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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

LEGISLATIVE SESSION

1550 Franklin Avenue
Mineola, New York

Monday, July 10, 2017

1:30 P.M.

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

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4 LEGISLATOR NORMA L. GONSALVES

5 Presiding Officer

6 13th Legislative District

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8 LEGISLATOR RICHARD J. NICOLELLO

9 Deputy Presiding Officer

10 9th Legislative District

11

12 LEGISLATOR HOWARD KOPEL

13 Alternate Presiding Officer

14 7th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

25

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2 LEGISLATOR DENISE FORD

3 4th Legislative District

4

5 LEGISLATOR LAURA CURRAN

6 5th Legislative District

7

8 LEGISLATOR C. WILLIAM GAYLOR III

9 6th Legislative District

10

11 LEGISLATOR VINCENT T. MUSCARELLA

12 8th Legislative District

13

14 LEGISLATOR ELLEN BIRNBAUM

15 10th Legislative District

16

17 LEGISLATOR DELIA DERIGGI-WHITTON

18 11th Legislative District

19

20 LEGISLATOR JAMES KENNEDY

21 12th Legislative District

22

23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

25

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2 LEGISLATOR ANDREW DRUCKER

3 16th Legislative District

4

5 LEGISLATOR ROSE WALKER

6 17th Legislative District

7

8 LEGISLATOR DONALD MACKENZIE

9 18th Legislative District

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11 LEGISLATOR STEVEN RHOADS

12 19th Legislative District

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14 MICHAEL PULITZER

15 Clerk of the Legislature

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2 LEGISLATOR GONSALVES: Please
3 join us in the pledge of allegiance.

4 (Whereupon the Pledge of Allegiance
5 was recited.)

6 LEGISLATOR GONSALVES: Thank you
7 Legislator Gaylor. At this time we have
8 points of personal privilege from Legislator
9 Rhoads and I believe he will present those
10 points for us. Legislator Rhoads.

11 LEGISLATOR RHOADS: Thank you
12 Madam Presiding Officer. It's my honor today
13 to actually present two points of personal
14 privilege for two outstanding teams that did a
15 tremendous job this year. Not only for their
16 school but brought pride to their
17 communities.

18 First, I want to recognize from
19 Calhoun High School the boys soccer team had a
20 tremendous year this year. They entered the
21 Nassau Class AA Boys Soccer Playoffs with only
22 two blemishes on their record. Losses to
23 defending county champion Hicksville and
24 upstart Oceanside. But they'd be given the
25 chance to avenge those losses when it truly

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2 mattered most. The Colts defeated Oceanside
3 in overtime to keep advancing and then
4 defeated Hicksville in the semifinals to
5 advance to the county title game. The first
6 time that they would be in the title game
7 since 2009.

8 In order to claim the county
9 championship they would have to face number
10 one seed Massapequa. Sorry James. After 80
11 minutes of scoreless regulation, Ryan Hilkey,
12 a sophomore, scored a goal 51 seconds into
13 overtime off a scramble in the crease to give
14 third seeded Calhoun a one to nothing victory
15 over number one seeded Massapequa resulting in
16 them claiming the Nassau Class AA
17 Championship.

18 And in an unbelievable match up
19 against Suffolk County Champion Brentwood, the
20 Colts came out victorious once again in their
21 third overtime win in the post season.

22 Though they didn't win the state
23 championship it doesn't take away the
24 accomplishments that the team made this season
25 in winning the Long Island Class AA boys

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2 soccer championship. And I wanted to
3 congratulate the boys soccer team on that
4 championship and the tremendous season that
5 they had.

6 I know we have citations for
7 members of the soccer team, it's summertime,
8 so it's a little hard, but we do have
9 receiving the citations on behalf of the team,
10 is the Bellmore-Merrick Central High School
11 District's athletic director Eric Cavallero.
12 Eric, you want to come up.

13 MR. CAVALLERO: On behalf of the
14 Bellmore-Merrick Central High School District
15 Mr. John DiTommaso, superintendent of
16 schools, Dr. Nancy Caplan, president of the
17 board of education, and the other Board of
18 Education trustees I would like to say thank
19 you for taking the time to honor what we think
20 is a pretty big accomplishment but it's nice
21 to know that members of our community and our
22 county do as well. Thank you.

23 LEGISLATOR RHOADS: The second
24 team I want to take a moment to honor today is
25 the Wantagh Warriors varsity baseball team.

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2 Last year they had a special season winning
3 the state championship in 2016. The question
4 was after losing a couple of key seniors
5 whether they were going to be able to repeat
6 that performance. They sure came darn close.
7 They finished the regular season with a record
8 of 14 and four, which earned them the ninth
9 seed in the Nassau County playoffs.

10 On the way to defending their crown
11 as county champions they defeated Floral Park
12 and Division. In the county final they would
13 go up against Garden City, who is always a
14 tough rival of the Warriors.

15 Although trailing most of the game,
16 the boys were able to capture the lead on a
17 single by Anthony Dinofrio which brought the
18 game to a score of three to two in Wantagh's
19 favor. One pitch later senior John Conroy
20 executed a perfect squeeze bunt to bring home
21 Jake Castellano with an insurance run and
22 extend the lead to four to two. Brendan Hoss,
23 who is an impressive lefty, closed the game
24 with two near perfect innings to capture
25 Wantagh's second straight county title.

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2 In the Long Island championship
3 game Wantagh was set to face Shorham-Wading
4 River. From the very first pitch of the
5 championship contest the atmosphere could have
6 been mistaken for a Wantagh home game.

7 The first pitch of the game was
8 driven for a lead off double over the left
9 fielder's head courtesy of Anthony Dinofrio.
10 This was just the beginning. Wantagh would go
11 on to put four runs on the board in the first
12 inning. The Warriors would never give up the
13 lead, and as a result, Wantagh added to their
14 legacy as back-to-back Class A Long Island
15 champions.

16 In the state semifinals up in
17 Binghamton, Wantagh defeated Southerland by a
18 score of five to one. For the state
19 championship though Wantagh would have to face
20 Vestel. And after a defensive battle and a
21 pitching dual by both teams, Wantagh
22 ultimately would come up just three runs short
23 of winning their back-to-back state
24 championships.

25 Although the season didn't end with

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2 that championship, the fact that they played
3 with passion and purpose all season long to
4 accomplish the impressive victory of another
5 Long Island championship, a back-to-back Long
6 Island championship, is truly a great tribute
7 to not only the character of those young men
8 but also to the wisdom and purpose of their
9 coaching staff led by head coach Keith Sachs.

10 We have some of the boys here today
11 to accept citations. But I do want to bring
12 up all the boys as well as coach Sachs and the
13 coaching staff. Please come on up to the
14 podium. And congratulations to the Wantagh
15 Warriors varsity baseball team.

16 MR. SACHS: Thanks very for
17 taking the time to honor us at Wantagh. I
18 would like to thank Mr. McNamara and Mr.
19 Farris, our superintendent, for taking the
20 time out of their day to show up for this
21 also. As well as my assistant coach Mike
22 Didavaggio who has been with me for 30 years.

23 Any time you get a chance to honor
24 men like this we totally appreciate it. I
25 know they had to win to be here, but they

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2 represent their schools, their families and
3 their town outstanding throughout all the
4 traveling and everything we do. They are
5 winners on and off the field. They are a
6 great choice to honor and they will be
7 missed. Thank you very much guys.

8 LEGISLATOR RHOADS: If you don't
9 mind another big hand for coach Sachs. He's
10 actually state championship last year with
11 baseball, back-to-back Long Island
12 Championship with baseball this year, Long
13 Island Championship with Wantagh's football
14 team this past fall. It's going to be a tough
15 act to follow but congratulations.

16 Thank you Madam Presiding Officer.

17 LEGISLATOR GONSALVES: Before we
18 proceed with today's agenda, I would like
19 everyone to please rise for a moment of
20 silence for the police officer who lost her
21 life last week. New York Police Department
22 officer Miosotis Familia, mother of three,
23 lost her life untimely last week. Thank you
24 very much.

25 As we usually do for 30 minutes we

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2 receive public comment, and I ask that the
3 public comments be limited to three minutes so
4 that as many of the public can speak before we
5 go into the calendar of the day. So, please
6 be respectful of the three minute limit, and I
7 will call as many as we can within the 30
8 minutes. Be assured that if you are not
9 called within that 30 minutes, after the
10 calendar is completed we go back to public
11 comment and everyone who is here who wants to
12 make a comment or statement to the legislature
13 you will be given the opportunity to do so.

14 Without any further ado, I begin
15 with Brian Sullivan. Is he here?
16 Mr. Sullivan you want to talk about this now?
17 Because it's on a particular topic that we
18 will be taking up in Rules.

19 MR. SULLIVAN: Just to be brief,
20 I'm not here to rattle any cages like I am
21 other times. I'm here. I just wanted to say
22 as far as the NUMC contract for the inmate
23 health care that we fully support the NUMC
24 taking it over. I'm on record here several
25 times before that I don't think it should have

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2 ever left NUMC. I hope everybody does support
3 this going forward.

4 The only thing I would like to put
5 into everybody's head if we can think going
6 forward, this does need to get over. It's
7 time sensitive issue. We are dealing with a
8 staffing problem at the jail right now. I've
9 been dealing very closely with civil service,
10 with the sheriff, with the county executive's
11 office to get new bodies in here. We've had a
12 lot of retirements, a lot of people leave
13 here. We're having a lot of problems covering
14 the shifts particularly on midnights and
15 weekends and things like that.

16 Just as far as when NUMC takes
17 over, I know I have a concern that there will
18 be a lot more inmates going to NUMC from the
19 jail. I don't know what the percentage is
20 going to be, how much they're going to
21 change. I'm assuming they're going to be do a
22 lot more of the clinics and things like that
23 at NUMC and dealing with the staffing problem
24 that we have now we're going to have to pay
25 some special attention to make sure we get

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2 some bodies into this place because we're
3 going to be bringing a lot more inmates over
4 to the hospital we're going to have to find
5 out where they're coming from. It's my
6 understanding there's a class of hopefully 30
7 coming in. It's been coming in for a few
8 weeks now. We're hoping they're going to have
9 them in this week.

10 Like I said, I am actually working
11 very hard with civil service, the sheriff and
12 everybody else. I'm trying to get this done.
13 As the summer hits and vacations, everything
14 else, we do have a problem with this. I want
15 to make sure everyone is aware that if we are
16 going be bringing a lot more inmates to the
17 hospital we've got to get a lot more bodies in
18 here. And I would like to hopefully maybe you
19 guys can press civil service for me. Maybe we
20 can get another class in immediately right
21 behind this one. We're dealing with a lot of
22 issues. And the sheriff has been receptive to
23 a lot of things that I'm talking about. I
24 know sometimes we have a pretty contentious
25 relationship. I don't want to make it seem

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2 like we're in love as opposed to where we've
3 been, but it's definitely something that I
4 hope everybody keeps in the back of their
5 minds. If we have more inmates going to
6 hospital who is going to be taking them over?
7 Keep it in the back of your mind.

8 Like I said, going forward, NUMC I
9 completely support this deal. It needs to go
10 back over there. I'm glad they're going to be
11 bringing more union people to be taking care
12 of that thing for us. After this meeting is
13 over help if you could help me make a little
14 push with civil service because we need bodies
15 in this place. Thank you very much for the
16 time.

17 LEGISLATOR GONSALVES:

18 Mr. Sullivan, do you plan on being here for
19 the Rules Committee?

20 MR. SULLIVAN: I'll probably
21 stick around later, yes.

22 LEGISLATOR GONSALVES: It would
23 be good because maybe some of us would like to
24 ask you questions.

25 Lawrence Blessinger.

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2 MR. BLESSINGER: Good afternoon
3 Presiding Officer, members of this legislative
4 body. Coming here today to notify you of the
5 issues that are going on throughout the
6 country with Uber and Lyft in regards to their
7 drivers not having background checks.

8 In the past three weeks in Kansas
9 City there was a driver who raped a woman who
10 had a background of doing eight years in jail
11 for attempted murder. Again, this is another
12 example of their drivers not being vetted. If
13 this is not done in Nassau County it's just
14 going to be a question of when it's going to
15 happen here. It's not if. It's going to be a
16 question of when.

17 Also, in Los Angeles two weeks ago
18 there was another situation where a driver,
19 who was not vetted, with five convictions of
20 intent to sell and possession of narcotics
21 wound up raping a 24 year old female.

22 Again, I'm urging this legislative
23 body protect the residents of Nassau County.
24 Require TNC drivers to get governmental
25 fingerprinted background checks. Uber and

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2 Lyft is a great product, but we can't have
3 anybody behind the wheel of this car. It's
4 going to be a matter of time before something
5 happens in Nassau County. We don't want the
6 residents of Nassau County exposed. If
7 nothing is done it's just a matter of time.

8 In Massachusetts alone the state
9 wound up doing background checks on 70,000 of
10 Uber and Lyft's drivers and roughly 8,000 of
11 them got taken off the road. 352 of them for
12 sex crimes, 958 for violent crimes and 152
13 operating under the influence.

14 In Maryland the same thing was done
15 and roughly 3,000 drivers were pulled because
16 of their background checks.

17 Again, I'm urging this county
18 legislative body protect the residents of
19 Nassau County. Not scared of competition but
20 we can't have anybody behind the wheels of
21 these cars. Thank you have a good day.

22 LEGISLATOR GONSALVES: Thank you
23 Mr. Blessinger. Debbie Lee Thomsen.

24 MS. THOMSEN: Good afternoon. I
25 would like to start by saying hello to

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2 everyone. I'm personally offended that at
3 such a time when there are so many more
4 serious matters at hand to deal with in this
5 county that there has been a personal matter
6 brought into public life where a county
7 legislator that has done nothing but great
8 works for this entire county and personally of
9 his own time done things for people, out of
10 his own pocket not caring except for to help.
11 He has been asked to resign.

12 Domestic violence is a very serious
13 matter. I know because I personally am a
14 survivor. And even with valid proof, years of
15 it, I struggled. And now even then my
16 ex-husband was held innocent until proven in a
17 court that he was an abusive person.

18 Mr. Carrie Solages is the man I'm
19 speaking about. He has been asked to step
20 down. I don't understand it at all. He has
21 had accusations against him and has done so
22 much good and plans to do so much more within
23 the next few years. This is insane.
24 Absolutely.

25 Now, because of Republican failures

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2 and this humble hard working man has fought
3 against the Republicans on taxes against
4 homeowners, the PILOT thing with the mall and
5 a serious problem with the bus company,
6 they're shoddy at best, the roads are in
7 horrible shape, they really need the repair
8 work done, and many more problems within the
9 county. Yet they're personally attacking
10 him. I don't understand this. There are
11 other things in this county that need changes
12 too. Like people in office. They're still
13 taking money and still sitting when they've
14 had accusations and charges brought against
15 them.

16 Laura, are you still dating that
17 fellow who is indicted already? Why didn't
18 you ask him to step down?

19 LEGISLATOR GONSALVES: You are
20 out of order.

21 MS. THOMSEN: So again I'm going
22 to ask you, stop the witchhunting. Let a
23 personal matter of an abusive thing that is
24 hearsay remain in a family court not in the
25 public podium. Thank you.

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2 LEGISLATOR GONSALVES: Peter
3 Gaffney.

4 MR. GAFFNEY: I hope everyone is
5 enjoying their summer. My name is Pete
6 Gaffney. I reside in Westbury-Carle Place
7 School District and today I'm speaking to the
8 legislature regarding two issues.

9 First issue, I have been here
10 before with it, the need for more community
11 policing to combat the county's traffic safety
12 issues. Once people get into their vehicles
13 they are out of control. A speed racer
14 mentality comes over them and they ignore most
15 of the traffic signs. They speed
16 excessively. They don't stop at stop signs.
17 They roll through them and they ignore most
18 traffic signage. They make U turns illegally
19 and cut through corner stores when everyone
20 else is at a traffic light. It's got to
21 stop. People of all shapes and sizes are
22 doing this.

23 Speeding, I'm not talking about the
24 ones that are going five miles an hour above
25 the speed limit. They're going ten, 20 and

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2 even more over the speed limit. Whatever
3 happened to making look left, right then
4 left?

5 Pedestrians are just as bad.
6 Whatever happened to cross at the green and
7 not in between? Every day in Newsday there's
8 another story showing a horrific crash where
9 dies or is seriously injured. Just something
10 needs to be done about this.

11 The second issue I have is
12 basically a three block business area in Carle
13 Place on Westbury Avenue. I don't know if you
14 realize, but there's a three block business
15 community where there's 12 mom and pop stores
16 that are out of business. They're empty. Two
17 other business buildings are for sale.
18 Another business building is partially
19 rented. And a big reason is the roadway
20 deterioration of Westbury Avenue.

21 Also, when finalized, the Long
22 Island Railroad third rail project plans to
23 close the Carle Place train station for
24 upwards of a year. How many more stores is
25 this going to impact? Some of these

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2 businesses that have closed over the past six
3 months to a year they've been in business over
4 20 years. I know business does change but
5 this is a real, real issue.

6 Our little hamlet is in need of
7 county help on two fronts. I understand we
8 are going to go another year on Westbury
9 Avenue before it's repaved. I'm asking the
10 legislators can we get Westbury Avenue repaved
11 sooner?

12 And the other thing is can the
13 county business development agency help in
14 getting some of these mom and pop stores
15 filled? After all, having a strong business
16 community means increased property values
17 while expanding the county's tax revenue
18 base. Which we all know we need.

19 Thank you and have a good day and I
20 do appreciate you hearing me.

21 LEGISLATOR GONSALVES: Legislator
22 Schaefer.

23 LEGISLATOR SCHAEFER:
24 Mr. Gaffney, I just want to let you know
25 Westbury Avenue is being repaved fall of this

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2 year. A letter is going out. You should get
3 it in the next few days. And the information
4 you sent me regarding what you just were
5 speaking about with the speeding, we forwarded
6 it on to the police department and I have been
7 talking to them on a number of occasions about
8 it and you and I can certainly follow up
9 together.

10 LEGISLATOR NICOLELLO: Brian
11 Henry.

12 MR. HENRY: Good afternoon county
13 legislators. My name is Brian Henry. I'm the
14 vice president for Long Island Yellow Cab.
15 It's a family-owned taxi business. Been
16 around for more than 50 years serving this
17 community fairly and safely.

18 First, I want to thank you for the
19 opportunity to address this body concerning a
20 very important matter. The proposed state
21 legislation, the governor's fiscal year 2018
22 Transportation Economic Development and
23 Environmental Conservation bill. And the
24 senate bill 4159 transferring regulatory
25 authority over the certain classes of for-hire

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2 vehicles and their drivers to the Department
3 of Motor Vehicles. This body of legislation
4 needs to act and protect the riding public.
5 Choose to opt out now.

6 Choosing to opt doesn't mean
7 companies like Uber and Lyft and Side Car
8 cannot operate in Nassau County. It just
9 means they must comply with the current set of
10 laws. All local taxi and limousine companies
11 are currently regulated by the Nassau County
12 Taxi and Limousine Commission. You know what
13 it is, the TLC. And the local towns and
14 villages licensing agencies.

15 Under these agencies taxis and flat
16 call companies are required to comply with all
17 of the regulations of multiple agencies
18 requiring thorough fingerprint based
19 background investigations for for-hire
20 vehicles, including drug and alcohol testing.

21 The prior ambition of the Nassau
22 County TLC is to protect the riding public.
23 And thus far they are doing an outstanding
24 job. Why would you want to limit their
25 abilities now? Ask yourselves, do you want to

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2 be picked up with your family, your spouse,
3 your children, your luggage going to JFK.
4 Going on that hard earned vacation that you've
5 saved for only to come home and find out that
6 the driver that took you had been convicted
7 for multiple felonies, possibly breaking and
8 entering. Your house has been burglarized.
9 He knew it was going to be empty. He took you
10 to the airport. Under TLC regulations this
11 person would not be issued a license. They
12 would not be allowed to drive you. Keep you,
13 your safety, your family everything nice and
14 safe.

15 Has anyone performed a traffic
16 study? At a minimum there should be a need to
17 necessity study to determine how many vehicles
18 are needed. Uber claims to have signed up
19 18,000 drivers ready to flood the streets. If
20 18,000 new taxi drivers are introduced to
21 compete for fares there's a good chance that
22 that local taxi company that's been serving
23 these communities for decades is going to
24 close its doors. If you opt out at least
25 there will be a fair and level playing field.

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2 If the local taxi companies who have been
3 serving the communities for decades are forced
4 out of business who will serve the large
5 population of senior citizens who are not tech
6 savvy and do not have smart phones.

7 As long as we are on the subject of
8 seniors who are mostly on a fixed income,
9 under current TLC rules taxi companies can be
10 fined and even have their licenses suspended
11 for overcharging. Under the proposed state
12 legislation TNC companies can charge surge
13 pricing. This means if they're busy, the
14 weather is bad.

15 LEGISLATOR NICOLELLO: You can
16 wrap up.

17 MR. HENRY: They have surge
18 pricing. That means they can charge over 400
19 percent more than normal fares. This means a
20 \$7 fare would increase to over \$28. Let's
21 call it what it is, price gouging. If the
22 local taxi company goes out of business how
23 will this affect our seniors who depend on
24 these taxis to get to their doctors and other
25 necessary appointments.

