact, happen; it may
17 not happen. It's too early for that.

18 LEGISLATOR DeRIGGI-WHITTON: My question
19 is just, like, why did we try to reduce their
20 taxes? Why didn't we just do the lien process in
21 the first place?

22 MR. DENION: I think the thinking a
23 couple of weeks ago was based on the best
24 information at the time. Again, other
25 information has been made available to us. We've

2 had further conversations on it. We've come to a
3 determination that this is the better course.

4 LEGISLATOR DeRIGGI-WHITTON: Okay. Can
5 you just explain what the two percent take place
6 with this type of PILOT program?

7 MR. DENION: On the LIPA properties?
8 Under their statute they're required to make
9 certain PILOT payments. I think the Laws of
10 2013, state law, required those PILOT payments to
11 be capped at no more than two percent above the
12 prior year's PILOT.

13 LEGISLATOR DeRIGGI-WHITTON: Okay.
14 Thank you.

15 CHAIRWOMAN GONSALVES: Legislator
16 DeRiggi-Whitton, okay? All right.

17 Any other comments?

18 (No verbal response.)

19 Any public comment?

20 Okay. Go ahead. Name for the record,
21 please.

22 MS. TONDA: Yes. Carrie Anne Tondo from
23 Ingerman Smith, here on behalf of the North Shore
24 Central School District on this matter concerning
25 the emergency local law that's before you, as

well as the interpretation of the LIPA Reform Act and how it applies to the County.

Earlier today, the county representatives initiated a conference call to school district business officials, including the assistant superintendent for the North Shore School District, which is Olivia Buatsi, who is also here with me today.

During this call -- the purpose of the call was to discuss the LIPA Reform Act, the County's proposed action with respect to it as it applies to taxes and PILOT payments, payments in lieu of taxes, for the LIPA properties, at which time the school district was informed that there would be a matter that would be before you today, which I am presuming is the current emergency legislation that's related to this, to accept partial payments.

For the record, at this time I think it's somewhat confusing, especially for the school district, as to how this action will impact the school districts, its levy, its budget, its taxpayers, and its community. Their concerns include a number of issues, because I believe

there are more questions that have been raised than answered, and some of those questions include the nature and scope of the impact of these PILOT payments, what properties is the county considering to be subject to this act? Are they LIPA properties? Are they National Grid properties? Are they PSE&G properties? Who owns the property, and how will that be determined?

Also, the scope and the magnitude is unknown, as well as what the impact it will have on the adjusted base proportions, which have yet to be received by the school district. Most importantly, or just as important, is the shift, the tax shift that will be incurred by the property owners located within the school district.

So, on behalf of the school district, to the extent that you're actually going to consider a vote on this today, we would ask that you ask these same questions that we are asking and try to get this information before undertaking a vote on a piece of legislation, which may have consequences based upon your action that are unknown as this time.

We implore you, on behalf of this school district, to engage in discussions with the North Shore School District and affected jurisdictions to make that determination before you vote on this legislation before you, because ultimately it's the school district budgets, their day-to-day operations, as well as their community and taxpayers that will be impacted as a result of your decision today.

Thank you.

CHAIRWOMAN GONSALVES: Mr. Jefferson, can you address the implications in regards to school districts, if any?

MR. JEFFERSON: Well, the county will make the school districts whole.

CHAIRWOMAN GONSALVES: That's what I want to hear.

MR. JEFFERSON: If it's on the tax roll. So if you have the property on the tax roll, the school districts and all other taxing jurisdictions will be made whole. I believe the issue here is if it's a PILOT it's not on the roll, and I believe that's the concern.

The legislation that we have before you

is really to accept partial payments and then what do we do after we accept the partial payments, what's the remedy that we will take in order to collect on the balance.

CHAIRWOMAN GONSALVES: At the present time the school district is made whole; yes or no? You just said that the school district would remain whole.

MR. JEFFERSON: If it's on the tax roll.

CHAIRWOMAN GONSALVES: Yes.

MR. JEFFERSON: Which it is at the present time.