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2 You have the opportunity and the
3 obligation to prevent this. Opt out and allow
4 TNC companies to operate under current Nassau
5 County TLC rules. Thank you.

6 LEGISLATOR NICOLELLO: I believe
7 this is Christian Neilson.

8 MS. NEILSON: My name is
9 Christian Neilson. I'm going to speak from
10 the heart. I have served on criminal and
11 civil trials. I have also been in the Air
12 Force. And what I have seen on the news is a
13 disgrace. The people that are asking a
14 decent, kind and honorable man to resign, how
15 dare you. There's been no court of law. You
16 have not picked jurors as of yet. I'm lacking
17 the words. We're talking about a kind and
18 decent man that's given so much back to the
19 community. He cares about people. He gives
20 love to people. He cares about the children.
21 He cares about the adults. He cares about the
22 seniors. He cares about people. That's why
23 I'm here to support that man because I'm here
24 because I believe in this man.

25 If anybody say perhaps does

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2 something wrong and is taken to jail you don't
3 splash his face all over the news. You don't
4 do that. You don't ask for a man to resign
5 without a trial.

6 So, I'm here because I support this
7 man because he's an honorable man, a decent
8 man. I'm also on the board of the Central
9 Suffolk NAACP. I make a difference with my
10 volunteer work and many people are aware of
11 that. But we also have a man that is also
12 known for his volunteer work and the love and
13 compassion that he shows others. Thank you.

14 LEGISLATOR GONSALVES: Patricia
15 Friedman.

16 MS. FRIEDMAN: I hope I get the
17 same applause when I finish. Good afternoon.
18 Good to see you. Most of you know who I am.
19 I've been around probably maybe even longer
20 than most people here. I'm president of the
21 Community League of Garden City South. The
22 oldest civic association in the town and the
23 county, founded in 1929. I am with them since
24 1961. Many of those years I have been here.
25 I'm also the chairperson and founder of the

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2 Nassau County Tax Revolt Coalition fighting
3 for the residents and citizens of this
4 county. Trying to help you to do your job to
5 protect us. I hope that will continue.

6 We don't need more taxis. I don't
7 know how many taxi companies we have but we
8 don't need anymore. We have enough legal cabs
9 which are following the rules and regulations,
10 the licensing and paying their dues, whatever
11 the fees are, for licensing and security and
12 so forth.

13 Do you realize the danger that I
14 realize with taxis in New York City that
15 happen to be marked? They show a yellow cab.
16 They show a sign on their door to recognize
17 they are a taxicab and they have a light on
18 the roof of their car. And how they cut us
19 off. We've all had the experience. Is that
20 what we are going to bring in here to Nassau
21 County? I certainly hope not. If we proceed
22 with this insanity I'm going to put my money
23 where my mouth is and campaign against anyone
24 who votes yes for this insanity and put us in
25 jeopardy. My children, my family and my

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2 fellow residents.

3 First of all, the opposition will
4 talk about drunk driving. I think most of us
5 are aware our current companies, I'm not sure
6 if it's all of them or not, already provide on
7 New Year's Eve and New Year's Day for drunk
8 drivers to leave their cars, pick them up and
9 take them home and drive them back the next
10 day to pick up their cars. We don't need
11 anymore taxis coming in saying they're going
12 to do this and who know if they get in here if
13 they will.

14 We have these so-called call and
15 hire. I received two cards from McDonalds.
16 You want your take out, call this number.
17 They will very quickly, and if they don't I
18 guess they're in trouble, deliver your take
19 out order. I happen to have a diner in my
20 community that is now doing the same thing.

21 One of the things I want to make
22 you aware of, which I don't believe I have,
23 gypsy cabs, about ten years ago was a very
24 similar situation here in Nassau County, and I
25 was involved in a sting operation. Each and

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2 every one of them, and there were many, the
3 state police arrested and the Fifth Precinct
4 arrested, they were all arrested for
5 violations of all sorts. Completely. If we
6 need them legalize them. Make them come in
7 and follow the rules. Make them be licensed.
8 Make them be insured. Make sure they are not
9 going to be a danger to Nassau County.

10 I will hold you all personally
11 responsible for anybody that gets hurt as a
12 result or God forbid killed as a result of
13 these drivers if you approve this today. I
14 say what I mean and I mean what I say. You
15 know that over the years. Do not approve
16 this. It would be the worst thing you could
17 do for your fellow constituents here in Nassau
18 County, including myself, and I hope I live
19 long enough to see that it does not happen.

20 LEGISLATOR GONSALVES: Claudine
21 Hall.

22 MS. HALL: Good afternoon. Thank
23 you very much for taking out the time to hear
24 me. My name is Claudine E. Hall. I am the
25 president of the Jamaica Square Civic

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2 Association which was established in 1967 and
3 it's located in Elmont.

4 I come before you today asking on
5 behalf of the Elmont community to please
6 reconsider the Shot Spotter that you have
7 voted on to put in the Elmont community. I
8 have before me almost 300 signed petitions
9 both for you Ms. Gonsalves and for you
10 Mr. Abrahams. We are asking you to please
11 reconsider that. We've spoken to a number of
12 residents in the community. I have reached
13 out to our legislator, Carrie Solages, who
14 refused to come to any of my civic meetings
15 within the two and a half years.

16 LEGISLATOR SOLAGES: That's
17 incorrect.

18 MS. HALL: I'm the civic president
19 sir. I didn't see you at any of my meetings
20 for the last two and a half years.

21 LEGISLATOR SOLAGES: I was there
22 many meetings.

23 MS. HALL: However, had he come
24 to my meetings we would have been able to
25 discuss the lack of need for the Shot Spotter

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2 in our community. Again, like I said, we have
3 had a couple of shootings in the community but
4 we do not want to be compared to the other
5 communities such as Roosevelt and Hempstead
6 and other areas where there's a lot of
7 shooting going on.

8 I'm asking you at this time to
9 please reconsider your vote and concentrate
10 more on what's important in our community.
11 Like our backed up sewers that have not been
12 cleaned on county roads. And maybe even
13 consider in Garden City they have the license
14 plate reader. Perhaps maybe that would cost
15 less. You can do that.

16 But we really do not want to be
17 compared to any of these other communities
18 that have a large police shootings. I'm
19 sorry, large shootings. We just don't fit
20 that and we are asking that at this time
21 please reconsider. I will give you copies of
22 the signed petitions.

23 LEGISLATOR GONSALVES: Give it to
24 the ladies at the desk. Thank you Ms. Hall.

25 Sandra Smith.

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2 MS. SMITH: Good afternoon
3 everyone and I thank you for listening. I am
4 also a resident of Elmont, and although the
5 Shot Spotter Program has been successful in a
6 lot of places and I understand it serves its
7 purpose, we in Elmont lack the ability of
8 being able to be heard. So the decision was
9 made to bring the Shot Spotter Program to our
10 community without us being able to express the
11 fact that the downside to having a Shot
12 Spotter Program would no doubt be negative
13 towards our economic development, which we are
14 trying to achieve at this point in time.

15 We are looking to have development
16 at Belmont. We have been trying to do it for
17 a number of years. Sadly, our own legislator
18 didn't support the things that have been
19 positive to come to Elmont but I heard he
20 supports the Shot Spotter Program.

21 It would be wonderful had that
22 decision been made based upon discussing it
23 with the residents of Elmont. Coming to the
24 conclusion that it was something that was
25 needed in Elmont. But we don't feel it is

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2 needed. If it were, we would with open arms
3 address it and have it coming to our area.
4 But it's not something that we would like to
5 see there.

6 So, we are asking you to reconsider
7 if only because of the fact that we do have
8 economic development coming our way and we
9 just don't see how having a program that talks
10 about excessive gunshots being fired in the
11 air could be helpful to the needs of our
12 community at this time. Thank you.

13 LEGISLATOR GONSALVES: Thank you
14 Ms. Hall. I have Barbara Reynolds.

15 MS. REYNOLDS: Good afternoon.
16 My name is Barbara Reynolds. And like my two
17 residents that spoke before me, I do feel that
18 the need for Shot Spotter is not there in
19 Elmont. I have been very active in my
20 community. I have attended a lot of civic
21 meetings and we also have our representative
22 from the POP unit who comes to our meeting
23 every month and would give us statistics
24 regarding crime rates in surrounding areas and
25 Elmont. And not once did the officer ever

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2 mention any Shot Spot. Every time he gives a
3 report it's always none.

4 So, based on that report, I do not
5 think that our community is in need of this
6 service. I think we may need more road
7 paving. The money can be spent maybe on the
8 opioid epidemic, but clearly not Shot
9 Spotter. For that reason I hope you
10 reconsider bringing it to Elmont. Thank you.

11 LEGISLATOR GONSALVES: Thank you
12 Ms. Reynolds.

13 Victor Cruz. And I believe we are
14 almost to that 30 minute. Victor are you
15 here? Victor, I think you are the last unless
16 it's on an item on the calendar. Mr. Cruz.

17 MR. CRUZ: Good afternoon. My
18 name is Victor Cruz. I am also a resident of
19 Elmont. I am here first time that I have been
20 even in this area. I am here because I know
21 Legislator Solages. A real quick story.
22 About six years ago I used to work at Helen
23 Keller Services for the Blind and there was a
24 situation where there was a wage and hour
25 class action case which the people that

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2 represented our class action didn't do the
3 best for us. The last date, the very day that
4 I had to go to court, not knowing what was
5 going to take place because I realized that I
6 wasn't very well versed in the law, my
7 brother-in-law said to me, you know, I know
8 someone. Speak with this guy. This guy was a
9 gentleman named Mr. Carrie Solages, who that
10 day made it possible for me not to be
11 railroaded by the system, as many people of my
12 color are. I thank you Mr. Solages for what
13 you did for me. To this day my family is fed
14 because of you.

15 I was really shocked to hear that a
16 young black man in our community, a community
17 that -- I have two kids graduated this year,
18 just this past month. One of them, my son,
19 graduated from Elmont High School. If people
20 want to speak of the things that people do or
21 the things that are going to make our
22 communities prosper it's our youth and for
23 that I thank you again Mr. Solages.

24 Elmont High School is a very, very
25 good high school. A high school that has had

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2 and produced in the past I believe three years
3 two kids which were accepted into every Ivy
4 League school out there. I don't know that
5 many high schools could claim that. And
6 again, I say to you Mr. Solages thank you.

7 To hear that a man that was voted
8 into his position is being asked by you all,
9 without consulting with the very people,
10 myself, that voted him into the position that
11 he's in, is unfair to me and to everyone that
12 voted for him. I thought that as the Pledge
13 of Allegiance was said it was with justice for
14 all. I believe that Mr. Solages should be
15 allowed his day in court as everyone else.

16 For example, let's say Mr. Mangano,
17 it took six months for you all to ask for his
18 resignation. Mr. Mangano is still in office
19 awaiting his day in court. What is the reason
20 that Mr. Solages cannot be afforded the same
21 courtesy, his day in court, before you all ask
22 for his resignation? Thank you.

23 LEGISLATOR GONSALVES: That ends
24 the 30 minutes of public participation. I did
25 go over but I will tell you that if there are

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2 any other slips pertaining to items on the
3 calendar you will be called to address those
4 items. Before I move on to the calendar of
5 July 10, 2017 I just want a brief moment to
6 confer with my counsel.

7 Now for the calendar of July 10,
8 2017 we will commence with the first item,
9 which is not in order, however, we usually, as
10 a courtesy to those that are being confirmed,
11 call the appointees first. I'm going to begin
12 with the item -- excuse me for a minute until
13 I get to the item -- it's item 18 resolution
14 146. A resolution to appoint Bobby Kalotee as
15 director to the board of the Nassau Health
16 Care Corporation.

17 Moved by Legislator Rose Walker.
18 Seconded by Legislator Bill Gaylor. And so,
19 Mr. Kalotee, tell us why you should be
20 confirmed.

21 Sorry. Mr. Pulitzer, guess what?
22 We did not call the roll. See who's here.

23 MR. PULITZER: Deputy Presiding
24 Officer Richard Nicolello.

25 LEGISLATOR NICOLELLO: Here.

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2 MR. PULITZER: Alternate Deputy
3 Presiding Officer Howard Kopel.

4 LEGISLATOR KOPEL: Here.

5 MR. PULITZER: Legislator Siela
6 Bynoe.

7 LEGISLATOR BYNOE: Here.

8 MR. PULITZER: Legislator Carrie
9 Solages.

10 LEGISLATOR SOLAGES: Here.

11 MR. PULITZER: Legislator Denise
12 Ford.

13 LEGISLATOR GONSALVES: She's here
14 but she's probably out.

15 MR. PULITZER: Legislator Laura
16 Curran.

17 LEGISLATOR CURRAN: Here.

18 MR. PULITZER: Legislator C.
19 William Gaylor the Third.

20 LEGISLATOR GAYLOR: Present.

21 MR. PULITZER: Legislator Vincent
22 Muscarella.

23 LEGISLATOR MUSCARELLA: Here.

24 MR. PULITZER: Legislator Ellen
25 Birnbaum.

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2 LEGISLATOR BIRNBAUM: Here.

3 MR. PULITZER: Legislator Delia
4 DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON:
6 Here.

7 MR. PULITZER: Legislator James
8 Kennedy.

9 LEGISLATOR KENNEDY: Here.

10 MR. PULITZER: Legislator Laura
11 Schaefer.

12 LEGISLATOR SCHAEFER: Here.

13 MR. PULITZER: Legislator Arnold
14 Drucker.

15 LEGISLATOR DRUCKER: Here.

16 MR. PULITZER: Legislator Rose
17 Marie Walker.

18 LEGISLATOR WALKER: Here.

19 MR. PULITZER: Legislator Donald
20 MacKenzie.

21 LEGISLATOR MACKENZIE: Here.

22 MR. PULITZER: Legislator Steven
23 Rhoads.

24 LEGISLATOR RHOADS: Present.

25 MR. PULITZER: Minority Leader

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2 Kevan Abrahams.

3 LEGISLATOR ABRAHAMS: Here.

4 MR. PULITZER: Presiding Officer
5 Norma Gonsalves.

6 LEGISLATOR GONSALVES: Present.

7 MR. PULITZER: We have a quorum
8 ma'am.

9 LEGISLATOR GONSALVES: Thank you
10 Mr. Pulitzer. Now Mr. Kalotee.

11 MR. KALOTEE: Good afternoon
12 honorable legislators and my friends. First
13 of all, thank you. I'm honored to be here.
14 Why would I like to be appointed or why should
15 I join board to be appointed? If anything I
16 know this hospital serve the people who cannot
17 afford. In my personal life I lived through
18 from my childhood until I came to America.
19 And the people who had visited that hospital I
20 had seen it my previous two appointments while
21 I served on that board. That hospital served
22 many people like me who couldn't afford the
23 service and that hospital does one of the
24 finest jobs. It's sad. A lot of time they do
25 not get the recognition for the job they do.

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2 Honorable legislature, I continue
3 serve through the word with my organization we
4 call Friends for Good Health. There's no
5 better gift than a good health for any
6 humanity. For me to volunteer my time because
7 I believe in this hospital is the only
8 hospital, to my best knowledge, who really,
9 really serve the people. Are the perfect?
10 No. Can we make it perfect? Yes. If
11 somebody goes there and work with one simple
12 reason only, that they want to go there to
13 serve the people and protect the hospital and
14 that's it.

15 I'm not here to make speeches and
16 my record speak itself. I'm not perfect but I
17 stand very strongly for the public and for the
18 hospital and the patient who do come here I
19 care. Thank you. I hope I have everybody's
20 respect.

21 LEGISLATOR GONSALVES: Any
22 comments from the legislators? Any public
23 comment? There being none, all those in favor
24 of confirming Mr. Kalotee's appointment to the
25 hospital board signify by saying aye. Any

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2 opposed? The appointment is unanimous. The
3 best of luck Mr. Kalotee.

4 MR. KALOTEE: Thank you. I will
5 not disappoint all of you. Your trust I
6 cherish as a treasure and I'm going to serve
7 you along with all the people. Thank you.

8 LEGISLATOR GONSALVES: You're
9 welcome. Much success.

10 Now, what we usually do is the
11 items that were moved unanimously and we call
12 the consent calendar will be called first in
13 block. And I begin with item six ordinance 91
14 ordinance. Item seven ordinance 92. Item
15 eight ordinance 93. Item nine ordinance 94.
16 Item ten ordinance 95. Item 11 ordinance 96.
17 Item 12 ordinance 97. Item 14 resolution
18 142. Item 15 resolution 143. Item 17
19 resolution 145. Item 19 resolution 147. Item
20 20 resolution 148. Item 22 resolution 150.
21 Item 23 resolution 151. Item 24 resolution
22 152. Item 25 resolution 153. Item 26
23 resolution 154. I believe that's it.

24 LEGISLATOR NICOLELLO: Before you
25 ask for a motion, I'd just like to note for

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2 the record that Legislator Ford is in the
3 chamber.

4 LEGISLATOR GONSALVES: Motion
5 please. Moved by Legislator Walker. Second
6 by Legislator Ford. Any additional comments
7 from the legislators on these items that were
8 called. Any public comment? There being
9 none, all those in favor of the items that
10 were just called signify by saying aye. Any
11 opposed? The items pass unanimously.

12 Now, going back to the first item
13 on the calendar, which is a hearing on local
14 law I believe 241 to amend the administrative
15 code in Nassau County with respect to the
16 imposition of wireless communication service
17 surcharges pursuant to the authority of tax
18 law 186-3.

19 A motion to open the hearing.
20 Moved by Legislator Ford. Second by
21 Legislator Schaefer. All those in favor of
22 opening the hearing signify by saying aye.
23 Any opposed? The hearing is now open.
24 Legislator Ford has a statement.

25 Is there a member of the

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2 administration to speak on this?

3 MR. BECKER: Madam Chair, Jerry
4 had spoken on this during committees. Are
5 there further questions? If there are further
6 questions I will get somebody from the county
7 attorney's office. We have somebody from OMB
8 if they want to speak on the financial part of
9 this. But it was spoken of in committee. Are
10 there any further questions? There are? Let
11 me get someone from the county attorney's
12 office. I apologize for that.

13 LEGISLATOR GONSALVES: I'm going
14 to have to recess the hearing. Is there
15 anyone from budget here? Minority Leader
16 Kevan Abrahams has budget questions. I'm
17 going to recess the hearing until we get
18 people here to speak. Nobody's here. I don't
19 see any familiar faces. It's all right
20 Mr. Becker. We will come back to it.

21 MR. BECKER: They will be here in
22 a moment. I apologize you to.

23 LEGISLATOR GONSALVES: I'm going
24 to move on. So the hearing is now in recess
25 and we will move on to next item on the

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2 calendar which is a hearing on a local law.

3 You may call it Mr. Pulitzer. The second

4 hearing.

5 MR. PULITZER: Is this the

6 emergency resolution ma'am?

7 LEGISLATOR GONSALVES: This is

8 the local law regarding the code of ethics.

9 Item two on the calendar.

10 MR. PULITZER: Yes ma'am. Thank

11 you. A local law to amend the county's

12 government law of Nassau County in relation to

13 the code of ethics 269-17.

14 LEGISLATOR GONSALVES: A motion

15 to open the hearing. Moved by Legislator

16 Nicoletto. Second by Legislator Kopel. All

17 those in favor of opening the hearing on the

18 local law regarding the code of ethics signify

19 by saying aye. Any opposed? The hearing is

20 now open.

21 Before we begin to take questions

22 from the body as well as from the public, I'd

23 like to read a statement into the record. And

24 I begin with the fact that I would like Frank

25 to include the discussion of this item at our

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2 Rules Committee held on June 26th and ask that
3 the committee transcripts be incorporated by
4 reference into today's minutes.

5 I would also note that we have an
6 amendment in the nature of a substitution for
7 this proposed local law that will be moved
8 when the item is called for a vote.

9 The proposed local law that we are
10 to consider today would amend the Nassau Code
11 of Ethics to incorporate several significant
12 changes to both the qualifications and
13 composition of the Board of Ethics and its
14 powers, responsibilities and relationship to
15 county government, its officers and
16 employees.

17 These proposed changes come after a
18 review and analysis of ethic codes from
19 counties throughout New York State. Where we
20 found provisions that would strengthen our
21 code we adapted them to our laws. The
22 amendments we will be considering today will
23 accomplish the following.

24 Amend the board composition to
25 prohibit any more than two members of the same

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2 political party from serving at the same
3 time.

4 Adds staff and counsel independent
5 of any county agency, ensuring that the
6 resources of the Board of Ethics are
7 specifically included in the county budget.

8 Requires the board to develop
9 written guidelines as to procedures it shall
10 follow in the determination and investigation
11 of a complaint. Such guidelines shall be
12 posted to the official website of Nassau
13 County.

14 Prevents board members from holding
15 any public office, seeking election to any
16 public office, being a public employee in any
17 jurisdiction, have business dealings with the
18 county or any elected official holding any
19 political party office, appearing as a
20 lobbyist before the county or making a
21 contribution to any county elected official or
22 candidate for county office.

23 As originally filed, this item
24 requires that where advisory opinions are
25 requested, the board shall render an opinion

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2 within 30 days or provide notification or
3 provide reasons why it cannot. The item as
4 amended would increase that time frame to 45
5 days to accommodate the research and analysis
6 that accompanies often complex issues that the
7 board may face.

8 The board shall provide ethics
9 training, guidance documents, seminars and
10 education to Nassau County officers,
11 employees, boards and commissions either by
12 request or on its own initiative. The code
13 shall be distributed to all county employees.
14 All new employees shall be provided a copy of
15 the code, acknowledge receipt and state that
16 they will abide by all rules and
17 requirements.

18 The board shall maintain a website
19 posting instructional and educational
20 resources.

21 The board shall provide an annual
22 report to the legislature and the county
23 executive summarizing its performance over the
24 previous year.

25 The board shall hold regular

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2 meetings and post its annual schedule on the
3 official website of Nassau County. The
4 original item as filed would require monthly
5 meetings. The amendment on file will allow
6 for meetings to be quarterly with additional
7 meetings to be scheduled on an as-needed
8 basis.

9 In addition, the board may
10 recommend changes to the code where
11 necessary.

12 The item as originally filed would
13 prohibit any officer or employee from
14 intentionally inducing any county officer or
15 employee to violate the code of ethics. The
16 amendment adds consultants, independent
17 contractors and vendors to this section.
18 Where an officer or an employee acquires an
19 interest on any existing proposed legislation,
20 contract, purchase agreement, lease agreement,
21 use and occupancy agreement or other agreement
22 with the county such interest must be
23 disclosed to the board.

24 We do have here today a member of
25 the county attorney's office, Mr. Steven

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2 Levantthal, here to answer any questions the
3 legislature might have. And I ask
4 Mr. Levantthal to please come forward.

5 Now it's your turn to ask
6 Mr. Levantthal whatever questions you might
7 have.

8 Would you like to make a statement
9 first?

10 MR. LEVANTHAL: Thank you. I
11 would like to make a very brief one. Thank
12 you for this opportunity.

13 I was a member of the Nassau County
14 Board of Ethics for 12 years and chair of that
15 board for six years. I have been counsel to
16 that board during both Republican and
17 Democratic administrations. And currently
18 serve as counsel to the ethics board. It is
19 during all of the years that I have been
20 associated with the Nassau County Board of
21 Ethics, it has been a matter of personal pride
22 with me that I have made myself available as
23 an ethics resource to county officers and
24 employees regardless of their party
25 affiliation. And it has been my experience

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2 that the members of the board have approached
3 their work in the same way.

4 I would like to very briefly make a
5 few remarks to put in context these amendments
6 to the code of ethics.

7 Logic and experience indicate that
8 the vast majority of county officers and
9 employees, like the vast majority of people,
10 are basically honest and wish to do the right
11 thing and will do the right thing if they're
12 assisted in knowing what the rules are.

13 So, the primary goal, the goals of
14 government ethics program, a well designed
15 one, are to ensure not only the reality but
16 also the appearance of integrity in government
17 because that fosters public confidence. And
18 also to guide and protect honest government
19 officials and to help them avoid unwarranted
20 criticism and inadvertent violations of the
21 ethics code.

22 These goals are implemented through
23 a program that has three primary components.
24 The first is a clear and comprehensive code of
25 conduct. The second is reasonable disclosure

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2 requirements. And the third is effective
3 enforcement. But in my view it is not helpful
4 to think of the Board of Ethics as primarily a
5 law enforcement agency. It is primarily
6 engaged in efforts to prevent ethics
7 violations before they occur. This is done
8 through education and through the rendering of
9 advisory opinions upon request by officers and
10 employees inquiring about their own conduct.
11 That is in my view by far the most important
12 and also the most frequent activity of the
13 Board of Ethics.

14 The board also administers the
15 financial disclosure program. And on those
16 rare occasions when it is called upon to do
17 so, the Board of Ethics investigates ethics
18 complaints. It utilizes due process
19 procedures in doing so and imposes penalties
20 as are authorized by the code of ethics.

21 That is my brief introductory
22 remark. I'm here mainly to answer any
23 questions that may be posed by members.

24 LEGISLATOR GONSALVES: Do we have
25 any questions? Legislator Curran.

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2 LEGISLATOR CURRAN: Thank you
3 very much for your work and for speaking. I
4 just think that this reform has one
5 fundamental flaw. That is the county
6 executive that appoints all the members. I
7 don't know, no matter who the executive is, it
8 should be one person who appoints all the
9 members of this board.

10 LEGISLATOR GONSALVES:
11 Mr. Levantahl, is this provided in the charter
12 that these appointments be made by the county
13 executive?

14 MR. LEVANTHAL: The existing code
15 of ethics divides that responsibility between
16 the county executive and the legislature.

17 LEGISLATOR GONSALVES: What about
18 the appointments? We don't appoint. We
19 confirm if anything.

20 MR. LEVANTHAL: I have my
21 dog-eared copy. I never leave home without
22 it.

23 There shall be a Board of Ethics
24 consisting of five members, three of whom
25 shall be appointed by the county executive

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2 subject to the confirmation of the county
3 legislature. All of whom shall reside in the
4 county and who shall serve without
5 compensation. And the county attorney and
6 another member who shall be appointed by the
7 county executive.

8 So the county executive currently
9 gets one appointment plus the county attorney
10 and the other three members of the five member
11 board are nominated by the county executive
12 and confirmed by the county legislature.

13 LEGISLATOR CURRAN: But you could
14 argue that the county attorney, who serves at
15 the pleasure of the county executive, gets
16 that pick. I don't know if my colleagues
17 would agree. I plan to vote for this, but I
18 do think perhaps it might involve a charter
19 change to make sure there are more diverse
20 points of view or at least appointees on the
21 board.

22 MR. LEVANTHAL: If I may comment
23 on that? I think, in my view, the two most
24 important and significant reforms contained in
25 this proposal are first, the multipartisan

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2 membership of the board. A Board of Ethics
3 will have no credibility if it is perceived as
4 political. Currently all the members of the
5 Board of Ethics are members of the Republican
6 party. That's very bad. Any time the board
7 renders an ethics decision the first sentence
8 in the Newsday article is the all Republican
9 Board of Ethics. I'm not saying that the
10 board is motivated by political interests or
11 is acting politically. What I'm saying is
12 that creates a bad appearance.

13 LEGISLATOR CURRAN: No matter
14 what the party is.

15 MR. LEVANTHAL: No matter what
16 the party is, yes.

17 The second advance that is most
18 significant in this legislation is the
19 requirement of ethics training. I perform
20 ethics training throughout the state for
21 municipalities, for bar associations, for
22 government organizations and people want to
23 know and want to understand. When I was
24 appointed to the Board of Ethics in 1990 I
25 didn't have a clue as to what the standards

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2 are, where to find the rules, how government
3 functions. Ethics training is critical. Not
4 only for the employees but also the members of
5 boards and commissions. That's a very
6 important advance in my view. Because we are
7 interested in preventing violations before
8 they occur.

9 I don't need to tell the members of
10 this body that the environment and the rules
11 and the landscape in the public sector is very
12 different than the rules that apply in the
13 private sector. Conduct, if someone comes
14 from the private sector and is appointed to a
15 government board or agency and they bring with
16 them the values and behavior that was
17 perfectly acceptable in the private sector
18 that is a prescription for disaster. So
19 education is critical.

20 LEGISLATOR GONSALVES: Legislator
21 Nicolello.

22 LEGISLATOR NICOLELLO: People,
23 most people have some political leanings in
24 politics. Whether you have the county
25 executive appoint or whether you have

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2 Republicans on the legislature, the Democrats
3 appoint, the county executive, that's not
4 going to change. I think what the protection
5 in this legislation which makes it better is
6 that you cannot have more than two members of
7 any particular party be on the Board of
8 Ethics.

9 And just as importantly, no person
10 while serving as a member of the board may
11 hold any public office, seek election to any
12 public office, be a public employee in any
13 jurisdiction, have business dealings with the
14 county or any elected official, hold any
15 political party office, appear as a lobbyist
16 or make a contribution to any county elected
17 official or candidate for office.

18 What this does I think as much as
19 humanly possible makes it that the board
20 members who are serving will be as nonpartisan
21 as they can. So I think this protection is
22 what we want.

23 MR. LEVANTHAL: And also
24 independence of the appointing authority.

25 LEGISLATOR GONSALVES: Minority

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2 Leader.

3 LEGISLATOR ABRAHAMS: How are you
4 Mr. Levantthal?

5 MR. LEVANTHAL: Very well. Thank
6 you.

7 LEGISLATOR ABRAHAMS: Couple of
8 different questions. First let me start with
9 you just mentioned in your commentary that the
10 board will be independent. That seems to
11 strike a cord obviously with the legislature
12 in the times that we are in. Express to me
13 how you envision the board to be independent.
14 Just to clarify your statement.

15 MR. LEVANTHAL: First, the board
16 serves for fix staggered terms. The members
17 do not serve at the pleasure of the appointing
18 authority.

19 Secondly, we have a requirement of
20 multipartisanship on the board. The counsel
21 to the board will no longer be special counsel
22 to the county attorney's office but rather
23 independent counsel to the board. And I
24 understand that the funding for that position
25 will be separately budgeted as part of the

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2 county budget. All of these factors
3 contribute to the independence of the board.

4 LEGISLATOR ABRAHAMS: But the
5 members of the board, if I understand your
6 breakdown of the five members that are being
7 appointed, one is by the county executive --
8 one is the county attorney, the other is
9 appointed by county executive which is not
10 subject to confirmation and three are
11 appointed by confirmation. Am I understanding
12 that correctly?

13 MR. LEVANTHAL: That is the
14 currently existing code.

15 LEGISLATOR ABRAHAMS: What would
16 be the new code, just for the record?

17 MR. LEVANTHAL: There shall be a
18 Board of Ethics consisting of five members,
19 four of whom shall be the appointed by the
20 county executive subject to the confirmation
21 of the county legislature, all of whom shall
22 reside in county and who shall serve without
23 compensation.

24 LEGISLATOR ABRAHAMS: Then also
25 the fifth would be the county attorney?

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2 MR. LEVANTHAL: Yes.

3 LEGISLATOR ABRAHAMS: Basically
4 you're talking about the county executive
5 appointing, whoever that may be, the county
6 executive appointing members to the board.
7 That's how you envision independence?

8 MR. LEVANTHAL: As long as --
9 there has to be an appointing authority. My
10 understanding of this proposal is that both
11 the county executive and the legislature have
12 a role in that process. This is an increase
13 in independence on the part of the board. The
14 structure of this board increases its
15 independence.

16 LEGISLATOR ABRAHAMS: If I'm
17 understanding this correctly --

18 MR. LEVANTHAL: In fact, it takes
19 away -- I apologize.

20 LEGISLATOR ABRAHAMS: I didn't
21 know you weren't finished.

22 MR. LEVANTHAL: Previously the
23 county executive had one appointment, apart
24 from the county attorney, that was not subject
25 to legislative confirmation. Now all of the

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2 county attorney's appointments are subject to
3 legislature confirmation.

4 LEGISLATOR ABRAHAMS: In essence,
5 the county executive, whether Republican or
6 Democrat, they can appoint, if they were
7 Republican, two Republicans and two
8 Conservatives, two conservative Party, and if
9 they're Democrat they can appoint to Democrats
10 and say two people from the Working Family
11 Party. Can you envision that happening and
12 still be compliant with the law?

13 MR. LEVANTHAL: Provided the
14 fifth member is not affiliated with either of
15 those two parties, yes.

16 LEGISLATOR ABRAHAMS: The fifth
17 member can be the county attorney.

18 MR. LEVANTHAL: But the political
19 party affiliation is not limited to the four
20 other seats.

21 LEGISLATOR ABRAHAMS: What if
22 that person is a blank?

23 MR. LEVANTHAL: That's certainly
24 within the contemplation of this proposal.

25 LEGISLATOR ABRAHAMS: Counsel is

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2 advising me that it's not completely clear,
3 that the county attorney has to be of a
4 separate party of the four other individuals.
5 Is that your understanding as well?

6 MR. LEVANTHAL: My understanding
7 is that no more than two members of the five
8 member board may be affiliated with the same
9 political party.

10 LEGISLATOR ABRAHAMS: If you walk
11 it through, if you have a Republican county
12 attorney, then the other two people or two
13 people on that board cannot also be
14 Republican?

15 MR. LEVANTHAL: That's my
16 understanding. Unless I'm reading it
17 incorrectly. If I am I would be happy to have
18 that pointed out to me.

19 LEGISLATOR ABRAHAMS: I don't
20 know if counsel from majority has a point of
21 view on how they envision this going out.

22 Chris, do you have a point of view
23 on this?

24 LEGISLATOR ABRAHAMS: You thought
25 he counted.

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2 LEGISLATOR NICOLELLO: Just for
3 the record, majority counsel indicates his
4 intention, he drafted this, was that the
5 county attorney would count as two. One of
6 the two.

7 LEGISLATOR ABRAHAMS: One of the
8 two. I understand.

9 Mr. Levantahl, do you believe that
10 the county would have to amend its charter to
11 be able to execute the proposed code changes?

12 MR. LEVANTHAL: The code of
13 ethics is a charter provision.

14 LEGISLATOR ABRAHAMS: So we are
15 amending it now. In regards to independence
16 and transparency, wouldn't it also be best to
17 have bipartisan support for confirmations as
18 well? Meaning that this legislature would
19 have to approve it by super majority.

20 We don't know if it's a
21 referendum. So we would have a referendum?

22 MR. LEVANTHAL: I do not hold
23 myself out as an expert in the legislative
24 process. So I'm really not qualified to
25 comment on the referendum question.

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2 LEGISLATOR ABRAHAMS: The way I
3 look at it is if we're changing the charter at
4 this time we should change the charter and if
5 it requires a referendum so be. We should
6 have some provision in this there that has
7 bipartisan support so that both sides of the
8 aisle -- because right now the way it
9 currently reads if the county executive is of
10 one party and the legislature in the majority
11 is of the same party then I don't see how half
12 of the legislature is able to be involved in
13 those decisions other than rubber stamping
14 whatever the majority decides to do. Do you
15 concur?

16 MR. LEVANTHAL: To the greatest
17 extent possible the ethics program should be
18 divorced from politics, and I leave it to the
19 conscious of the members of this body to treat
20 ethics as a nonpartisan issue.

21 LEGISLATOR ABRAHAMS: I couldn't
22 agree with you more Mr. Levantthal and that's
23 why we've made the push on several different
24 things in response to things going on in the
25 county.

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2 Can you comment on the actual
3 functions of the board and how you envision it
4 going forward? Will it be more proactive
5 based? More reactionary? Obviously I'm sure
6 you've read about the alleged scandals of
7 elected officials that are being accused of
8 various different types of crimes all alleged
9 to be politically and obviously governmentally
10 correct. That being said, is this a board
11 that will now have the teeth, based off of
12 having their own counsel, their own staff,
13 their own budget, to be able to be more
14 proactive or this is going to be more
15 reactionary based off of letters that are
16 written to them to give an opinion.

17 MR. LEVANTHAL: In my view the
18 area in which the Board of Ethics should be
19 proactive is in the area of education and
20 training. Once the message gets out the
21 questions will come. If you educate the
22 county workforce the Board of Ethics will be
23 very busy.

24 If you're asking me whether I see
25 the Board of Ethics as being a roving

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2 prosecutorial body trolling county government
3 looking for evil doers to bring them to
4 justice, in my view that is not the function
5 of the Board of Ethics. The function of the
6 Board of Ethics is to educate the county
7 workforce. Allow them to recognize ethics
8 issues when they occur in their official
9 activities and bring those issues to the Board
10 of Ethics.

11 I will also say there is tension
12 that I hope this body will understand. There
13 is a tension between the investigatory
14 function of the board and the advisory
15 function of the board. We want you to feel
16 comfortable bringing your ethics questions to
17 the Board of Ethics. We don't want you to
18 fear the Board of Ethics. That is a big
19 problem for an ethics program. If the ethics
20 board is feared by county officers and
21 employees they won't seek the advice of the
22 board. So, primarily the board should be
23 about education and about prevention.

24 LEGISLATOR ABRAHAMS:

25 Mr. Levanthal, I couldn't agree with you more

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2 and obviously we share some of the same
3 commentary you just said in the regard to the
4 role of the ethics board. Unfortunately, I
5 truly believe that this measure in regards to
6 the most recent events of alleged criminal
7 activity in this county does not come close to
8 what this county needs in order to address its
9 anti-corruption efforts.

10 That said, it sounds like this
11 board, with the proper education, could
12 function in a capacity to provide a level of
13 functionality as it pertains to ethical
14 complaints, as well as what elected officials
15 should or should not be doing. I agree with
16 you, this should not be political at all. I
17 don't believe it marries up to the height and
18 level of what people in this county are
19 clamoring for which is a transparent,
20 independent process to oversee procurement or
21 anything they see fit in regards to the
22 malfeasance that has occurred in this county.

23 MR. LEVANTHAL: I would like to
24 say one word about the malfeasance that is
25 alleged and highly publicized. It has been my

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2 consistent advice to the Nassau County Board
3 of Ethics and several other municipal Boards
4 of Ethics that I represent that any my time
5 there is a suggestion of criminality and the
6 possibility of a criminal prosecution the
7 Board of Ethics defers to the prosecutors and
8 takes no action. Because otherwise the Board
9 of Ethics may either compromise the
10 prosecutor's ability to prove the case or
11 compromise the constitutional privileges that
12 a criminal defendant has against
13 self-incrimination.

14 Imagine someone accused of a crime
15 being summoned by the ethics board to come and
16 give testimony before the ethics board about
17 that subject matter. That individual of
18 course would assert the Fifth Amendment
19 privilege and the investigation could not
20 continue. It should not continue.

21 So, the Board of Ethics really
22 doesn't involve itself in conduct that is
23 criminal in nature. There are other
24 government agencies, the district attorney's
25 office, the US Attorney's office, that are

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2 charged with that responsibility.

3 Government ethics programs are less
4 about corruption than they are about the
5 appearance of integrity and integrity and the
6 reality of integrity in government.

7 LEGISLATOR ABRAHAMS: If I
8 understand you correctly -- I'm not trying to
9 put words in your mouth so please correct me
10 if I am -- this is not an anti-corruption
11 procurement effort, this is more of what you
12 were commenting on, more ethical in its nature
13 in ensuring that education is properly there?

14 MR. LEVANTHAL: I'm not sure what
15 we mean when we say anti-corruption. Let me
16 say it is not an anti-criminal measure. It is
17 not a measure aimed at criminal activity. It
18 is aimed at conflicts of interests. To the
19 extent conflicts of interests involve self
20 dealing then maybe we're talking about the
21 same thing. But I think it's important to
22 make the distinction between criminal
23 prosecutions and ethics investigations for
24 that reason.

25 LEGISLATOR ABRAHAMS: I

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2 understand. I think, like I said before, we
3 have -- I'm sure you probably read -- have
4 pushed for an independent anti-corruption
5 officer to oversee procurement in this
6 process. Though I think this is a step that
7 would add a level of clarity, because now
8 you're talking about four of the members
9 coming before this legislature in comparison
10 to three in the past, and obviously no more
11 than two can be of the same party, I do think
12 in terms of individual's political tendencies
13 and where they learn, one could argue that
14 those of the Democrats slash Working Family
15 Party and those of the Republican slash
16 Conservative Party are probably paired in
17 similar patterns for lack of a better term. I
18 think you may still have the same issue going
19 forward if there was a way to work around
20 that.

21 That being said, we would much also
22 in addition to this want to see some type of
23 investigative power being given to an
24 independent authority to oversee the process,
25 very similar to what we've call an independent

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2 anti-corruption officer, to oversee the
3 process of procurement in contracts in this
4 county. Those are the most heightened and
5 most revealing alleged criminal activity that
6 has occurred in this county. Though this is a
7 step in a direction of making sure there is
8 proper ethics, which can very well deter some
9 criminal activity or some level of conflict of
10 interests, that being said, it does not meet
11 or marry to what the alleged particular
12 incidents that have happened in this county,
13 alleged criminal activity that has occurred in
14 this county and from that standpoint I still
15 think separate of what you are here today to
16 advocate for, I still think this legislature
17 can still go many steps to be able to address
18 that. But thank you for your time.

19 LEGISLATOR GONSALVES: Legislator
20 DeRiggi-Whitton.

21 LEGISLATOR DERIGGI-WHITTON: Hi.
22 I understand what you said before about how
23 you feel that your advice to the ethics board
24 is to not get involved in any type of
25 criminal, ethical investigation. Do you feel

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2 that the board had some type of obligation
3 over the past few years to make some
4 recommendations to address some of the issues
5 that have been going on in the county?

6 To give you a little more
7 background as a legislator, I haven't received
8 any kind of suggestions or reports or any
9 input or honestly we don't even know what is
10 going on now we hardly know you are here. I'm
11 sure that possibly you give good guidance to
12 people that are working in the workforce and
13 know what to do.

14 As far as the ethics category
15 itself, do you feel that there -- we haven't
16 heard from you at all in the last few years.