LEGISLATOR MACKENZIE: If I could just interject for a minute.

CHAIRWOMAN GONSALVES: Hold on. Who is interjecting?

LEGISLATOR MACKENZIE: Me.

CHAIRWOMAN GONSALVES: Legislator MacKenzie.

LEGISLATOR MACKENZIE: What you're saying is that if this is treated as a PILOT, which this legislation does, then it's no longer on the tax rolls. But the problem is that currently and in the past the property within the

2 North Shore School District has been on the tax
3 rolls, and that's why we're encountering this
4 problem with the bill; is that correct?

5 MR. JEFFERSON: This legislation does
6 not take it off of the tax roll. It's currently
7 on the tax roll. This legislation deals with the
8 fact that if it is a PILOT, we can accept partial
9 payments on PILOTs.

10 LEGISLATOR MACKENZIE: But in order to
11 collect partial payment for the past taxes or
12 taxes that are due or the taxes that we're, in
13 reality, dealing with now, that you want to take
14 partial payment on, that is based on an
15 assessment, because it's on the rolls and it's
16 treated as a taxable property not as a PILOT
17 payment; correct?

18 MR. DENION: Right. The reason we can
19 enforce as a lien is because it is on the tax
20 roll. But this is a PILOT that happens to be on
21 the tax roll.

22 LEGISLATOR MACKENZIE: Okay. You're
23 skirting the problem here, which is that
24 currently these school districts deal with that
25 property being on the tax rolls and not being

treated as a PILOT payment. If there is going to be a chance in what that property is paying within the North Shore School District it's going to be treated differently now than it was in the past and that affects how they set their rates and their budgets and everything else, and that's what she's asking be addressed.

MR. DENION: Not under this legislation. This legislation does not change the status.

LEGISLATOR MACKENZIE: Well, explain to her how then if a property previously was treated as a property on the tax roll being taxed and getting a tax bill and now it's going to be treated retroactively as a PILOT payment, how that's not going to affect them.

MR. DENION: Again, it's a PILOT. It's on the tax roll. On the tax roll, it's been treated as a tax. It's being collected as a tax, and this is not changing that. This is just saying if it happens to be a PILOT, we can accept partial payments. That's all that this legislation does.

LEGISLATOR MACKENZIE: That's not an answer to the question. If it's treated and

created as a tax, then what's the necessity of passing this legislation?

MR. DENION: There are a number of things that are on the tax rolls - say, sewer assessments or, you know, garbage district. There are things that aren't taxes. They might be special levies. They might be benefit assessments that are done. \$100 per square foot of something. There are a lot of things that appear on the tax roll that aren't technically taxes, and this is one of them. But those are collected as taxes. What we're saying is this is a PILOT that happens to be on the tax bill. There is nothing that we're doing in this legislation that changes that.

LEGISLATOR MACKENZIE: It does change that. In effect, it lowers what they've paid in the past, from what they were charged as a tax, down to what they are arguing they should have paid as a PILOT, so it changes the amount that they're paying, and that's the problem for the school district.

MR. DENION: Not if it's on the tax roll. If it's on the tax roll, remember, the

schools are made whole and then the county becomes responsible for the collection of any delinquent tax or unpaid balance. If it's uncollectable, the county has to absorb that. This does not, again, does not change that because it is still on the tax roll.

LEGISLATOR MACKENZIE: So then how are you able to take this payment, which is being treated as a tax, collected as a tax, and take a lesser amount because we're changing legislation that accepts partial payments on PILOT programs? Then this legislation, from what you're telling me right now, won't change the problem that they're dealing with on that property.

MR. DENION: I don't think it creates a problem. Again, the LIPA issue that's been in the news is on the general taxes. It's not even on the school taxes. For, I believe, the 14/15 school year, I don't believe LIPA attempted to pay less. I think it's all in the general taxes. Again, going forward, the Department of Assessment is still looking at that issue. I think they will be before the legislature with a levy at some point for the schools for 15/16, and

at that point I guess there will have to be an answer for that question. But it's not before us. This is not this legislation.