17 MR. LEVANTHAL: I would be happy
18 to meet with any member of this legislator to
19 either individually or in groups to discuss my
20 views about the ethics code, the ethics
21 program and any other issues that any member
22 of this body may have.

23 LEGISLATOR DERIGGI-WHITTON: Do
24 you think that it should be part of the ethics
25 board to somehow advise the legislature like,

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2 I don't know, periodically or should, for
3 instance, we have, I don't want to just say
4 things in the news, but when an issue is made
5 public and brought to our attention I would
6 think it would be helpful to the legislature
7 to hear from the ethics board at that point.

8 MR. LEVANTHAL: Yes. And
9 actually the proposal before you codifies that
10 function of the Board of Ethics. It not only
11 invites the Board of Ethics on some
12 initiatives to make legislative
13 recommendations but requires the Board of
14 Ethics to file an annual report. This
15 proposal is even, to that extent, an
16 improvement over the currently existing code
17 of ethics.

18 LEGISLATOR DERIGGI-WHITTON:
19 Because that hasn't been here in the past,
20 correct? I would think that would be helpful
21 as far as a mandatory responsibility for the
22 board. Because again, I feel if we haven't
23 had a need for it in the past few years and
24 apparently never will because we've seen a lot
25 of different things. So I think that's a good

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2 improvement.

3 However, I do also agree with our
4 minority leader in the sense that I think what
5 you are doing has good points for certain
6 things, and I always think people do need
7 guidance and I do believe, like you said, most
8 people are good and sometimes certain things
9 aren't clear. But I think with this financial
10 responsibility that we have for our taxpayers
11 we need to take it a step further at least and
12 have a more independent body that really not
13 only gives guidelines but has a hands-on
14 effect on our procurement process. Thank you
15 for your time.

16 MR. LEVANTHAL: Thank you.

17 LEGISLATOR GONSALVES: Legislator
18 Bynoe.

19 LEGISLATOR BYNOE: Thank you
20 Presiding Officer. Good afternoon. I have a
21 question. Could you go over the staffing
22 requirements as proposed by this bill?

23 MR. LEVANTHAL: Yes. This bill
24 provides that the Board of Ethics will have an
25 executive director, counsel and a secretary.

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2 I believe that the secretary is also set forth
3 in the bill. The board currently has counsel
4 and a secretary. Those are essential
5 functions. The change, apart from removing
6 the attorney function from the aegis of the
7 county attorney's office, the change that this
8 proposal would affect is the addition of an
9 executive director. I think if the
10 expectation is that the activities of the
11 Board of Ethics are going to be ramping up
12 then that is the thought behind creating that
13 position.

14 Actually, when financial disclosure
15 was first introduced in 1990 the law that
16 created the requirement of financial
17 disclosure also created the position of an
18 executive director. The first executive
19 director was a retired family court judge,
20 Judge Diamond. After Judge Diamond retired he
21 actually went on to serve as county attorney
22 for a period of time. Then the role fell upon
23 what was once upon a time called the
24 Commissioner of Accounts. A position that has
25 been renamed the Commissioner of

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2 Investigations. But since that time the
3 position of executive director has gone
4 unfilled.

5 LEGISLATOR BYNOE: Thank you. So
6 you've mentioned that this is really -- you
7 see it more as an educational initiative.

8 MR. LEVANTHAL: Investigations
9 are also, needless to say, very important and
10 when the need arises critically important.
11 I'm not trying to minimize the importance of
12 the investigative and enforcement function of
13 the board. I'm only saying that that should
14 not eclipse what I think is the more important
15 and more frequent function of the board, which
16 is to assist officers and employees in
17 understanding their obligations so that they
18 avoid inadvertent ethics violations.

19 LEGISLATOR BYNOE: Who do you see
20 taking on the investigations in that function
21 in terms of doing the actual research and
22 questioning and the like?

23 MR. LEVANTHAL: The Board of
24 Ethics with the assistance of its counsel.
25 What would happen is that if the board

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2 received a complaint or on its own initiative
3 initiated a disciplinary proceeding of some
4 type of investigation, a notice would go out
5 to the subject of that investigation. The
6 individual would be given an opportunity to
7 appear and be heard with the assistance of
8 counsel. The board would conduct a due
9 process hearing with all of the constitutional
10 protections that that suggests and would go
11 about gathering whatever evidence was
12 required, interviewing whatever witnesses
13 needed to be interviewed, taking testimony,
14 receiving documents in evidence and ultimately
15 rendering a decision.

16 LEGISLATOR BYNOE: They would be
17 doing this without any investigative staff?

18 MR. LEVANTHAL: I have not found
19 in the past that there was a need for an
20 investigative staff. You're adding an
21 additional staff person if you adopt this
22 measure. That is the executive director.
23 Between the executive director, counsel and
24 secretary I think the board will have
25 sufficient staff to carry out all of its

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2 duties.

3 LEGISLATOR BYNOE: Then we're
4 saying then it would have to be a basic
5 minimum say qualifications for its board
6 members because we're thinking now the board
7 members will be skilled as investigators?
8 Because we're talking about volunteer members
9 of the community who would not necessarily
10 come with any investigative qualifications.

11 MR. LEVANTHAL: They will have
12 the assistance of counsel.

13 LEGISLATOR BYNOE: Where I'm
14 going with this is that I have a level of
15 concern because it's mentioned in the proposed
16 legislation that the body would also be able
17 to rely on the services and the investigation
18 services of the Commissioner of
19 Investigations. Do you see that as -- this
20 was part of the legislation. Can you see that
21 potentially happening?

22 MR. LEVANTHAL: Potentially it
23 could happen. As you know, the Commissioner
24 of Investigations has subpoena power. But I
25 would prefer to see that not happen because

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2 the function of the Commissioner of
3 Investigations is different than the function
4 of the Board of Ethics. And the Board of
5 Ethics will have both legal and practical
6 resources that it needs to conduct
7 investigations.

8 In the unlikely event that it needs
9 assistance from another county agency such as
10 the Commissioner of Investigations, it has the
11 ability to seek it. I don't anticipate that
12 that is likely to occur.

13 LEGISLATOR BYNOE: Just by the
14 nature of it being in the legislation I think
15 it could occur and this is where I have a
16 problem. The problem is in the event that
17 they do rely on the Office of Commissioner of
18 Investigations the current staffing of that
19 office is that it relies on the investigators
20 out of the county attorney's office. If we
21 have already identified the fact that the
22 county attorney's office should not be the
23 legal representation for that body why would
24 we then go back to the county attorney's
25 office and allow the Commissioner of

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2 Investigations to undertake investigations and
3 allow the county attorney's investigators to
4 play a role in it? I would say it would taint
5 it. It would compromise any investigations or
6 any of the work of that body. I believe that
7 if there's going to be any investigations and
8 there will be the need for an investigator
9 that they should have their own investigator
10 and not rely on the county attorney's office.
11 There's an inherent problem in this
12 legislation because it does so.

13 MR. LEVANTHAL: I certainly think
14 that whatever resources this body in its
15 judgement provides to the Board of Ethics that
16 would be great, an improvement and helpful.
17 There is a difference, as you have just
18 implicitly pointed out, between the conduct of
19 an investigation on the one hand and the need
20 for an investigator to do so on the other
21 hand. It could arise. The need could arise.
22 I think that's more a budget question than any
23 other sort of question.

24 LEGISLATOR BYNOE: But I think
25 that when we're talking about issues of ethics

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2 I'm not saying we should not have any caution
3 in terms of spending. But I think that in
4 light of the complexity and the large sums of
5 money that could be called into question here,
6 if we're talking about an investigator that we
7 give this body an opportunity to hire an
8 investigator. I think simply saying we're
9 relying on the Commissioner of Investigations
10 Office, when we know they would then be using
11 the county attorney's investigators, I think
12 this really kind of blows a big hole in this
13 thing.

14 MR. LEVANTHAL: I have no problem
15 with your suggestion.

16 LEGISLATOR BYNOE: Okay.
17 Majority, I think we need a motion to table on
18 this because there has been --

19 LEGISLATOR GONSALVES: This is a
20 hearing. I believe that --

21 LEGISLATOR BYNOE: But I would
22 like to consider maybe we put this hearing in
23 recess.

24 LEGISLATOR GONSALVES: I think
25 there are other comments that have to be

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2 made. I'm just suggesting to you that Deputy
3 Presiding Officer Nicoletto would like to make
4 a comment.

5 LEGISLATOR BYNOE: I think
6 Legislator Drucker also needs time. Let me
7 make sure I'm done with where I am. I'm not
8 sure that I am. I hadn't actually yielded the
9 floor yet. I was actually trying to see if
10 the majority would be of like mind, along with
11 the county attorney's representation today and
12 myself that the legislation needs to be
13 modified and amended to include the ability
14 for the Board of Ethics to engage their own
15 attorneys separate and apart from the Office
16 of the Commissioner of Investigations.
17 Because we know that those investigators they
18 come from the county attorney's office. I
19 think this is where it's an inherent issue
20 that needs to be dealt with.

21 MR. LEVANTHAL: May I clarify one
22 thing? I want to make sure everyone
23 understands that I'm not employed by the
24 county attorney's office. I'm independent
25 counsel. I have a contract with the county to

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2 serve as counsel to the Board of Ethics.
3 Administratively that contract goes through
4 the county attorney's office.

5 LEGISLATOR BYNOE: Perfect. The
6 gentleman has spoken. I think we have
7 deferred to him to be the authority and to be
8 the one that would give us wise counsel. And
9 I think that he also supports this. And I
10 think we would be not moving forward in good
11 faith if we want this legislation to have some
12 intent that could in fact be for the benefit
13 of our communities and for our taxpayers. I
14 think we have to stop here and hear him. He's
15 also supported this initiative. Thank you.

16 MR. LEVANTHAL: What I've
17 actually done is I think supported the idea of
18 providing the Board of Ethics with sufficient
19 resources so that it can carry out its duties
20 when necessary. I believe that, except in an
21 unforeseeable circumstance, currently
22 unforeseeable circumstance, the Board of
23 Ethics would have sufficient resources to
24 carry out its duties with the three staff
25 members identified in the proposal.

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2 LEGISLATOR BYNOE: So, when I ask
3 you further in the event there is an
4 investigation and a need for investigators, I
5 know attorneys are well equipped and well
6 trained and they are steeped in their craft,
7 but I do believe investigators come with a
8 different level of skill and their ability to
9 engage and dissect different scenarios I think
10 is critical to many different situations. And
11 I think the mere fact that this legislation
12 actually it foresees the possibility that that
13 could be the case and that's why they call on
14 the Commissioner of Investigations as a
15 potential supplement to them. So, based on
16 the fact that it's a potential supplement, I'm
17 saying that is of issue. And you have said
18 you have no problem with potentially including
19 that in this legislation.

20 MR. LEVANTHAL: And I do not.

21 LEGISLATOR BYNOE: That's why I'm
22 saying to the majority that I think that we
23 need to yield to amend this law if we have any
24 real intentions for it to meet its mark. Meet
25 its goal.

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2 LEGISLATOR GONSALVES: I just
3 need some clarification Mr. Levantahl. If the
4 Board of Ethics requires an investigator are
5 they privileged to hire their own
6 investigator?

7 MR. LEVANTHAL: There is no
8 budget provided for that.

9 LEGISLATOR GONSALVES: But if
10 there were would they be able to?

11 MR. LEVANTHAL: They certainly
12 could. They have counsel and counsel can
13 engage an investigator if necessary. But
14 generally evidence is gathered by the Board of
15 Ethics through interviewing witnesses,
16 gathering documents, serving subpoenas if
17 necessary. All the usual investigative
18 functions that are conducted by an attorney
19 handling either a civil or criminal case.

20 The model that I think is in the
21 minds of many, that is an incorrect model, is
22 the criminal investigation. If there's
23 criminality involved the investigation would
24 be conducted by the District Attorney's Office
25 with the assistance of their investigators.

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2 If it's a conflict of interest that is being
3 investigated generally that does not require
4 the sort of investigation that must be
5 conducted by someone trained in investigative
6 techniques.

7 LEGISLATOR BYNOE: What process
8 would the board have to undertake in order to
9 be able to determine whether something is
10 criminal in nature or if just it's just a
11 breach in the ethics? Wouldn't it be some
12 level of investigation?

13 MR. LEVANTHAL: No, not
14 necessarily. Issues are presented to the
15 board all the time. And with the advice of
16 their counsel, they are able to distinguish
17 those that suggest perhaps a crime has been
18 committed and those that don't.

19 LEGISLATOR BYNOE: It has to be
20 some level of fact finding. So, I disagree
21 that they just can hear something and make a
22 determination. There has to be some level of
23 fact finding. Has to be some level of
24 research, review, investigation. You don't
25 like the word investigation but there is some

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2 level of investigation that is happening in
3 order for one to be able to render a
4 decision.

5 What I'm seeing here in the Board
6 of Ethics' legislation under part ten in
7 Section B it specifically states that the
8 investigation will go through the Commissioner
9 of Investigations. I'm not talking about
10 criminality. I agree that there are already
11 agencies that are tasked with taking on
12 criminality. What I'm talking about is the
13 function of the Board of Ethics. If we really
14 intend for this Board of Ethics legislation to
15 meet its intent they have to be able to do the
16 sufficient fact finding. They have to be able
17 to do investigations.

18 In this proposed legislation it is
19 relying on the Commissioner of
20 Investigations. And if you're relying on the
21 Commissioner of Investigations, who is then
22 relying on the investigators of the county
23 attorney's office, there's a problem. I don't
24 know how we get around that other than to
25 modify this legislation to enable the Board of

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2 Ethics specifically not to engage the
3 Commissioner of Investigations for
4 investigators but to in turn seek a third
5 party. The same way they're saying the county
6 attorney's office can no longer represent the
7 Board of Ethics or support them that they in
8 turn should be looking for external source for
9 investigations.

10 MR. LEVANTHAL: I have no problem
11 with what you're suggesting. I will say
12 though that I believe that the reason for the
13 Commissioner of Investigations is named in
14 that provision of this proposal is that the
15 Commissioner of Investigations has subpoena
16 power. In my view, the Board of Ethics also
17 has subpoena power and would not need to rely
18 on the Commissioner of Investigations.

19 LEGISLATOR BYNOE: Especially if
20 we knew that then they could use their own
21 investigators because they would have the
22 ability to do that. I'm hearing that there's
23 some question whether that body has the
24 ability to call for a subpoena. Let's say for
25 argument's sake it did have the ability to

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2 have subpoena power. If that were the case,
3 then this even lends more credibility or
4 credence to the fact that we would move
5 forward with them having the ability to hire
6 their own investigators. Even if it's not a
7 staff investigator. Maybe it's situational
8 and they hire them based on need. But the
9 long and short of it I think the failings is
10 relying on the Commissioner of Investigations.

11 MR. LEVANTHAL: I would commend
12 for counsel's consideration CPLR Section
13 2302. Administrative agencies engaged in fact
14 finding are expressly afforded subpoena power
15 by that section of the Civil Practice Law and
16 Rules.

17 LEGISLATOR BYNOE: I'm told
18 counsel say he will look at that for me. For
19 the body.

20 Speaking again to the majority, I
21 think this is the time to do the right thing
22 if we want this law to have the ability to
23 carry out its intent.

24 LEGISLATOR GONSALVES: Legislator
25 Drucker.

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2 LEGISLATOR DRUCKER: I think Mr.
3 Levanthal thank you. I'm sure you have been
4 able to gather the gist of my colleagues'
5 concerns here so far. I think we all share in
6 the mission, without a doubt both sides of the
7 aisle, share in the mission of the board. But
8 I think the consensus among the minority
9 caucus is that there are some ambiguities.
10 Some areas of it that that maybe don't go far
11 enough.

12 Aside from the potential of a
13 lopsided political composition of the board,
14 we all would like to see the board take a more
15 proactive role when these issues arise. Over
16 the last year or so it's troubling that you
17 have not felt compelled to reach out to us in
18 any way and give us your advisory opinion when
19 some of these issues have arisen. We're not
20 talking about criminal. For the most part
21 we're not talking about criminal actions. But
22 there are levels of ethical violations that
23 may not reach criminality but they are
24 certainly very troubling to us. And we need
25 to be kept abreast of them. We need to be

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2 advised. You need to be proactive. The fact
3 that you haven't responded or reached out to
4 us in the past couple of years is troubling to
5 us. We have some doubts about whether this
6 amendment goes far enough. Do you have any
7 comment on that? What have you been doing the
8 past couple of years?

9 MR. LEVANTHAL: We have been
10 rendering countless advisory opinions to
11 officers and employees of the county
12 government affiliated with both major parties
13 and others. Assisting officers and employees
14 both formally and informally in understanding
15 what their ethical obligations are. And in
16 responding to complaints when they're
17 received. Responding to requests for advice
18 when that is received.

19 I have also presented many ethic
20 training programs to the county attorney's
21 office and also to department heads and would
22 be more than willing to expand that function
23 as I think is contemplated by this proposal.
24 But the arrest of an county officer or
25 employee is not a call to action by the Board

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2 of Ethics and shouldn't be.

3 LEGISLATOR DRUCKER: Over the
4 past couple of years you don't think there
5 there's been a call to action? My colleague,
6 Legislator DeRiggi-Whitton, asked you
7 specifically what have you done over the past
8 two years and you never answered her question.

9 MR. LEVANTHAL: I think there has
10 been a call to action.

11 LEGISLATOR DRUCKER: In terms of
12 us. In terms of this body.

13 MR. LEVANTHAL: I think there has
14 been a call to action and I think it's been
15 heard by this body.

16 LEGISLATOR GONSALVES: Deputy
17 Presiding Officer Nicoletto.

18 LEGISLATOR NICOLELLO: First I
19 think it wasn't noted before but Mr. Levantthal
20 is the president of the Nassau County Bar
21 Association. We appreciate you spending your
22 time here. I know that you have been serving
23 for any number of years and donating your time
24 for the county both on the Republicans and
25 Democrats. I personally have attended a CLE

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2 that you have provided for our county
3 attorneys. And you just don't do it for the
4 county you do it for the Bar Association.
5 You've done a fantastic job and are a real
6 resource for this county.

7 I have no difficulty with using the
8 investigators, if necessary, in the county
9 attorney's office. They are by and large
10 retired law enforcement personnel who know how
11 to do investigations. They're civil service.
12 If we need to call on them we can call on
13 them.

14 If, for whatever reason, we feel or
15 the Board of Ethics feels they need other
16 investigators or different investigators no
17 one in this body and no one, no reasonable
18 person is going to say no in terms of adding
19 budget or moving resources around so that you
20 have that. It's not even a question there.

21 On the other hand, I don't think,
22 unless it's necessary, to have you be provided
23 with investigators on staff who are going to
24 be sitting there looking for something to do.
25 I think that's a prescription for trouble if

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2 you ask me. I don't have an issue with the
3 structure that this is set up.

4 I note there has been no amendments
5 proposed by the minority. That the minority
6 had their own version of ethics reform which
7 involved only this, changing the board and
8 that we, the majority, want to thank Chris
9 Otsuni, majority counsel, looked throughout
10 the state to find different ideas to improve
11 this. When the criticism comes to us or to
12 you you have to take it from where it's coming
13 from. I think it's time to move on this
14 ethics reform. I don't want to delay it. I
15 understand reasonable minds can differ and I
16 understand the points Siela was making, but I
17 think let's move on this, let's continue what
18 we're doing in terms of reforms in this
19 county.

20 LEGISLATOR GONSALVES: Legislator
21 Birnbaum.

22 LEGISLATOR BIRNBAUM:
23 Mr. Levanthal, I think you are extremely
24 qualified for this position, and I didn't
25 realize that you were the head of the Bar

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2 Association. But I'm just curious, are you
3 hired by the county executive to do any other
4 duties for the county in addition to being
5 special counsel?

6 MR. LEVANTHAL: I am handling a
7 single lawsuit in which my client is the
8 county comptroller. It involves investments
9 of county funds in instruments that were
10 manipulated by banks in London in what is
11 referred to as the LIBOR scandal. I am a
12 CPA. My partner has spent the bulk of his
13 career in-house at Merrill Lynch. We have
14 some expertise in this area and I was asked to
15 handle that lawsuit.

16 In addition, I have served as a
17 hearing officer for the police department in
18 disciplinary appropriation. That I believe is
19 the sum total of my activities for the
20 county.

21 LEGISLATOR BIRNBAUM: In your
22 position as counsel to the ethics board you
23 receive a salary and then in the others as
24 well?

25 MR. LEVANTHAL: I submit bills

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2 based on hourly billing at the paltry rate
3 that the county pays. When they pay.

4 LEGISLATOR BIRNBAUM: Thank you.

5 LEGISLATOR GONSALVES: Legislator
6 MacKenzie.

7 LEGISLATOR MACKENZIE: I thank
8 you for your comments here today. In
9 particular, I think many of us here on this
10 side appreciate the fact that you're making
11 the distinction between an ethics board and
12 professional criminal prosecutors, and in
13 particular that you referenced the elected
14 district attorney, which we have in this
15 attorney, which doesn't seem to me to be
16 having any problem performing investigations
17 and doing her job. And likewise the US
18 Attorney's office.