CHAIRWOMAN GONSALVES: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: Can I just clarify this? I think what Legislator MacKenzie is referring to is us accepting this partial payment as full payment; we are not doing that. We're accepting the partial payment as partial payment, and then we're going to go after LIPA however we choose to do so.

MR. DENION: That's correct.

LEGISLATOR DeRIGGI-WHITTON: So the final amount should be the same amount.

MR. DENION: That's correct.

LEGISLATOR DeRIGGI-WHITTON: Donald, did you get that? Donald, we're not accepting the partial payment. Okay. So we're not accepting the partial payment as full payment. I just want to make sure that's on the record.

Just for one more time, because Donald and I both share this school district. I just need you to say on the record one more time that

this school will be made whole.

MR. DENION: As long as it remains on the tax roll it will be enforced -- it can be enforced as a lien on the taxes and the county must make the schools whole, yes.

LEGISLATOR DeRIGGI-WHITTON: Are you taking this off of the tax roll?

MR. DENION: I'm not taking it off. This legislation doesn't take it off. It's really not before us today.

LEGISLATOR DeRIGGI-WHITTON: Does it --

LEGISLATOR BECKER: Wait a second. This is really interesting. Madam Chair. This is really interesting.

CHAIRWOMAN GONSALVES: Legislator Becker.

LEGISLATOR BECKER: You're telling me that these properties, I understand, these properties are on the tax rolls now and we're billing them as if -- this is actually taxes that they're supposed to pay.

MR. DENION: They are PILOTs that are on the tax bill. Again, like a special assessment.

LEGISLATOR BECKER: Wait a minute. This

is getting scary, though. This is really getting scary now. We're billing them as if it was taxes, correct?

MR. DENION: Yes.

LEGISLATOR BECKER: We're billing them as if they were taxes. But the law we're changing, because they're paying us, is not taxes. I mean they're paying us taxes right now. What they're paying us now is not PILOTS.

MR. DENION: They're paying us PILOTS on the tax bill.

LEGISLATOR BECKER: Wait a minute. No, that's not true. That's not what you told us. That's not true. You only can bill somebody -- it can only be a PILOT or it can be taxes, right? They're on the tax bills right now. Wait. You told us the reason it's not PILOTS is because they're still on the tax bill. You told us that.

MR. DENION: If it wasn't clear, then let me make myself clear. These are payments on the tax bill. The LIPA statute calls them PILOTS.

LEGISLATOR BECKER: But wait a minute. They can't be PILOTS unless -- the premise of

what we're doing right now, to go after the additional \$2 million, is because of taxes, not PILOTS.

MR. DENION: I'm not sure. I'm trying to help, honestly. The LIPA statute says they shall pay PILOTS.

LEGISLATOR BECKER: Wait a minute. That's not what's happening right now. They never pulled themselves off the tax rolls and said it's PILOTS.

MR. DENION: Historically, they've always been kept on the tax roll, right. That's, again, what we're looking at with the other jurisdictions and Suffolk are looking at, that they've all been kept on tax rolls, I think, for the most part. But then when --

LEGISLATOR BECKER: If you told me in the tax rolls we can take partial payments, because they're on the tax rolls right now, then I would understand that. We're double speaking, which almost sets up for losing in court. Because we want to have it both ways; they're on the tax rolls, we want to charge the full amount for taxes, but now we want to say a PILOT so we

2 can take partial payment. We're setting this up
3 to lose in court. And you know. This is the
4 truth. This is double speak. This - you only
5 can do this in government. Do you know what I
6 mean?

7 MR. DENION: It's not intended to be
8 double speak.

9 LEGISLATOR BECKER: No, no. It is
10 double speak. It is either taxes or it is a
11 PILOT, and we're trying to say it's both.