19 If you could, another comment being
20 that the Board of Ethics and the code of
21 ethics specifically references the board
22 performing investigations. But also if you
23 could address further what your duty would be
24 in case you did see something that you did
25 believe was criminal in nature and what your

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2 obligations would be in terms of referring
3 that to a criminal investigating body.

4 MR. LEVANTHAL: My advice to the
5 board under those circumstances would be to
6 immediately make a referral to the appropriate
7 prosecutorial office.

8 LEGISLATOR MACKENZIE: That's
9 provided for, wouldn't you say?

10 MR. LEVANTHAL: As I recall,
11 there is mention in here -- this proposal
12 specifically authorizes the board to make a
13 referral to a prosecutorial agency. But even
14 without that specific authorization the board
15 would do it anyway.

16 LEGISLATOR MACKENZIE: Another
17 issue that has come up is the proactivity of
18 the ethics bill. As I have looked at the
19 changes that have been made, and obviously
20 proactivity meaning educating people and
21 prevent ethics violations which could also
22 compromise, could also be a criminal
23 violation, when I look at this bill that's
24 exactly in my mind what's taking place here.
25 It provides time limitations for when an

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2 ethics opinion needs to be rendered. It
3 provides for affirmative -- shall provide
4 ethics training, guidance documents, seminars,
5 education to all employees. Updated ethics
6 guidelines. A web page. The report you
7 mentioned earlier submitted to the county
8 executive. And also that the Code of Ethics
9 would be distributed to every officer and
10 employee of the county.

11 As I look at the amendments that
12 have been submitted in my mind the whole
13 purpose of those is proactivity in educating
14 the workforce and county employees on ethics.
15 If you could address that briefly.

16 MR. LEVANTHAL: I certainly
17 agree. The vast majority of the work of the
18 Board of Ethics is and should be providing
19 advice and education. Because the vast
20 majority of county officers and employees will
21 observe their responsibilities, will discharge
22 their duties properly if they are given that
23 assistance.

24 The small handful of those who will
25 not need to have -- there needs to be

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2 penalties. There needs to be the ability to
3 enforce ethics violations. But remember,
4 we're talking about misconduct that's serious
5 enough to be a violation of the code of ethics
6 but not serious enough to be criminal in
7 nature. So you're not talking about a vast
8 universe of misconduct.

9 The really dishonest, bad people
10 who are out there doing bad things wind up,
11 when those things are discovered, being
12 prosecuted not by the Board of Ethics, but by
13 either the district attorney or the US
14 Attorney's office. And I say that without
15 commenting on any pending cases that have yet
16 to be resolved.

17 So what the Board of Ethics is
18 engaged in is that other very small area of
19 misconduct and rare occurrence. If this
20 legislative body wishes the Board of Ethics to
21 play some role in the procurement process
22 that's a matter of legislative prerogative of
23 this body. But that has not been
24 traditionally the role of the board. The role
25 of the board has been threefold. To render

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2 advice, to investigate complaints and to
3 administrate the financial disclosure law.

4 LEGISLATOR MACKENZIE: You
5 mentioned earlier that you also perform
6 similar functions for other municipalities,
7 and it's my understanding as well that you had
8 an opportunity to review this bill and make
9 comments. So, would you say that this
10 proactivity is consistent with other
11 municipalities that are working towards those
12 goals?

13 MR. LEVANTHAL: I would say
14 adding the educational function is consistent
15 with the better codes that are out there.
16 There are an awful lot of municipalities who
17 adopted a code in late 1960s, early 1970s and
18 never looked at it again.

19 There are three bad types of ethics
20 boards. The first is a Board of Ethics that
21 is either influenced by or perceived as
22 influenced by the appointing authority. The
23 second is a Board of Ethics that doesn't
24 understand its own function. And the third is
25 an ethics board that never meets. If the

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2 ethics board never meets it's a failure on the
3 part of the board to get the word out.

4 Because once the word goes out inquiries come
5 in. Build it and they will come I think the
6 line was from a popular movie.

7 LEGISLATOR MACKENZIE: Thank
8 you.

9 LEGISLATOR GONSALVES: Legislator
10 Rhoads.

11 LEGISLATOR RHOADS: Thank you
12 Presiding Officer. Mr. Levanthal, thank you
13 so much for being here today and I appreciate
14 your insight. We are certainly -- when I was
15 on a -- little bit of a story -- when I was on
16 a fifth grade field trip we went to Washington
17 DC and went to the Library of Congress. And
18 on the inside wall over the door of the
19 Library of Congress there's a quote from James
20 Madison and I still remember it to this day.
21 The essence of government is power and powers
22 must be lodged in human hands will ever be
23 liable to abuse.

24 There is no doubt that we strive to
25 be as ethical and as perfect as we can in

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2 ensuring that we have openness and
3 transparency in government. But bad actors
4 will continue to find ways to do bad things.
5 Our challenge is to try to make sure we catch
6 them.

7 I think in this proposal we're
8 looking at it in isolation but we really need
9 to look at it in totality of other reforms
10 that have been completed.

11 For example, the separation of the
12 Commissioner of Investigations from the county
13 attorney. For example, the retention of a
14 director of procurement compliance. The
15 interplay between the Board of Ethics, the
16 Commissioner of Investigations and potentially
17 the district attorney's office in prosecution
18 of potential criminal complaints.

19 I know that the issue with respect
20 to the county's contracting and procurement
21 process has been raised today. But there is
22 nothing prohibiting, for example, the director
23 of procurement compliance if they see
24 something improper to refer it to the Board of
25 Ethics. The Board of Ethics conducts their

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2 investigation, potentially with the assistance
3 of the Commissioner of Investigations, and if
4 in fact they believe that there may have been
5 criminality, to refer that to the
6 professionals that handle criminal
7 investigations and prosecutions and the
8 district attorney. It's part of a congruent
9 process which in totality we hope will protect
10 not only elected officials and protect
11 government workers but most importantly
12 protect the public to make sure the right
13 thing is being done.

14 In terms of oversight of the
15 procurement compliance process, I think the
16 Board of Ethics can be an important piece.
17 But I also understand and loved your point
18 which is that an ounce of prevention is worth
19 a pound of cure. If we can educate elected
20 officials, if we can educate government
21 workers, those in government, as to their
22 ethical obligations most people, in fact 99.9
23 of people who work in government want to do
24 the right thing and simply need to learn what
25 the right thing is, that's a primary function

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2 of the Board of Ethics.

3 I personally don't see a reason not
4 to proceed today though I certainly appreciate
5 the discussion. It's nice actually to have a
6 civil and bipartisan discussion about issues
7 and what we think is in the best interests of
8 the county and of the people that we serve.
9 It's nice to have that conversation. But I'm
10 very happy to and excited to have the
11 opportunity to add this piece to the ongoing
12 effort to try and provide the best government
13 we can for the people who pay the bills out
14 there, the taxpayers. I appreciate your
15 input.

16 LEGISLATOR GONSALVES: Legislator
17 Ford.

18 LEGISLATOR FORD: Thank you
19 Mr. Levanthal for all your assistance and help
20 in actually serving the county. I guess one
21 big issue that was brought up today does
22 concern the investigators and the ability to
23 use them. I would like you to please confirm
24 if investigators are needed by the board the
25 board has the ability to hire outside

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2 investigators; is that correct?

3 MR. LEVANTHAL: The board would
4 have the ability to do that provided that it's
5 budgeted. The board has counsel. Counsel can
6 engage experts to assist.

7 LEGISLATOR FORD: But if they
8 needed extra they can hire extra they would
9 just have to have it put into the budget,
10 correct?

11 MR. LEVANTHAL: Right.

12 LEGISLATOR FORD: Then I guess my
13 question to you is, are you comfortable with
14 our passing the bill as it is written today?

15 MR. LEVANTHAL: I am.

16 LEGISLATOR FORD: Thank you very
17 much sir.

18 LEGISLATOR GONSALVES: Minority
19 Leader. Then I will go to the public.

20 LEGISLATOR ABRAHAMS: Thank you
21 Madam Presiding Officer. Just a quick
22 question. Obviously in the effort to educate
23 in regard to ethical standards in this county
24 I want to make sure I understand. Obviously
25 you are aware of Councilman Ambrosino's

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2 alleged criminal activity for lack of better
3 phrasing. Did Councilman Ambrosino seek an
4 ethical opinion in regards to his many
5 different advisory roles?

6 MR. LEVANTHAL: If Councilman
7 Ambrosino requested an advisory opinion I
8 would be bound to keep that information
9 confidential. The advisory function of the
10 Board of Ethics is a confidential function
11 with good reason. Because if it wasn't no one
12 would ever ask the Board of Ethics for advice
13 and we want to encourage people to seek
14 advice.

15 LEGISLATOR ABRAHAMS: Was an
16 opinion ever shared with the Nassau Interim
17 Finance Authority?

18 MR. LEVANTHAL: I'm not sure what
19 opinion you are referring to.

20 LEGISLATOR ABRAHAMS: Was any
21 opinion shared with them from the ethics board
22 regarding Councilman Ambrosino?

23 MR. LEVANTHAL: If it was a
24 request for advice by that agency I would not
25 be able to answer that question. I don't

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2 recall any such circumstances occurring, but
3 I'm just speaking from my recollection as I
4 stand here today.

5 LEGISLATOR ABRAHAMS: Could you
6 get back -- if you get back to your records
7 and get back to us?

8 MR. LEVANTHAL: If you can
9 clarify for me exactly what you're asking I
10 will determine whether I can answer the
11 question.

12 LEGISLATOR ABRAHAMS: I will do
13 it again. Obviously we are asking whether or
14 not there was an ethical request for an
15 opinion in regards to Councilman Ambrosino's
16 multiple roles in the county and was that
17 foreseen as a possible conflict of interest.
18 I understand you can't share the opinions or
19 you can't share the request for an opinion
20 with us. That said, it is our understanding
21 that that opinion has been shared with NIFA.
22 Actually, it's our understanding that NIFA
23 requested it.

24 MR. LEVANTHAL: I will inquire
25 with the county attorney's office. If it was

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2 provided to NIFA it would not be provided by
3 me.

4 LEGISLATOR ABRAHAMS: But if it
5 was then it wasn't confidential. I appreciate
6 your statement but in essence it wasn't
7 confidential if it was provided to NIFA.

8 MR. LEVANTHAL: Maybe.

9 LEGISLATOR ABRAHAMS: If you can
10 get back to us. I appreciate it.

11 LEGISLATOR GONSALVES: Now I
12 think it's any members of the public that
13 would like to speak on this item? I believe
14 Ms. Mereday you have a slip in. If you want
15 to address this item.

16 MS. MEREDAY: Good afternoon.
17 Meta Mereday, Baldwin. A couple of questions
18 with regard to this in terms of the fiscal
19 impact. No one seems to be addressing that.
20 Again, for those of us who do have to pay for
21 all of this, the mention of additional
22 staffing and counsel and secretaries and web
23 masters and investigators and things of that
24 nature, and again, I find it amazing that this
25 body that kind of changes or the dynamics that

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2 gets exploited in Newsday on a regular basis,
3 things that kind of happen, fails to, when you
4 drill down with all of these specifics that
5 are supposed to protect the public, there is
6 no enforcement that ensures that the interests
7 of the public are going to be protected.

8 Case in point, I go back to that
9 again that bipartisan support for the
10 veteran-owned business act from two years ago
11 that was supposed to ensure the development of
12 a business directory and to maintain a
13 clearinghouse that was going to provide
14 information services, programs and training
15 for various county agencies with regard to
16 incorporating more service disabled and
17 veteran-owned businesses. To date there is
18 zero directory. There are minimal programs
19 that pretty much follow the same how to start
20 a business. There is zero as far as
21 benchmarking the actually number or increase
22 in the participation of service disabled or
23 veteran-owned businesses.

24 Again, it fails my understanding of
25 how this, and it's definitely important, but

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2 being one who continually attends these
3 meetings and asks questions with regard to
4 ethics and ethical practices when various and
5 sundry representatives are danced across
6 Newsday when they're coming out from across
7 the street, with regard to the ethical
8 practices in this county and the lack of
9 outreach and support for procurement that this
10 is going to be just another one of those
11 things that you are all going to pose for
12 pictures and smile and say we've done
13 something of significant. But at the end of
14 the day it will still be business as usual but
15 it will be more on the taxpayers. Because I
16 will be down the street on the 13th -- again,
17 this is a notice for another of our veterans
18 who is fighting foreclosure. So on the 13th I
19 will be down there addressing the issues for a
20 veteran who lives in Bayville. So, whoever
21 represents Bayville if you're interested we
22 can talk about this offline but this is where
23 the rubber is not meeting the road.

24 So, you can vote for it. You can
25 pose for it. But once again the taxpayers are

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2 going to have to pay for additional resources
3 and the number of people for this ethics board
4 more than doubles the zero that you have in
5 the county for services related to veteran
6 business development for the 80,000 plus
7 veterans and their families in Nassau County.
8 So if anyone can speak to that or address that
9 I'd appreciate it.

10 LEGISLATOR GONSALVES: Thank you
11 Ms. Mereday. I want to know if anyone from
12 OMB is here. I thought I saw Roseanne here a
13 little while ago.

14 MR. BECKER: She is Madam Chair.

15 LEGISLATOR GONSALVES: What about
16 the Independent Budget Review? Is anyone here
17 from Independent that can speak to this item
18 and the impact it may have on budget? I'm
19 going to ask you if you have done some kind of
20 analysis and find out if there is a budgetary
21 impact.

22 MS. CARLSON: Helen Carlson
23 Office of Legislative Budget Review. We
24 prepared a fiscal impact statement on this. I
25 calculated the cost to be roughly \$200,000.

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2 That is for the executive director, a part
3 time secretary and estimated contract cost for
4 legal services. That was based on my
5 discussions with the counsel to the Board of
6 Ethics.

7 LEGISLATOR GONSALVES: Is that a
8 difference of \$200,000?

9 MS. CARLSON: The cost is
10 \$200,000. That's for the executive director,
11 for part time secretary and for a contract for
12 legal services.

13 LEGISLATOR GONSALVES: I don't
14 know if that answers Ms. Mereday's question
15 but that's the impact it would have on the
16 budget for those three?

17 MS. CARLSON: Correct.

18 LEGISLATOR GONSALVES: Are those
19 costs that we encounter now or those are
20 additional costs?

21 MS. CARLSON: Repeat that.

22 LEGISLATOR GONSALVES: Are those
23 additional costs?

24 MS. CARLSON: Yes. It's not in
25 the budget right now. The executive director

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2 is the additional cost.

3 LEGISLATOR GONSALVES: But the
4 executive director is not \$200,000.

5 MS. CARLSON: I'm sorry. It was
6 my understanding that the \$200,000 was for --
7 I calculated that for the executive director.
8 The contract for legal services was estimated
9 to be \$50,000 and a secretary for \$20,000. So
10 I was estimating the cost for the full support
11 staff. I estimated the cost for the full
12 support staff.

13 LEGISLATOR GONSALVES: Thank you
14 very much. Any other comments from the
15 public? There being none, a motion to close
16 the hearing please. Moved by Legislator
17 Schaefer. Second by Legislator Kennedy. All
18 those in favor of closing the hearing signify
19 by saying aye. Any opposed? The hearing is
20 closed. Let's move along to the next.

21 MR. BECKER: Madam Chair, in
22 regards to --

23 LEGISLATOR GONSALVES: Hold on.
24 Since we just closed the hearing on the code
25 of ethics I would like to move to item four,

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2 the proposed local law itself to amend the
3 County Government Law of Nassau County in
4 relation to the code of ethics. That's item
5 four. A motion please. Moved by Legislator
6 Rhoads. Second by Legislator Gaylor. Any
7 other comments?

8 We have to -- the amendments were
9 put forth earlier and I believe that we need a
10 motion -- to put forth a motion to amend the
11 Code of Ethics. I believe those amendments
12 were put forth earlier in the hearing. A
13 motion to amend the Code of Ethics. Moved by
14 Legislator Walker. Seconded by Legislator
15 Nicoletto. All those in favor of amending the
16 Code of Ethics signify saying aye. Any
17 opposed? Now for the local law as amended.

18 Yes, Minority Leader.

19 LEGISLATOR ABRAHAMS: A quick
20 statement before you take the vote. I just
21 want to state for the record that we in the
22 legislative minority plan to vote for this.
23 That being said, in regards to the recent
24 alleged criminal activity that has occurred in
25 regard in this county we truly believe that

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2 this does not cover the level of magnitude of
3 corruption.

4 Obviously, I think Ms. Mereday said
5 it best, that there may be total opposite
6 newsletters that talk about transparency
7 that's been added to this process. And while
8 it does add some level of transparency to the
9 process, it does not add the level that's
10 needed which is really just signified by
11 having an independence process to this.
12 Whether you want to call it inspector general
13 or anti-corruption officer that's really not
14 the point. The point is that without an
15 independent process that oversees the very
16 same ethical board it can still be
17 manipulated. And from our standpoint we truly
18 will continue to believe that without having
19 that independent arm as part of the county we
20 will not be able to address corruption at its
21 heart of the issue. Thank you.

22 LEGISLATOR GONSALVES: That being
23 said, all those in favor of item four signify
24 by saying aye. Any opposed? The item passes
25 unanimously correct? Thank you very much.

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2 Let's move on. Do we have those who are going
3 to speak on the wireless communications here?

4 MR. BECKER: Madam Chair, a
5 little miscommunication between my esteemed
6 colleague Jerry Podlesak, who is listening to
7 this meeting in Florida. I guess he has
8 nothing better to do. But in any case,
9 Roseanne D'Alleva is here to speak from OMB.
10 And if there are legal questions I understand
11 Mr. Podlesak is the only one to answer the
12 legal questions. If that's the case I suggest
13 we keep this hearing in recess.

14 LEGISLATOR GONSALVES: Are there
15 legal questions?

16 MR. BECKER: If there's just
17 finance questions.

18 LEGISLATOR ABRAHAMS: For the
19 record --

20 LEGISLATOR GONSALVES: Anybody
21 have legal?

22 LEGISLATOR ABRAHAMS: Yes, we do
23 have legal questions.

24 MR. BECKER: I suggest we keep it
25 in recess then and Mr. Podlesak suggests the

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2 same. He will be here at the next meeting. I
3 understand time is of the essence.

4 LEGISLATOR GONSALVES: I don't
5 know about that. Mr. Becker, I'm going to
6 reconvene the hearing and if we need to recess
7 it again we will. But right now I think maybe
8 Roseanne D'Alleva may be able to answer some
9 of those questions. Mr. Becker, are you
10 listening? I said we are going to reconvene
11 the hearing.

12 MR. BECKER: Whatever questions
13 we can answer we will answer then.

14 LEGISLATOR GONSALVES: Then if we
15 need be we will recess.

16 MS. D'ALLEVA: I do believe that
17 OLBR also provided a fiscal impact statement.
18 But according to OMB, our current estimation
19 is approximately \$745,000. That's after we
20 spoke with NYSAC, which is the New York State
21 Association of Counties with their limited
22 data set that they have that they reached out
23 to two main vendors, which was like AT&T and
24 Verizon.

25 LEGISLATOR GONSALVES: She's not

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2 going to be able to answer your legal
3 questions. Now I have to make a decision
4 here. Mr. Becker, there is no one else here
5 that can answer those legal questions?

6 MR. BECKER: Madam Chair, I
7 called over and Mr. Podlesak, who is pool side
8 right now, I wish I was with him. Madam Chair
9 I understand he is the only one at this
10 particular point.

11 LEGISLATOR GONSALVES: I'm going
12 to leave it in recess.

13 MR. BECKER: He will be back at
14 the next meeting and he will answer all legal
15 questions.

16 LEGISLATOR GONSALVES: We will
17 leave it in recess. Listen Mr. Becker, we're
18 going to recess the full leg. We're going to
19 call it back on the 24th. Whoever has to be
20 here should be here. Guess what?

21 MR. BECKER: Mr. Podlesak is the
22 one and he will be back here to answer any and
23 all questions. My apologies.

24 LEGISLATOR GONSALVES: We will
25 hold your feet to the fire. It's now recessed

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2 but it will be on on the 24th.

3 MS. D'ALLEVA: Can I suggest,
4 Legislator Abrahams, maybe that you put your
5 questions in writing, perhaps in an email or
6 have a legislative aide do so so we can make
7 sure we can answer the questions legally when
8 Mr. Podlesak is back?

9 LEGISLATOR ABRAHAMS: You mean to
10 answer our questions on the record?

11 MS. D'ALLEVA: Yes. As long as
12 we're prepared I think it's more conducive so
13 we can move this item along.

14 LEGISLATOR ABRAHAMS: I will ask
15 our minority counsel Pete Klein will send it
16 to Mr. Podlesak. When is he due back?

17 MR. BECKER: Sorry Madam Chair,
18 Mr. Podlesak is pool side and receiving emails
19 as we speak.

20 LEGISLATOR ABRAHAMS: Will he be
21 back for the 24th?

22 MR. BECKER: Yes he will.

23 LEGISLATOR GONSALVES: I will ask
24 on behalf of the majority.

25 MR. BECKER: If you email him now

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2 he's going to receive your email.