12 CHAIRWOMAN GONSALVES: Legislator
13 Becker, I don't intend to shut you down, but I
14 think we need time to really mull this over in
15 the caucus room. But before we do --

16 LEGISLATOR BECKER: The bottom line is -
17 -

18 CHAIRWOMAN GONSALVES: Hold on.

19 LEGISLATOR BECKER: Let me just say
20 something, Madam Chair.

21 CHAIRWOMAN GONSALVES: Yes. Go. Say
22 it.

23 LEGISLATOR BECKER: The bottom line is
24 what we're trying to accomplish right now is to
25 get the 28 million and putting it back and not

send it to them. That's what we're trying to do right now. We're trying to take that square peg and put it in a round hole. Technically, if they're on the tax rolls, we have to send the money back because we're not allowed to keep partial payments. But we don't want to send the money back. But we want to say it's a PILOT now. You can't have it both ways.

If you said to me we'd like to pass legislation that will allow us to take a partial tax payment, then I would say okay. If it was a partial payment on the tax rolls. But you can't have it both ways. We can't say we're going to take a partial payment because it's a PILOT but it's on the tax rolls and we want 30 million.

CHAIRWOMAN GONSALVES: Hold on. I have three more speakers here. Hold on.

Deputy Presiding Officer Nicoletto.

LEGISLATOR NICOLELLO: I'd like the attorney from Ingerman Smith to come up for a second. I think there's importance here, with respect to whether it's a PILOT or taxes. Doesn't it affect your tax rate, I mean your tax cap if it's a PILOT?

MS. TONDO: I actually agree on a number of fronts.

Here's wherein lies some of the confusion. And I'm going to talk about North Shore School District in particular here. This may exist countywide; I don't have that information as we sit here today.

The North Shore School District has the Glenwood Landing power plant located within its jurisdiction. That is a property that is owned by National Grid. It is not owned by LIPA.

The district also, it's my understanding, which we are trying to ascertain and get copies of, there is an existing PILOT agreement between, I believe the County of Nassau and LIPA with respect to at least one parcel of land located within the district that may or may not be owned by LIPA. The LIPA Reform Act speaks to properties owned by LIPA and removed from the tax rolls.

So I think the confusion here is we don't know which properties we're speaking about. And if we don't understand what properties are being spoken to, then how can there be an actual impact

analysis undertaken by the district and/or the county before that decision is made. That's one.

Two. You've asked whether or not this would have any impact on the 15/16 school year. We're trying to determine that as we speak.

The issue is, as I understand it, as you know, all school districts are required to set their levies by the middle of August, and they have done so. If that levy is going to be reduced as a byproduct of reducing any payments that LIPA would otherwise have to pay, how is that going to be addressed, and when is that going to be addressed, and how does that affect the school district's budget, its taxpayers, its residents' tax rates, and the shift from one class to another?

I also just have to add, to complicate matters even further, I think you have to understand exactly under the Real Property Tax Law under Section 1803 and its subparagraphs, as to when property comes off the property tax rolls and how the adjusted base proportion gets determined. All of these things I think need to be taken into consideration as a result of

interpretation of the LIPA Reform Act and how that will impact the school district and any action taken by the county regarding that.

Now, I do understand the legislation that you have before you today speaks to the acceptance of partial payments. But all of these other issues I urge you to consider as you lead up to that because I do believe even though they may appear separate on their face, they are certainly related.

I'm hoping that I'm being clear. I know there are a lot of variables that you have for your consideration in connection with this. However, I do think they are worthy of your consideration before voting on something that could have some long-term impact. It could be negative; we don't know as we sit here right now, and that's why we're here to implore you that you take a hard look at this before voting on this today.

I hope that helped.

CHAIRWOMAN GONSALVES: Legislator Curran.

LEGISLATOR CURRAN: Thank you.

So this amendment would allow the partial payment and if, for whatever reason, they don't pony up the rest, the county makes it whole; correct? Am I correct with that?

MR. DENION: This allows us to enforce the payment of the unpaid balance.

LEGISLATOR CURRAN: So, just wider, my concern is that could this put the county on the hook in other cases where we do accept the partial payment?

MR. DENION: We would, again, be able to still bring actions to enforce or enforce liens against the unpaid balance.

LEGISLATOR CURRAN: But in the meantime we would be making these districts whole, correct?