3 LEGISLATOR GONSALVES: I'm also
4 asking Minority Leader we share the questions
5 as well.

6 The next item is item 13 resolution
7 141. A resolution authorizing the county
8 attorney to compromise and settle the claims
9 of plaintiff Antoine Taylor as set forth in
10 the action entitled Margaret Dowdell and
11 Michelle Shriki et al V John E. Imhoff as
12 commissioner pursuant to the county law, the
13 county government law of Nassau County and the
14 Nassau County Administrative Code.

15 A motion please to put it on the
16 floor. Moved by Legislator Nicoletto. Second
17 by Legislator Kopel.

18 However, we have an amendment to
19 this resolution and the amendment to the
20 resolution is simply the amendment corrects
21 the title of the resolution and the title of
22 the resolution is exactly the fact that the
23 plaintiffs are Margaret Dowdell and Michelle
24 Shriki as set forth in the entitled so on and
25 so forth.

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2 Now I need motion for the
3 amendment. An amendment to the title of the
4 resolution. I need to put the amendment on
5 the floor. Motion to amend the item. Moved
6 by Legislator Nicoletto. Second by Legislator
7 Kopel. All those in favor of the amendment
8 signify by saying aye. Any opposed?

9 Do you want to speak on this item?

10 MR. BECKER: Do you have to go
11 into executive session Madam Chair?

12 LEGISLATOR GONSALVES: I don't
13 know. That's up to you. You guys have to
14 tell us. We already did. We did that last
15 time.

16 MR. FERNANDEZ: I believe all
17 questions were answered the last time. I'm
18 sorry Pablo Fernandez from the county
19 attorney's office.

20 LEGISLATOR GONSALVES: And we did
21 go into executive session the last time we
22 met. Any objection to the fact that we will
23 proceed and questions were satisfied in the
24 executive session? I guess so. Now for the
25 item as amended. Thank you. All those in

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2 favor of Item 13 Resolution 141 as amended
3 signify by saying aye. Any opposed? The item
4 passes unanimously.

5 The next item is Item 16 Resolution
6 144. A resolution authorizing the county of
7 Nassau to file an application for federal
8 assistance with the United States Department
9 of Housing and Urban Development.

10 Moved by Legislator Gaylor.

11 Seconded by Legislator Nicolello.

12 MR. SARCONE: John Sarcone. This
13 is our annual action plan to HUD for the three
14 grants, the ESG grant, CDBG and the Home
15 Investment.

16 LEGISLATOR GONSALVES: Any
17 questions of Mr. Sarcone? I'm waiting.
18 Anybody? Do you have any questions for
19 Mr. Sarcone? Going once. Going twice.
20 Legislator Bynoe.

21 LEGISLATOR BYNOE: Hi director
22 Sarcone. I know this funding is not going to
23 be impacted for any potential cuts, that we
24 have the money and this is a plan to use it,
25 but I just wanted to know if there was any

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2 ground gained on the request to provide this
3 body with an impact study in the event that
4 next year's funding would be impacted.

5 MR. SARCONE: You're correct. We
6 are starting the process of obtaining those
7 materials. Tomorrow is our public hearing
8 where we're going to get feedback from the
9 community. That will also be incorporated in
10 that study. But you are correct it does not
11 affect this year's round of funding.

12 LEGISLATOR BYNOE: To the point
13 of the current president who states that he
14 feels that this program misses the mark, I did
15 do a quick run through of the item and it was
16 very quick. I do see we are doing some
17 roadways in certain areas. We are doing some
18 things outside of the area of what I consider
19 to be impactful to low and moderate income
20 families. So, I guess that would be my
21 concern is that if this plan moves forward in
22 doing work in certain areas that aren't really
23 targeted for this money, that wasn't targeted
24 intentions, would be the concern. So, road
25 work and that kind of thing that wasn't the

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2 intention of the program from what I gather.
3 If we approve this plan right now what in fact
4 can you explain to me what then occurs?

5 MR. SARCONE: Once the
6 legislative body approves this plan we still
7 continue to get feedback from the community.
8 Our public comment period is 30 days. In
9 reference to the plans that you are referring
10 to, our department in Nassau County in
11 particular responds to applications from our
12 consortium members. So, we try to meet
13 criterias of eligibility and not dictate to
14 the local municipalities how to spend. We can
15 guide them but ultimately it's their
16 decision. They hold public hearings, get
17 feedback from their community. And once an
18 application is sent to us we basically make
19 sure that it fits the criterias of
20 eligibility.

21 LEGISLATOR BYNOE: So, this goes
22 out to the consortium members in the
23 community. You are going to get feedback from
24 the community on this plan. And then if
25 there's no negative feedback or feedback that

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2 you intend to act on then what happens?

3 What's the next step?

4 MR. SARCONE: Once the comment
5 period has ended we take comments and
6 suggestions and incorporate it into our
7 application to HUD. Since our funding -- the
8 funding announcement from HUD was somewhat
9 delayed this year that time period has been
10 compacted. We have to get our action plan to
11 HUD no later than August 16th.

12 LEGISLATOR BYNOE: Basically, the
13 community -- did this happen last year? We
14 should be voting on this after the community
15 then has its input.

16 MR. SARCONE: Technically
17 speaking, once a community or municipality has
18 sent their application to us they have already
19 garnered their public hearing and their public
20 support prior to sending their application to
21 us. This is just another layer of getting
22 public feedback. A Nassau County-wide public
23 hearing.

24 LEGISLATOR BYNOE: So, the public
25 input -- I know we went over this last year, I

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2 know for a fact we went over this. It was
3 like deja vu when I started asking the
4 questions. We talked about this last year
5 merely kind of stepping on the public's
6 ability to have a voice and we felt that this
7 should be done the other way around. Whereas,
8 the body then votes on it after our residents
9 have had an opportunity to speak to this. So,
10 again, I'm saying we're doing this the other
11 way around.

12 I think there was some assertions
13 made and some commitments made to this body
14 that it wouldn't in fact happen again. That
15 we would have public input first and then the
16 would come to us because we wanted to hear
17 what the public had to say. If it's nothing
18 it's nothing. If they're putting something on
19 record that they have some concerns I think
20 collectively the 19 of us, sorry, 18 of us,
21 have a responsibility to really be their
22 advocates. And if we're giving an approval
23 before their voices are heard they're being
24 circumvented.

25 MR. SARCONI: I understand the

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2 premise of your inquiry but I respectfully
3 disagree. Because once an application is put
4 together there are hearings at the municipal
5 level. You have a chance to actually shape
6 the application prior to it being sent to us.
7 When we have a public hearing it's just
8 another layer for feedback.

9 LEGISLATOR BYNOE: Let me say
10 this. The municipalities have the ability for
11 public. Do we have even the municipalities'
12 public hearing information? Do we have that
13 as a body? Because, you know, we don't know
14 that they in good faith carried out their
15 responsibilities for the public hearing.
16 Maybe they did. And what I wouldn't know then
17 is if somebody I happen to represent all three
18 parts, my district incorporates all three
19 towns, I don't get feedback from the Town of
20 Oyster Bay, the Town of Hempstead to tell me
21 that my residents said X, Y and Z. Or maybe
22 they felt they went to the town and rendered
23 their concerns to the town and it went on deaf
24 ears. There's a reason why there is a
25 layering to the hearing process and there is a

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2 reason why I think -- and we went through this
3 last year -- why it was vitally important that
4 this happened the other way around.

5 MR. SARCONE: I understand your
6 concern. I'm dealing with the federal
7 calendar as well as the Nassau Legislature
8 meeting in the summer time period. It's been
9 compacted this year because the announcement
10 of funding has been several months late. That
11 being said --

12 LEGISLATOR BYNOE: When did you
13 get the announcement of the funding?

14 MR. SARCONE: Two weeks ago. The
15 day of committees is the day we got
16 announcements.

17 LEGISLATOR BYNOE: If this is
18 delaying this process how delayed were the
19 municipalities? They just acted in the last
20 two weeks?

21 MR. SARCONE: No, because they
22 are submitting an application for funding. In
23 essence, they can ask for any amount of
24 money. What we would need to know is how much
25 money is available and willing to give to

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2 those projects. Let's take for example a
3 municipality asks for \$10 million. They can
4 ask for \$20 million, \$30 million. We make the
5 decisions at a county level on what to give
6 out to those municipalities. Without knowing
7 the numbers it's very hard to make those
8 determinations.

9 LEGISLATOR BYNOE: So I would
10 actually then, and that actually even gives my
11 concerns I believe even more weight, is that
12 if the municipality then had a hearing based
13 on a wish list, based on an application they
14 were going to put in based on their wish list
15 and the community then supported it because
16 all of their programs were being included, and
17 then it would come to the county, if you've
18 cut back any of that we wouldn't have known
19 what was important to them. This is really in
20 essence the last chance for residents to have
21 a voice because things could have been
22 modified from the time the town or
23 municipalities had their hearings because of
24 the actual funding that was received.

25 I have to tell you, I know there's

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2 a reason that they have asked there is a
3 layering to this hearing process. So, to tell
4 me you don't see the value in having us go
5 through the process there's a thing called
6 decency and an order. And to go through this
7 in the order the US Department of Housing and
8 Urban Development has prescribed by
9 regulation, by CRF, I can't, again, say that I
10 disagree with you. There is a reason why they
11 call for that. Each year we are asked to
12 silence our constituency and I think it's
13 wrong. Counsel is telling me it's illegal. I
14 venture to say that it is against the CRF and
15 which one it is I can't recite for you.

16 But I can tell you I know that's
17 what's required for me in my little public
18 housing authority with the little bit of money
19 that they get. The public has to have the
20 ability to have their voice heard first and
21 then it's moved forward and approved by
22 resolution of the body that governs. It's
23 done for a reason. I have to tell you
24 Presiding Officer this is a slap in the face
25 that we are here again under the same

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2 premise. It's wrong.

3 LEGISLATOR GONSALVES:

4 Mr. Sarcone, I have two questions for you.

5 Number one, did you get any feedback from the
6 municipalities regarding this item?

7 MR. SARCONE: Let me take a step
8 back. Any municipality that holds a public
9 hearing, those public hearings and
10 announcements get sent to the majority and
11 minority. So, the legislature is aware and
12 can attend those meetings in order to hear
13 those concerns. I will listen to your second
14 question.

15 LEGISLATOR GONSALVES: I'm asking
16 are the results of those hearings ever sent to
17 you?

18 MR. SARCONE: Yes. They are sent
19 to us and taken into consideration on how we
20 decide our funding.

21 LEGISLATOR GONSALVES: Now here
22 is the second question or third. What would
23 happen if we put this into recess for July
24 24th giving you an opportunity to have --
25 August 7th is the last meeting until

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2 September. If I put this meeting in recess,
3 which I am going to be doing, would it be
4 feasible?

5 MR. SARCONE: You would risk
6 losing all the funding.

7 LEGISLATOR GONSALVES: In other
8 words, if we recess and came back on the 24th
9 of this month?

10 MR. SARCONE: That's correct.
11 Yes.

12 LEGISLATOR GONSALVES: Legislator
13 Bynoe. Explain why that would happen.

14 MR. SARCONE: HUD needs I think a
15 minimum of 45 days before approving an action
16 plan. That's why it's compact in the time
17 frames. Tomorrow is the start of our public
18 hearing. Debate is not closed off. It's just
19 opened. Every person sitting at the dais has
20 an opportunity to attend tomorrow's public
21 hearing and then you have 29 days after it to
22 put your input, sit with community reps,
23 whatever.

24 LEGISLATOR BYNOE: I would
25 venture to say, Presiding Officer, having a

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2 voice at a public hearing as opposed to having
3 a vote from these positions in which we sit in
4 is two different things. I'm not saying
5 there's a whole bunch of changes that would
6 potentially come out of these hearings. But
7 what I'm saying is they are actually reducing
8 our ability to represent our communities. And
9 there can be a situation that arises based on
10 a change that is made to the plan once the
11 county actually gets their funding. I know it
12 was a small cut but what was the percentage to
13 which the funding was cut?

14 MR. SARCONE: It was a reduction
15 in CDBG and Home of point 40 percent.

16 LEGISLATOR BYNOE: What does that
17 equate to in dollars?

18 MR. SARCONE: I believe it was
19 \$50,000.

20 LEGISLATOR BYNOE: So there's
21 potentially something that changed. I don't
22 want to require that we come back but it
23 should warrant that. It should warrant us to
24 act in our roles as representation for our
25 communities and require that we get this

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2 timely. That we get it the other way around.
3 That is what is required of this body. It's
4 required of this body to get it the other way
5 around, not to get it in the way we continue
6 to get it, before public comment. It should
7 come the other way around. That's how it's
8 designed to happen.

9 LEGISLATOR GONSALVES: Let me ask
10 you something Mr. Sarcone. You said if we
11 table this item we lose the funding; is that
12 correct?

13 MR. SARCONE: It's a very good
14 possibility, yes.

15 LEGISLATOR GONSALVES: You said
16 something about hearings tomorrow or in the
17 next couple of days.

18 MR. SARCONE: Tomorrow is our
19 public hearings announcing our awards. It
20 then leads to a 30 day comment period where if
21 anyone has comments or concerns or anything it
22 gets incorporated in our application to HUD.

23 LEGISLATOR GONSALVES: And where
24 does that leave us though as far as us having
25 input into that?

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2 MR. SARCONE: You would approve
3 the plan that is in front of you. If you have
4 any questions, concerns, any actions we would
5 sit down with you or whoever requests it and
6 address those concerns prior to sending the
7 application to HUD. It's done every year.

8 Let me take it a step further. HUD
9 has given us the right to condense the public
10 hearing to 15 days. We don't want to exercise
11 that right because we want a full 30 day
12 public comment period.

13 LEGISLATOR GONSALVES: I have
14 Legislator MacKenzie.

15 LEGISLATOR MACKENZIE:
16 Mr. Sarcone, maybe you can make this a little
17 bit narrower for us if you don't mind. Within
18 each legislative district not every home or
19 resident or person within that district is
20 going to take part in this program or these
21 funds. Clearly within each district there's
22 going to be a defined number of entities or
23 parties that can take part. So the universe
24 is not enormous. We know what the universe in
25 each district is. So to make comments within

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2 that 30 day period is not as difficult as it
3 sounds. Is that fair to say?

4 MR. SARCONE: I would agree with
5 that, yes.

6 LEGISLATOR GONSALVES: Legislator
7 Ford.

8 LEGISLATOR FORD: Thank you so
9 much. I guess this is generating a lot of
10 questions and concerns. What is the last
11 date, the drop dead date basically, that we
12 would have to vote on this in order not to
13 lose the funding or put ourselves in
14 jeopardy?

15 MR. SARCONE: The start date for
16 the funding is September 1st. That's the
17 federal calendar. You would have to get this
18 to HUD 45 days prior to the start date so they
19 have time to review and approve.

20 LEGISLATOR FORD: If it's 45 days
21 before September 1st, if we're voting on it
22 today but you're going to have public comment
23 tomorrow, how do you send it to HUD then and
24 if you left your comment period open for 30
25 days that brings us in August.

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2 MR. SARCONE: Yes. Because they
3 have given us an option, because the funding
4 was delayed for months and month, to condense
5 those periods. We haven't exercised that
6 because we don't know the results of this
7 yet. We have not exercised it. We can
8 condense the comment period down to 14 days.
9 We have not exercised that because I was
10 waiting for the outcome of this.

11 LEGISLATOR FORD: Today we are
12 voting on basically a plan based on the
13 funding that is being provided for the CDBG
14 funding and HUD funding, correct?

15 MR. SARCONE: Correct.

16 LEGISLATOR FORD: Within that
17 component is basically somewhat of a breakdown
18 as to how the money is going to be allocated
19 say to the city of Long Beach, the Town of
20 Hempstead, you might have the Town of North
21 Hempstead. I'm trying to think of the various
22 municipalities that would apply based on their
23 population, correct?

24 MR. SARCONE: That's correct.

25 LEGISLATOR FORD: Even though we

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2 are voting on it today doesn't necessarily
3 mean that, for argument's sake, the city of
4 Long Beach has asked for \$3 million in funding
5 and they laid it out maybe within the confines
6 of this item that it can be amended based on
7 public comment tomorrow, correct?

8 MR. SARCONE: That's exactly my
9 point. If it goes in front of the local
10 municipality -- take your example the city of
11 Long Beach sends an application to Nassau
12 County for \$3 million and there's public
13 comment on that, it's not necessarily so that
14 that amount will stay. It has to go through
15 our layer of review. It could also be that
16 once we send it to HUD HUD sends it back for
17 review and comments. So this process is
18 ongoing. Like I said, the public comment
19 starts tomorrow. It's the beginning of the
20 comment period not the end.

21 LEGISLATOR FORD: The essence of
22 voting today, what we are voting on today is
23 for something to be sent to HUD saying that we
24 agree with the allocation that they are going
25 to grant you, I guess, and whatever the money

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2 is we are going to figure out how to spend
3 it?

4 MR. SARCONE: The action plan in
5 front of you shows what has been requested,
6 what we are allocating and what we intend to
7 send to HUD with comments. If residents still
8 have comments or anyone that attends our
9 hearings have comments we always incorporate
10 those comments in our submission.

11 LEGISLATOR FORD: In all fairness
12 though, Legislator Bynoe, they've had for
13 years, I remember even before I got involved
14 in politics, attending many a city counsel
15 meeting in regard to where they talked about
16 the Community Development Block Grant money,
17 that was something that was very important to
18 many of the people in my community so we would
19 always attend those hearings to give our input
20 as to how we believe the money should be
21 spent.

22 Even when I got into office I
23 remember Legislator Corbin, honestly even you
24 Legislator Abrahams used to go way back
25 when -- you know what, it impressed so much

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2 that you did that and that was why I even I
3 would then still as a legislator would go to
4 the city counsel meetings in regard to this
5 money because it was an issue. Where
6 Legislator Corbin and Legislator Abrahams, I'm
7 not going to put words in your mouth, they
8 fought for their community to say if the town
9 at that time was spending too much money and
10 redoing roads and not enough money in some of
11 the communities that should be getting that
12 kind of funding and they really made their
13 voices heard and a lot of changes were made.

14 I understand what you're saying,
15 are we putting the cart before the horse in
16 this case. But there have been ample
17 opportunities for the public to be heard. I
18 for one though, I can go to the hearings and I
19 know whether or not what I say, what the
20 residents say, but it's ultimately up to the
21 city to decide what they're going to apply for
22 and what kind of funding -- how they're going
23 to spend the money.

24 I know tomorrow, I don't think I
25 can make tomorrow's hearing because I have so

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2 many things in my district tomorrow, but I
3 know even then we came to the hearing and I
4 think even at that time we changed the
5 allocation for some of the hotels, the nightly
6 rate where we could save money, it was brought
7 up at that meeting and changes were made where
8 we saved some money for Nassau County and I
9 guess so you can allocate more money for other
10 programs as well.

11 So I understand that. I think that
12 the public needs to be heard. I believe in
13 that. But I think that if we need to revamp
14 it -- like even though we talked about it last
15 year we did nothing about it this year. So I
16 think that now we have to take a --

17 LEGISLATOR BYNOE: No, no
18 Presiding Officer. I'm sorry.

19 LEGISLATOR FORD: But if we're
20 voting on something and if we want to hold
21 something up that's one thing. But I for one
22 am reluctant then not to vote for this because
23 I don't want to lose the funding that we
24 have. We lose enough of it. I for one
25 director would really like to sit with you

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2 after this to find out how we can change, if
3 we can change, the way the hearings are held
4 and how we can make sure that we incorporate
5 more public opinion and more public comments
6 into all of this. Maybe there are people that
7 have some great suggestions that we can make
8 changes moving forward. Thank you.

9 LEGISLATOR GONSALVES: I just
10 want to ask another question. I'm looking at
11 the backup. It says something to the tune of
12 maybe \$16 million. Is that the amount of
13 money that has been allocated to Nassau
14 County?

15 MR. SARCONI: Yes. That's
16 divided into three grants.

17 LEGISLATOR GONSALVES: My
18 question to you is, based on the hearings that
19 you are going to be conducting in the next
20 two, three weeks or 30 days, the allocation
21 can change from one municipality to another;
22 is that correct?

23 MR. SARCONI: The answer is yes.
24 I don't anticipate that but yes. I don't
25 anticipate it but it could happen.

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2 LEGISLATOR GONSALVES: My
3 concern, Mr. Sarcone, is that those
4 communities, those municipalities who have
5 requested a certain amount of money from these
6 grants will now not receive the amount that
7 they requested, correct? Based on the
8 hearings.

9 MR. SARCONE: Like I said
10 Presiding Officer, I don't anticipate
11 allocations being changed. I anticipate
12 feedback on activities, suggestions on a
13 number of different things. But allocations
14 almost never change after we make awards.

15 LEGISLATOR GONSALVES: Because
16 this is what my concern is. If we don't
17 approve the item today and when you have these
18 hearings you will see based on what comes out
19 of those hearings that some of this money will
20 be lost to some of the municipalities. Some
21 will gain and some could possibly lose.

22 MR. SARCONE: I don't anticipate
23 that happening. If you want, if there's a
24 material change in the amounts then maybe, I
25 don't know how you would like to address that,

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2 bringing it back to this body. I don't know.

3 LEGISLATOR GONSALVES: It may
4 require that. Legislator Schaefer.

5 LEGISLATOR SCHAEFER: Thank you.
6 So, you had said you can send the application,
7 based on the hearings, you can send the
8 application with comments?

9 MR. SARCONI: Correct.

10 LEGISLATOR SCHAEFER: I
11 understand not wanting to then pull money back
12 from somebody who is anticipating that money
13 that you've already allocated and told them
14 this money is coming to you, but what is the
15 purpose of the comments then? It's not going
16 to redirect the funding, right?

17 MR. SARCONI: No. The comments
18 are most generally to fair housing, most
19 generally. Best uses. We very rarely get
20 comments sufficiently on the allocations and
21 why certain groups got X in that regard. Like
22 I said, I don't believe in the seven years I
23 have been director we actually changed an
24 allocation after bringing it to this body. I
25 don't know if it was ever done.

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2 LEGISLATOR SCHAEFER: Is that
3 your issue with it or one of your issues with
4 the legislation Legislator Bynoe?

5 LEGISLATOR BYNOE: My main issue
6 is that the public is supposed to comment
7 before the plan is approved so that their
8 comments can be taken in consideration and
9 there can be some modification to the plan.
10 We are going to approve this plan today and
11 then tomorrow they open up their comment
12 period. If there are comments that should
13 then shape how we think -- she asked me a
14 question.

15 LEGISLATOR GONSALVES: We are
16 trying to get to a reasonable resolution and
17 there are still other questions that need to
18 be asked. And I did have Alternate Deputy
19 Presiding Officer who wanted to ask the
20 question before you. What's your question?

21 LEGISLATOR SCHAEFER: It's all
22 together.

23 LEGISLATOR BYNOE: This is called
24 working together.

25 LEGISLATOR GONSALVES: You may

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2 call it working together but there are others
3 who would like to comment and are not going to
4 be given the opportunity.

5 LEGISLATOR BYNOE: Why not? This
6 is why we are here today.

7 LEGISLATOR GONSALVES: I think it
8 is more than a debate.

9 LEGISLATOR BYNOE: It's not a
10 debate. She asked me a question and I'm
11 trying to answer.

12 LEGISLATOR GONSALVES: I believe
13 he is the one standing before us.

14 LEGISLATOR SCHAEFER: Is there
15 then an opportunity, and I think that's what
16 we're talking about, an opportunity, and
17 Legislator Ford I think was just talking about
18 that as well, to maybe revamp this process?
19 Because you're getting your information on how
20 to allocate funds or the amounts of money and
21 where they're going to based on what?

22 MR. SARCONI: We react to
23 applications. We don't tell municipalities
24 where they should focus their dollars. We
25 react to applications.

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2 LEGISLATOR SCHAEFER: So they're
3 applying for those applications.

4 MR. SARCONE: Correct. And that
5 process is started at a local level with their
6 community hearings. If you have questions or
7 concerns or real molding of these applications
8 that's where I would suggest that start.

9 LEGISLATOR SCHAEFER: Maybe there
10 needs to be a little more tying in between the
11 municipalities and us and our communities.
12 That's what I'm hearing. And you think
13 there's a possibility that we can do something
14 like that in the future. Whether it's just
15 starting the process on a more local level,
16 more locally in our own communities.

17 MR. SARCONE: I only bring that
18 up because that's what shapes the
19 submissions. It's one piece of an important
20 puzzle. Also we have to contend with the HUD
21 calendar. It's just the reality. We just
22 follow the HUD calendar.

23 LEGISLATOR GONSALVES: I have
24 Legislator Kopel who has been waiting to ask a
25 question. Legislator Kopel. Then I have a

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2 question.

3 LEGISLATOR KOPEL: Thank you
4 Presiding Officer. My question starts -- I
5 would like to know when did this process
6 start?

7 MR. SARCONE: We made a public
8 hearing -- we have to do two public hearings
9 ever year. The announcements of the
10 application process being open. That is in
11 February. All applications are due to our
12 office April 1st. Between the February
13 announcement to April 1st is where the
14 applications on a local level get shaped.
15 After April 1st it takes us time to review and
16 come up with our suggestions of the funding
17 amounts and what projects to fund.

18 LEGISLATOR KOPEL: When did you
19 come up with that. April 1st now we're
20 talking three months and change, right?

21 MR. SARCONE: Three months. Two
22 cities, three townships, 33 hamlets.

23 LEGISLATOR KOPEL: And you're
24 giving us ten minutes. I'm exaggerating a
25 little bit. What I mean to say is, it seems

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2 like it might encapsulate so of the concerns
3 of many people here. Very frequently we are
4 presented with emergency type items. Whether
5 it's designated as such or not but that's the
6 way it happens. You're given two minute
7 notice and make a decision. That's not
8 right. You've got to be able to do better
9 than that.

10 By the way, don't take this as
11 simply criticism of you, but it seems like
12 this is what the administration does. It's
13 not an infrequent thing. That's not right.
14 If our job here is to make decisions based
15 upon, making informed decisions is what I want
16 to say, you've got to give us a chance to do
17 that, and it seems like that's a concern to
18 many of the members here. We are a just not
19 given that chance. That should change.

20 MR. BECKER: Legislator Kopel,
21 I'd just like to point out, the only reason
22 I'm stepping in here is because my office,
23 Legislative Affairs, we do all the contracts
24 that come through Mr. Sarcone's office and we
25 have to remember, even myself as a legislator,

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2 this is like a year round process from year to
3 year. Nassau County is acting only as the
4 agency in distributing this money. It's not
5 like the last minute as you are suggesting.

6 LEGISLATOR KOPEL: For us it's
7 the last minute.

8 MR. BECKER: It really isn't.
9 The process goes out in the February and all
10 the communities -- and every year there are
11 changes when a community gets a grant.
12 Everybody knows about these things. Lynbrook
13 Village.

14 LEGISLATOR KOPEL: We're not
15 talking about the villages. At least I'm not
16 talk about the villages and communities now.
17 What I'm talking about is the fact that it's
18 three months and change may be too long.

19 MR. BECKER: These go from year
20 to year to year. We are just the agency.

21 LEGISLATOR KOPEL: I understand
22 that. If we are supposed to be part of the
23 process, if the administration is taking in
24 excess of three months we shouldn't be
25 required to do it this quickly.

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2 MR. BECKER: It really isn't that
3 quickly. The application process starts way
4 back when.

5 LEGISLATOR GONSALVES: After a
6 while we become defensive. That's enough.
7 Enough.

8 I have a question Mr. Sarcone. I
9 know there are two other legislators here. My
10 question, I'm looking at the allotments. Just
11 to choose one here. I have the Freeport
12 village, the CDBG allocation is \$80,000.
13 After the hearings what are the chances that
14 those allocations that have been provided to
15 us will be impacted by these hearings and some
16 of them may not get the amount that is here?

17 MR. SARCONE: It's not likely.
18 When we get comments back I would say 99
19 percent of the time on most things to fair
20 housing, certain advocacies, it's really not a
21 question of allocations. No one sits there
22 and goes why did you give X number amount to a
23 particular village. It's not that type of
24 discussion. I have never experienced that.

25 LEGISLATOR GONSALVES: How do we

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2 determine these dollar amounts?

3 MR. SARCONE: It's based on
4 applications that are received. Once received
5 we sit down in-house committees. We make
6 determinations based on what we receive in
7 eligibility requirements and we sit down with
8 the administration. Most likely it just gets
9 approved because it goes through our
10 committees.

11 LEGISLATOR GONSALVES: I have two
12 other people who would like to, Legislator
13 MacKenzie and then I thought there was another
14 person. Legislator Walker and back to you.

15 LEGISLATOR MACKENZIE: Just to
16 follow-up on Fran Becker's point. As you
17 said, this is a year-to-year process meaning
18 an application is done each year in similar or
19 same time lines. So that if an item is not
20 made a priority in year one if someone wants
21 to make it a priority in year two they need to
22 pay attention to the process and look to get
23 it done in the following year. Is that fair
24 to say?

25 MR. SARCONE: Very fair.

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2 LEGISLATOR MACKENZIE: As you
3 said, it's an application-based process
4 meaning that the localities, the lower level
5 of government, makes the application to you
6 making their priorities, which are reviewed
7 and submitted by you, which involves comments
8 at the local level firstly. And then
9 secondly, after the county makes the
10 application here, there is a second comment
11 period in the 30 days. So that if the
12 community makes comments during that 30 day
13 period those could be incorporated by any
14 elected official or representative to make a
15 change to this application, is that fair to
16 say?

17 MR. SARCONI: Yes. That is
18 exactly right. I would go a step further. I
19 wouldn't refer to it as public comment at a
20 local level. They actually conduct official
21 hearings.

22 LEGISLATOR MACKENZIE: Thank
23 you. I'm not meant to disagree with Siela and
24 her point. I don't. Please don't take my
25 questions that way.

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2 LEGISLATOR GONSALVES: Legislator
3 Walker.

4 LEGISLATOR WALKER: I'm just
5 going to take it step by step from the
6 beginning. First of all, we have been doing
7 this for 40 years.

8 MR. SARCONI: This will be the
9 43rd year.

10 LEGISLATOR WALKER: The process
11 is that community groups, individuals,
12 whatever, they reach out to their local
13 municipalities be it the village or the town,
14 whatever. They may have requests or issues
15 they're dealing with. It goes before those
16 municipalities. Those municipalities put a
17 package together, send it to you, to the
18 county. The county puts it all together.
19 Meets, puts it all together and you have to
20 send it to HUD.

21 Now, you get the information, which
22 you just got back from HUD, saying that okay,
23 yes, this is the amount of money. Hopefully
24 it's everything you have received from
25 everybody put together. Now you're going to

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2 have now another period of time, because you
3 are bringing this information to us now, that
4 we have to say we approve this so it can move
5 forward. And now they're going to have
6 hearings or a comment period that if anybody
7 had further questions, and you said they're
8 usually not questioning the specific amount to
9 whatever, it's other issues, up to now you
10 can't, for the time period you've been here,
11 you don't feel there's ever been a change in
12 the monies or whatever. Then hopefully
13 everything gets approved. But without us
14 approving this today everything then falls
15 apart?

16 MR. SARCONI: Yes.

17 LEGISLATOR WALKER: Whether we
18 don't like the time span or whatever. I would
19 just say as legislators our more involvement
20 could be to make sure we share with our
21 residents or share with our civic groups or
22 whatever if you have issues that you think you
23 need to be addressed here in this community
24 you need to reach out to your local
25 municipality so that it can be part of this

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2 process.

3 MR. SARCONE: Yes.

4 LEGISLATOR GONSALVES: Legislator
5 Bynoe.

6 LEGISLATOR BYNOE: Let me just do
7 this. We're going to move forward to 2018.
8 Because we are in 2017 and we were in 2016
9 last year. These same points were being
10 brought up in 2016. They're being brought up
11 again today and everyone says oh yeah, I
12 understand. Public comment is supposed to
13 come after -- I mean the vote is supposed to
14 come after the public comment. That's the way
15 it's supposed to happen.

16 Let's move forward to 2018 and with
17 a whole level of uncertainty or a whole bunch
18 of different reasons and say, let's use that
19 same calendar. April 1st the municipalities
20 go out and they do their hearings and make
21 their wish list based on what they were funded
22 on last year. 2018 funding comes down from
23 the federal government and it's cut
24 significantly. This year's it's only cut
25 \$50,000. Let's just say next year it's cut by

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2 \$500,000 or a million dollars. That plan is
3 going to change significantly.

4 The county is then required,
5 because of the change in funding, to then with
6 their decision making at their discretion to
7 make a change to that plan. If then they make
8 a change to the plan, right? In other words,
9 the funding comes in a million dollars short.
10 Now they're going to have to cut back \$250,000
11 from the city of Long Beach. They're going to
12 cut back money from Bayville. They're going
13 to then cut back money from the village of
14 Freeport. When they cut that money back the
15 only other opportunity that those
16 municipalities and its residents have to then
17 voice their concerns is at the county
18 hearing. If we approve a plan based on what
19 is submitted by the Office of Housing and
20 Community Development without the input of our
21 village mayors and municipality representation
22 and we approve that plan then they only get to
23 comment thereafter.

24 So, today's exercise is you're all
25 shook and scared so we're going to move

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2 forward and vote for this. And exercise is
3 based on a \$50,000 reduction to the plan and
4 not in a large number. But when that plan is
5 cut significantly by \$500,000 or a million
6 dollars then you're going to wish that you had
7 done the public comment section in advance of
8 approving the plan in the way that the US
9 Department of Housing and Urban Development
10 prescribes by 24 CFR. I don't know what
11 section from thereafter but take a gander
12 through it. We are doing it wrong. I don't
13 care if you did it 43 years this way. You've
14 been doing it 43 years the wrong way. Public
15 comment is supposed to come before the vote.

16 What did we just do on the proposal
17 of your legislation? We had public hearing
18 comment first. We didn't approve the law and
19 then ask the community to come and weigh in.
20 It's called decency and an order. We are
21 doing it wrong. And last year I was promised,
22 there was a commitment, not just to me but to
23 this body, that said we were going to do it
24 the right way this year, and we are failing to
25 hold them accountable to require they do it

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2 the right way. This is wrong.

3 I know we are all scared and we're
4 going to vote on it today because he's made an
5 assertion that we are going to lose the
6 money. But it's wrong. They are even cutting
7 the public comment section short because by
8 law when they notify community of the public
9 comment section, of having the public hearing,
10 they gave them a time line to which they would
11 have that hearing. Now I'm hearing we can
12 truncate the hearing process from 30 days to
13 15 days. I'm quite sure we told the community
14 that that public hearing process was going to
15 be open for 30. Even if we approved this and
16 he cuts the hearing days back to 15 days we
17 are in violation again of a federal
18 regulation. We are in violation folks. I'm
19 putting it on record for the second year. I'm
20 giving you an illustration how it will affect
21 us in the third year when there's
22 uncertainties. It's wrong.

23 LEGISLATOR GONSALVES: I want to
24 know emphatically, we are going to be given
25 over \$16 million for this program? For these

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2 programs, correct?

3 MR. SARCONE: That is what is
4 allocated.

5 LEGISLATOR GONSALVES: Does that
6 dollar amount change because of the hearings
7 or can the allocations to the various
8 communities change?

9 MR. SARCONE: The allocation that
10 is set forth by HUD does not change once they
11 make their awards.

12 LEGISLATOR GONSALVES: In other
13 words, the awards they make for three phrases
14 of this program, which amount to approximately
15 \$16 million, remain in place?

16 MR. SARCONE: That's correct,
17 yes.

18 LEGISLATOR GONSALVES: In spite
19 of what comes out of the hearings that you may
20 have in the next 15, 30 days, how many days?

21 MR. SARCONE: We are going to
22 have a 30 day comment period. HUD, the
23 federal government, gave us an option to
24 condense those public hearings amounts. We
25 have not exercised that option.

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2 LEGISLATOR GONSALVES: You can
3 still have the hearings for 30 days?

4 MR. SARCONE: That's what we
5 intend on doing.

6 LEGISLATOR GONSALVES: The only
7 thing that could happen as a result of those
8 hearings that a particular allotment was not
9 going to be as much for one community as for
10 another. But the amount HUD is giving us is
11 the same?

12 MR. SARCONE: The HUD amount has
13 been allocated to Nassau County in the numbers
14 provided to this body. We have made our
15 announcements and awards as well. We don't
16 anticipate changing our awards. What we get
17 back is comments on fair housing, comments on
18 phase three of a project. We get a lot of
19 different comments.

20 LEGISLATOR GONSALVES: I just
21 looked through a report of all of the
22 allocations and I want to know when you have
23 these hearings, after these hearings and you
24 now have to make a final report to HUD,
25 federal government or whatever, that we can

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2 see a copy of that final report.

3 MR. SARCONE: Once HUD approves
4 the plan I will hand deliver it to everyone.

5 LEGISLATOR GONSALVES: I want to
6 compare it. I want to see if there are any
7 major differences. That's where I stand at
8 this point. As long as I know the money will
9 be there.

10 MR. SARCONE: I'm not trying to
11 be a wiseguy. We've been talking for an
12 hour. Has anyone have a particular question
13 on the plan? About a particular project? A
14 particular allocation? A particular
15 activity? Does anyone have a question?

16 LEGISLATOR GONSALVES: No. I
17 just looked at it.

18 LEGISLATOR BYNOE: I can't get
19 past the process in order to even have a
20 question about the plan. I have to tell you
21 that I take offense to the fact that we would
22 be doing this again and that we are not
23 even -- we are in violation of federal
24 regulation. We are. If you want to do it in
25 ignorance of the law then we can do that. But

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2 I'm putting you on notice we are in violation.

3 LEGISLATOR GONSALVES: That's
4 your opinion and you are entitled to your
5 opinion. Thank you very much. Any public
6 comment?

7 MS. MEREDAY: Where does one
8 begin? Meta J. Mereday for the record. I
9 guess, first of all, in director Sarcone's
10 defense, when people question how it got so
11 late I don't have to tell anybody what's going
12 on in Washington DC. Let's start there with
13 regard to the lateness of the material getting
14 here. Just hearing him out, this public
15 hearing is taking place tomorrow I want to
16 make sure I put my comments on the record now
17 as it pertains to -- because again, I don't
18 have your access to all this documentation.

19 But one of the things that we are
20 doing within the veteran space is trying to
21 focus on what we're calling staying housed and
22 whole versus the nonexistent process that
23 regards addressing the soon to be homeless
24 epidemic that is occurring in Nassau County
25 with regard to the foreclosures and potential

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2 evictions that are impacting many of our
3 veterans in all age groups. And it's
4 significant here and we really need to be
5 doing something about that.

6 In New Jersey they have a program
7 that's called I Choose Home which provides
8 support services for senior residents and
9 gives them the resources to help them to stay
10 in their homes. Similar to the project that I
11 helped to undertake with a veteran in East
12 Rockaway so that a dormer could be built on
13 top of their home so that the 91 year old
14 World War II purple heart veteran could have
15 his family live with him so he wouldn't
16 accidentally put ant spray into his cup of tea
17 for him and his wife. These are the types of
18 things we need to start focusing on.

19 I commend Legislator Bynoe with
20 regard to her passion in this because I was
21 one of the few residents that for whatever
22 reason can go through the torture of these
23 four, five and six hour meetings to try to get
24 the point across about taxpayers who are
25 fleeing daily under the burden of the cost

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2 that we have to pay for the types of things
3 and decisions that are made by this group.

4 So, my quick question has to do
5 with again making this more accessible
6 actually for the public. Because the voices
7 that need to be heard at these meetings for
8 these issues cannot attend these public
9 hearings. So, my request is that we try to be
10 a little bit more respectful and receptive of
11 ways to communicate this information to them
12 and to provide opportunities for them to get
13 access to this information. Thank you.

14 LEGISLATOR GONSALVES: Thank you
15 Ms. Mereday. Now there being no other public
16 participation, I believe -- is everybody in
17 his or her seat? Mr. Sarcone, remember what
18 I'm waiting for. After this whole comment
19 period is over and a final report is sent to
20 HUD I would like to see what that is. I want
21 to make a comparison.

22 MR. SARCONE: That is not a
23 problem. I'm sure I will see everyone on the
24 dais tomorrow at the public hearing, right?
25 Just kidding.

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2 LEGISLATOR GONSALVES: Ms.

3 Mereday, in Hempstead there is Veterans
4 Assistance Day. So I'm hoping that people
5 will be there as well.

6 MR. SARCONI: The stand down is
7 tomorrow.

8 LEGISLATOR GONSALVES: Everybody
9 in his or her seat. All those in favor of
10 the -- I don't know what item it is anymore.

11 LEGISLATOR BYNOE: I make a
12 motion to table the item.

13 LEGISLATOR SOLAGES: I second the
14 motion.

15 LEGISLATOR GONSALVES: All those
16 in favor of tabling the item signify by saying
17 aye. Any opposed? The item is not tabled.

18 Now for the item itself. Item 16
19 Resolution 144 all those in favor signify by
20 saying aye. Any opposed? Unanimous. Let's
21 learn from this so we don't repeat it again
22 next year. We look forward to 2018. I won't
23 be here but that's okay. I will sit in the
24 back and make sure it's happening.

25 Guess what Mr. Pulitzer? We have

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2 an emergency that has been sent down to us.

3 MR. PULITZER: An emergency
4 resolution declaring an emergency for
5 immediate action upon an ordinance
6 supplemental to the annual appropriation
7 ordinance in connection with the Department of
8 Corrections.

9 LEGISLATOR GONSALVES: I believe
10 you did call the emergency.

11 MR. PULITZER: Would you like me
12 to repeat that?

13 LEGISLATOR GONSALVES: Please.

14 MR. PULITZER: For emergency
15 resolution an emergency resolution declaring
16 an emergency for immediate action upon an
17 ordinance supplemental to the annual
18 appropriation ordinance in connection with the
19 Department of Corrections.

20 LEGISLATOR GONSALVES: Motion
21 please. Moved by Legislator Walker. Seconded
22 by Legislator Kennedy. All those in favor of
23 establishing the emergency?