MR. DENION: I can't speak hypothetically going forward. But in this case, again, the towns have already kept -- the outstanding issue right now with LIPA is the towns have already kept what due to them. The county has already made them whole. So, the county is out not only the county's money but also the town's money. We have to make them

whole. This allows us to at least collect most of it and then go forward on the last little bit.

LEGISLATOR CURRAN: So my concern, just going forward, the county might be in a position, would be on the hook --

MR. DENION: We're always on the hook for collection. We're always on the hook for collection.

LEGISLATOR CURRAN: Okay.

MR. DENION: And then we have to enforce delinquent payment, the non-payment of taxes. That happens all the time.

LEGISLATOR CURRAN: All right. Thanks.

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR KOPEL: I'm not going to ask you any questions right now, but I'm going to make a comment. That comment is I think there's some mass confusion over here. People clearly don't understand. I think this really points out, in very stark relief, the problems inherent in these constant emergencies that are submitted to this body. They're inadequately prepared. It doesn't give us time to really digest it and understand it, and that's not right. What you

see over here now is just a natural result that follows from the fact that we're constantly getting these emergencies.

We're trying to do our job and trying to understand it, and in order to do that you've got to prepare better.

CHAIRWOMAN GONSALVES: I'm going to ask for a few minutes of recess. I think we should - no more than ten minutes, maybe less, and I will commit to that. I will commit to it. I'm looking at the clock. It's now 4:30. By 4:40 we're going to be back out here, maybe sooner.

(Whereupon, the Full Legislature recessed at 4:30 p.m.)

(Whereupon, the Full Legislature reconvened at 4:55 p.m.)

CHAIRWOMAN GONSALVES: I think there was a great deal of discussion but still a number of unanswered questions that we need to address. We will be contacting the county attorney's office to get us some of the answers and the possible implications of such.

I'm going to ask for a motion to table.

LEGISLATOR MACKENZIE: Norma, as we

discussed, there are many outstanding questions, including the impact on some of the local school districts, which were raised by the attorneys.

So I make a motion to table the item.

LEGISLATOR DeRIGGI-WHITTON: I'll second it, because it's my district too.

CHAIRWOMAN GONSALVES: Legislator MacKenzie made the motion. Who seconded it?

LEGISLATOR DeRIGGI-WHITTON: Can I second it?

CHAIRWOMAN GONSALVES: Delia you want to second it?

LEGISLATOR DeRIGGI-WHITTON: Yes.

CHAIRWOMAN GONSALVES: Okay.

There is no discussion. All those in favor of tabling this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is tabled.

We will be doing our due diligence in the next week.

LEGISLATOR ABRAHAMS: Madam Presiding Officer, if I may.

CHAIRWOMAN GONSALVES: Yes, sir.

LEGISLATOR ABRAHAMS: If you could please have my staff included in the general discussions, I would appreciate it.

CHAIRWOMAN GONSALVES: No problem. No problem.

LEGISLATOR ABRAHAMS: Just reach out to Peter Kleins, Michelle Darcy, Cecelia Capos.

CHAIRWOMAN GONSALVES: Okay. No problem. We can do that.

Now, I'm going to ask -- while I do have -- are there still people here who wish to speak?

LEGISLATOR ABRAHAMS: Norma, one more thing. I'm sorry. If we could also include the attorneys for the school district as well.

CHAIRWOMAN GONSALVES: I'll contemplate that.

This does not impact on anybody who wishes to speak as part of public comment.

I'm going to recess this meeting, and I think that would be the best way to go so that we can immediately go ahead and see what we can do by the next time.

This meeting is in recess. We are not

2 adjourned.

3 (Whereupon, the Full Legislature
4 recessed.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New York,
do hereby state:

THAT I attended at the time and place above
mentioned and took stenographic record of the
proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and
accurate transcript of the same and the whole
thereof, according to the best of my ability and
belief.

IN WITNESS WHEREOF, I have hereunto set my
hand this 23rd day of September, 2015.

FRANK GRAY