24 LEGISLATOR ABRAHAMS: That's what
25 we need to talk about. We may be okay with

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2 the emergency but we just need clarification
3 because this is tied to the correctional
4 contract. We need a better understanding of
5 how the entire contract will be funded.

6 LEGISLATOR GONSALVES: Where are
7 you Roseanne?

8 LEGISLATOR ABRAHAMS: Madam
9 Presiding Officer, we're okay with giving the
10 emergency as long as we can ask our questions
11 in regard to the supplemental.

12 LEGISLATOR GONSALVES: Of
13 course. Motion was made by Walker and
14 seconded by Kennedy. All those in favor of
15 establishing the emergency signify by saying
16 aye. Any opposed? The emergency is now
17 established.

18 LEGISLATOR ABRAHAMS: Thank you
19 Madam Presiding Officer. Roseanne, I'm not
20 too sure if you are fully versed to answer
21 questions regarding the actual contract per se
22 but our questions are tied to funding the
23 contract.

24 MS. D'ALLEVA: Can I ask a
25 question? Are we speaking of the NUMC

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2 contract?

3 LEGISLATOR ABRAHAMS: Yes. Is
4 that what this supplemental will towards
5 paying for that contract?

6 MS. D'ALLEVA: No. Actually this
7 supplemental is going to go towards refunding
8 the current Armor contract.

9 LEGISLATOR ABRAHAMS: Yes, but,
10 in essence, to free up money to pay for the
11 NUMC contract, correct?

12 MS. D'ALLEVA: We have a budget
13 transfer that is before you today for a final
14 vote I believe for the \$5 million. That
15 basically will fund the deficiencies.

16 LEGISLATOR ABRAHAMS: Let's start
17 over. Why are we considering the supplemental
18 appropriation.

19 MS. D'ALLEVA: The reason we are
20 considering the supplemental appropriation is
21 as I was before the leg during committees, in
22 order to route the NUMC contract the
23 correctional staff, the fiscal staff,
24 disencumbered current Armor contracts in order
25 to fund the new contract for NUMC. And what

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2 happened at that point was the funding
3 actually did not revert, the appropriation did
4 not revert to the contractual line but
5 actually created a revenue.

6 This supplemental is actually to
7 kind of, quote unquote, restore the
8 appropriation that was inadvertently
9 disencumbered and it was a clerical mistake
10 and this is the only way the financial
11 system -- that's why the comptroller's office
12 is here -- in order to restore the funding so
13 that we can have sufficient funding
14 appropriated for the current expenses for
15 Armor and then the board transfer is going to
16 fund the new NUMC contract.

17 LEGISLATOR ABRAHAMS: This is
18 just to pay for Armor then, not to pay for --

19 MS. D'ALLEVA: It's \$4.8 million
20 disencumberance for 2017 to fund Armor, yeah.
21 It was a clerical error. You had already
22 voted on this for the 2017 budget.

23 LEGISLATOR ABRAHAMS: If I
24 understand you correctly, this supplemental
25 appropriation moving money from the recovery

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2 revenue section of the budget is to pay off
3 Armor through August 31st?

4 MS. D'ALLEVA: Correct.

5 LEGISLATOR ABRAHAMS: Then
6 there's a board transfer, which we will later
7 consider, which is part of a transfer to
8 provide funding in place for NUMC from
9 September 1st to December 31st?

10 MS. D'ALLEVA: The additional
11 funding needed on top of the current
12 appropriation on that line, yes.

13 LEGISLATOR ABRAHAMS: I
14 understand. No further questions.

15 LEGISLATOR GONSALVES: There
16 being no other questions, I guess it's time to
17 move on to voting for the ordinance itself,
18 which is 288. An ordinance supplemental to
19 the annual appropriation ordinance in
20 connection with the Department of
21 Corrections.

22 Moved by Legislator MacKenzie.
23 Second by Legislator Gaylor. If there are no
24 other questions regarding this, this is the
25 emergency item.

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2 LEGISLATOR ABRAHAMS: I want to
3 make sure I'm clarifying for the record.
4 Again, we were given a different understanding
5 in terms of our staffing. This supplemental
6 appropriation is to close out the Armor
7 contract through August 31st and none of these
8 monies that are being part of the supplemental
9 appropriation goes toward NUMC? Am I
10 understanding that correctly?

11 MS. D'ALLEVA: It's to restore a
12 contractual disencumbrance against the Armor
13 contract that was already funded in 2017 that
14 reverted to the revenue line. So the answer
15 to your question is yes.

16 LEGISLATOR ABRAHAMS: It's not
17 going to the hospital?

18 MS. D'ALLEVA: No.

19 LEGISLATOR GONSALVES: Legislator
20 Muscarella.

21 LEGISLATOR MUSCARELLA: If we
22 don't do this we can't then do the transfer to
23 the hospital; is that correct?

24 MS. D'ALLEVA: Both the sub
25 object code that's related to both contracts

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2 is the same sub object code. It's in the same
3 control center, same sub object code. So both
4 contracts are funded in the same program. The
5 funding actually goes to support, the
6 appropriation, goes to support both
7 contracts. But the 4.8 is for Armor because
8 that's what was disencumbered.

9 LEGISLATOR ABRAHAMS: Not to cut
10 off Legislator Muscarella. The emergency is
11 warranted because we're trying to get them
12 paid by August 31st? Explain to me the
13 emergency need.

14 MS. D'ALLEVA: Because basically
15 all the funding for Armor was disencumbered
16 from the 2017 budget, right? It now reverted
17 to the revenue line. So we can't pay Armor
18 for any invoices that are currently
19 outstanding because there's no funding there
20 for them.

21 LEGISLATOR ABRAHAMS: How many
22 invoices are currently outstanding in total?

23 MS. D'ALLEVA: Approximately \$5
24 million that we haven't paid for.

25 LEGISLATOR ABRAHAMS: No, no.

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2 They're still rendering service through August
3 31st, correct?

4 MS. D'ALLEVA: Yeah.

5 LEGISLATOR ABRAHAMS: So how can
6 they have \$5 million? Then they're going to
7 hand us a bill for more than \$5 million?

8 MS. D'ALLEVA: There are invoices
9 that are delayed and haven't been paid yet it
10 depends on how long it takes through the claim
11 unit.

12 LEGISLATOR ABRAHAMS: We owe them
13 five million and we're going to owe them more
14 money between now and August 31st?

15 MS. D'ALLEVA: No.

16 LEGISLATOR ABRAHAMS: How much
17 money in invoices to date, not including
18 what's going forward, what this will pay for,
19 to date are we behind on?

20 MS. D'ALLEVA: I have to get that
21 information.

22 LEGISLATOR ABRAHAMS: I think we
23 need that information before we move forward
24 today.

25 LEGISLATOR GONSALVES: Here comes

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2 the director. Clarify. Give us any
3 information that we need.

4 MS. D'ALLEVA: The only thing
5 outstanding is July and August. According to
6 the correctional center the only thing
7 outstanding is July and August.

8 LEGISLATOR GONSALVES: To cover
9 what Roseanne?

10 MS. D'ALLEVA: A little over \$3.3
11 million.

12 LEGISLATOR SOLAGES: Madam
13 Presiding Officer, because this may result in
14 litigation between the county and Armor
15 shouldn't we go into executive session?

16 LEGISLATOR GONSALVES: I don't
17 know about that. I would like to know exactly
18 what this so-called 3 point something million
19 is for. Is it for the transition?

20 MS. D'ALLEVA: The original
21 appropriation was disencumbered for the Armor
22 contract and it fell to a recovery line due to
23 a clerical error. The comptroller's office is
24 telling us that this is the only way the
25 current appropriation can be reverted back on

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2 the expense appropriation line. If you want
3 the comptroller's office is here.

4 LEGISLATOR ABRAHAMS: Not to cut
5 you off Madam Presiding Officer, I don't think
6 anyone questions your explanation on why the
7 supplemental appropriation needs to happen.
8 But you know what? There are a lot of vendors
9 in this county that are seeking payment
10 because I see the contracts come through Rules
11 and we start contracts before we actually
12 approve them in this place. From that
13 standpoint, no one has explained to me why
14 this is an emergency. I don't see why this
15 can't be considered at our --

16 MS. D'ALLEVA: Because we have
17 not encumbered the new NUMC contract because
18 the appropriation wasn't available due to the
19 disencumberance that occurred because of this
20 contract. Therefore, the total appropriation
21 needed, the total additional appropriation
22 needed on top of what you voted on in 2017,
23 for the 2017 adopted budget is \$5.1 million
24 point.

25 LEGISLATOR ABRAHAMS: Roseanne

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2 two seconds ago I asked you a very pointed
3 question in regards to does this supplemental
4 appropriation prevent us from going forward
5 with the NUMC contract. You said my
6 understanding was correct. Now it sounds like
7 that we need to have this move forward in
8 order to be able to move forward with the NUMC
9 contract. Is my understanding changing now?

10 MS. D'ALLEVA: I possibly
11 misconstrued your question before. What I'm
12 trying to say is, in the totality of the
13 appropriation for that object code we need to
14 fund both the new Armor contract, the
15 extension, plus we also need to fund NUMC. On
16 top of that, before this body is an additional
17 board transfer of \$5.1 million in order to
18 fund all these changes on the contractual
19 services line.

20 LEGISLATOR ABRAHAMS: If this
21 legislative body did not take up this
22 supplemental appropriation but approved the
23 board transfer which puts the money in place
24 for NUMC's contract September 1 for the
25 remaining part of the year are we in any

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2 jeopardy of the NUMC contract being able to
3 proceed on September 1?

4 MS. D'ALLEVA: Yes because we
5 don't have enough funding to pay for both
6 contracts.

7 LEGISLATOR ABRAHAMS: This really
8 ties into the contract which I was going to
9 get into later, the money that we're
10 transferring is part of the supplemental
11 appropriation which is roughly about 4.8
12 million?

13 MS. D'ALLEVA: Yes.

14 LEGISLATOR ABRAHAMS: That money
15 is not all going to Armor. Some of it sounds
16 like it's going to NUMC.

17 MS. D'ALLEVA: Yes.

18 LEGISLATOR ABRAHAMS: Sergio is
19 nodding his head yes. So then this
20 supplemental appropriation is a part of -- so
21 our initial understanding was correct that
22 this supplemental appropriation is going
23 towards funding the new NUMC contract after
24 September 1.

25 MS. D'ALLEVA: Some of it.

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2 LEGISLATOR ABRAHAMS: How much?

3 MS. D'ALLEVA: I'm not exactly
4 sure how much. I believe it's like \$1.5
5 million. I'm not 100 percent sure.

6 LEGISLATOR ABRAHAMS: How fast
7 can you get that information? Eric knows.
8 Eric is here.

9 MR. NAUGHTON: So 1.7 will cover
10 Armor. The balance will go towards NUMC.

11 LEGISLATOR ABRAHAMS: That's all
12 we needed to know. Thank you Eric.

13 LEGISLATOR GONSALVES: I'm going
14 to call the vote please. All those in favor
15 of Ordinance 288 signify by saying aye. All
16 those in favor of 288 signify by saying aye.
17 Any opposed? The item passes unanimously.

18 Now we have to go to the other go
19 back to Item 27, the board transfer, which is
20 Resolution 155. A resolution to authorize the
21 transfer of appropriations heretofore made
22 within the budget for the year 2017.

23 Moved by Legislator Rhoads.
24 Seconded by Legislator Kennedy. Talk to us
25 again Roseanne.

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2 MS. D'ALLEVA: This is the
3 additional funding required to make sure we
4 get through December 31st for both contracts.

5 LEGISLATOR GONSALVES: Yes, you
6 may, Minority Leader.

7 LEGISLATOR ABRAHAMS: Thank you.

8 LEGISLATOR GONSALVES: Give us a
9 dollar amount.

10 MS. D'ALLEVA: 5.1 million.

11 LEGISLATOR ABRAHAMS: It's the
12 3.3 plus the 5.1 which gets us to 8.4?

13 MS. D'ALLEVA: Yes. But the
14 original disencumberance is 4.8.

15 LEGISLATOR ABRAHAMS: I'm sorry.
16 Let me clarify. In terms of money that's
17 going to be contractually obligated that we
18 are doing all of this transferring of money
19 for NUMC. I'm trying not to talk about
20 Armor. The focus is NUMC. The money that
21 will be going to NUMC based off of the
22 supplemental we just did and the board
23 transfer we are doing now for the remaining
24 part of this year is \$8.4 million?

25 MS. D'ALLEVA: I believe it's

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2 around \$7 million for the four months of this
3 year.

4 LEGISLATOR ABRAHAMS: I thought
5 Eric you said 3.3 was going to the hospital
6 and 1.7 -- that doesn't add up.

7 MR. NAUGHTON: Of the 4.8 3.1
8 would be towards the hospital.

9 LEGISLATOR ABRAHAMS: It's 3.1
10 plus 5.1 which gets us to 8.2.

11 MS. D'ALLEVA: The encumbrance
12 for NUMC for the remainder of the year for the
13 four months we are approximating at \$7
14 million. The balance, the 1.4, is for Armor
15 bills that had nothing to do with the
16 extension. It was Armor's encumbrance that
17 was already encumbered for 2017 through the
18 regular period through May.

19 LEGISLATOR ABRAHAMS: Say that
20 dollar amount that you plan to pay NUMC
21 again.

22 MS. D'ALLEVA: We are
23 approximating that the NUMC cost for the NUMC
24 contract is \$7 million.

25 LEGISLATOR ABRAHAMS: So, now my

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2 question is more tied to the contractual
3 agreement. It is our understanding that the
4 agreement will require \$6 million up front.

5 MS. D'ALLEVA: That's cash
6 advance.

7 LEGISLATOR ABRAHAMS: With \$1.5
8 million monthly invoices starting in September
9 1.

10 MS. D'ALLEVA: 1.5 plus about a
11 quarter of a million dollars administrative
12 fee. So the total would be 1.75.

13 LEGISLATOR ABRAHAMS: Doing the
14 math roughly, you need more like \$12 million.
15 Yes. How do you get to seven?

16 MS. D'ALLEVA: It's four months.

17 LEGISLATOR ABRAHAMS: Four months
18 plus the advance.

19 MS. D'ALLEVA: No. The advance
20 is a cash flow issue. The advance does not
21 count as an encumbrance.

22 LEGISLATOR ABRAHAMS: So then my
23 other question is then --

24 MS. D'ALLEVA: The advance will
25 be chewed at the end of the year in month 13

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2 once all the actual expenditures.

3 LEGISLATOR ABRAHAMS: I guess the
4 question becomes where are you getting all
5 this money from? Where is all this money
6 coming from?

7 MS. D'ALLEVA: It's cash flow.

8 LEGISLATOR ABRAHAMS: Where are
9 you getting from? Is it coming from the
10 correctional budget? Where is the money
11 coming from? How are you paying for all
12 this?

13 MS. D'ALLEVA: We have revenue
14 anticipation notes. We have bonds that we
15 do. We have cash flow notes. These are the
16 things that we do in order -- basically we
17 don't have salaries funded at the beginning of
18 the year for the entire year.

19 LEGISLATOR ABRAHAMS: It's my
20 understanding, which I think every legislator
21 up here has the same understanding, that the
22 county is strapped for cash. How are we
23 paying for this? Are we cutting something
24 that I'm not aware of?

25 MS. D'ALLEVA: No. In terms of

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2 the transfer \$7 million is the anticipated
3 expense on the books of the county at the end
4 of the year. That's what we anticipate to
5 spend for NUMC.

6 LEGISLATOR ABRAHAMS: That's
7 impossible because if the advance is six
8 million and we're going to spend 1.5 per month
9 that's another 6 million. That's \$12 million.

10 MS. D'ALLEVA: No. The expense
11 will be reconciled against the cash advance
12 for a year end expenditure of approximately \$7
13 million. The six million is just a cash flow
14 issue that NUMC would like. We have done this
15 before with the advances that we gave the
16 hospital. We always reconciled in advance.
17 We would pay them a quarterly advance in terms
18 of all their other things that we pay for them
19 in terms of rent, utilities, outpatient
20 billing. We basically give them \$20 million
21 advance on a quarterly basis. So, this is a
22 process and procedure that's been in place
23 with the hospital for a very long time. It
24 was actually put in place by Howard Weitzman.

25 LEGISLATOR ABRAHAMS: \$5.1

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2 million is going to be part of a board
3 transfer which is in the DE line. We are
4 doing a supplemental appropriation which is
5 going to be able to give us another 3.1
6 million. That will give us \$8.2 million. You
7 are going to use that 8.2 to address the six
8 million in cash flow as you call for the 1.5
9 per month. Am I understanding that
10 correctly?

11 MS. D'ALLEVA: The cash flow
12 advance has nothing to with the DE
13 appropriation.

14 LEGISLATOR ABRAHAMS: In month 13
15 where is the cash advance money coming from?

16 MS. D'ALLEVA: We advance cash
17 for let's say capital projects, in terms of
18 grant funding coming in later in terms of if
19 we're getting reimbursement. There's cash
20 advances for many opportunities throughout the
21 county. In terms of salaries, we don't get
22 all our tax levy up front. We get them in two
23 stages during the budget. These are the
24 things -- this is why we have cash flow notes.

25 LEGISLATOR ABRAHAMS: This is the

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2 borrowing that doesn't come to this
3 legislature that helps with the cash flow?

4 MS. D'ALLEVA: Cash flow notes?

5 Yes. We don't come to the legislature for
6 cash flow notes.

7 LEGISLATOR ABRAHAMS: That's
8 where the money's coming from. Coming from
9 borrowing operational cash flow money.

10 MS. D'ALLEVA: Process and
11 procedures we've been doing for years. We do
12 cash flow notes.

13 LEGISLATOR ABRAHAMS: Roseanne,
14 don't say it that way. We don't do advances
15 every single time for NUMC hospital for \$6
16 million.

17 MS. D'ALLEVA: It's been a
18 process in place for the hospital for a long
19 time.

20 LEGISLATOR ABRAHAMS: Yes. From
21 budgetary days when I used to work in the
22 budget office yes, we do do borrowing notes.
23 I'm just not aware of us doing a borrowing not
24 for a cash advance. But now I'm understanding
25 why you are delineating the cash advance from

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2 the contractual obligation because the
3 contractual obligation comes out of the DE
4 line, whereas the cash advance you guys are
5 treating that as cash no different than paying
6 salaries.

7 MS. D'ALLEVA: That's right.

8 LEGISLATOR ABRAHAMS: I
9 understand. Thank you.

10 LEGISLATOR GONSALVES: Do you
11 have any more left? Any other comments or
12 questions from the legislators? Any public
13 comment? Okay Ms. Mereday. Come help us
14 out.

15 MS. MEREDAY: Again, my concern
16 has to do with these allocations that we are
17 tossing back and forth millions of dollars and
18 I believe that there was a presentation
19 earlier with regard to this situation and this
20 transfer in terms of staffing. I can't stress
21 again the importance -- yes, being fiscally
22 responsible for change in this chamber is
23 heartening, but the devil again is in the
24 details. If we do not have enough of the
25 resources as in the support team and to

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2 address the problems that occurred, which is
3 why we are moving away from Armor and back to
4 NUMC. And again, we should never have left
5 NUMC. But that was again approved by
6 individuals who may not be sitting back
7 there. But again, there was a group that was
8 sitting back there that made that decision.
9 We need to start considering what is going to
10 be the oversight with regard to this.

11 Earlier it was addressed about
12 staffing. If you're not taking consideration
13 from those of us taxpayers who are still
14 trying to be here to struggle to pay for all
15 of this debt, and as I mentioned before to
16 someone offline, the only bond we don't seem
17 to have in Nassau County is James Bond because
18 everything else is coming out of our pocket.

19 But we have to take that into
20 consideration. Who is going to monitor this?
21 Who is going to insure that the inmates at the
22 correctional facilities, including a veteran
23 who died via suicide because they did not have
24 the protection and the resources and the
25 support, that this is going to be addressed?

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2 We are increasing the numbers on
3 paper but we are not increasing the human
4 contact, the connections, the resources and
5 the support. It is going to come back to bite
6 us. And unfortunately, we are losing the tax
7 base that you just so easily addressed
8 increasing this fee, taking back this
9 service. This is what's hurting the core of
10 what used to be a very, very supportive, a
11 very wonderful place to live.

12 And again, Long Island is home to
13 the largest veteran population in the
14 northeast corridor. And aside from we do the
15 salutes, we do the parades, we do the picnics,
16 do the photo-ops for election day. You have
17 the one little day that you say yes, we salute
18 and support you. But you're not addressing
19 the fact that they have the highest rate of
20 suicides. They have the highest rates of
21 illnesses and the lawsuits that are taking
22 place just in general. We need to start
23 looking at the human count while you're
24 counting the numbers. Thank you.

25 LEGISLATOR GONSALVES: Thank you

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2 Ms. Mereday. Since there are no other
3 comments, all those in favor of Item 27
4 Resolution 155 signify by saying aye. Any
5 opposed? The item passes unanimously.

6 Now, there are no other items on
7 the calendar at this time. I'm going to put
8 this meeting in recess so that any items that
9 were not heard today can be heard at the next
10 meeting.

11 (Meeting was recessed at 5:16 p.m.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 14th day of
July 2017

FRANK GRAY