

Nassau County legislature

Full Calendar Meeting

Mineola New York

July 11, 2011

1. Meeting Minutes
Meeting Minutes

Documents: [FULL LEGISLATURE CALENDAR.PDF](#), [RULES.PDF](#)

2. Rules Committee Agenda & Addendum
Rules Committee Agenda & Addendum

Documents: [RULES COMMITTEE AGENDA ADDENDUM.PDF](#), [RULES COMMITTEE AGENDA.PDF](#)

3. Public Notice
Public Notice

Documents: [PUBLIC NOTICE.PDF](#)

THE NASSAU COUNTY LEGISLATURE IS COMMITTED TO MAKING ITS PUBLIC MEETING ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. IF, DUE TO A DISABILITY, YOU NEED AN ACCOMMODATION OR ASSISTANCE TO PARTICIPATE IN THE PUBLIC MEETING OR TO OBTAIN A COPY OF THE TRANSCRIPT OF THE PUBLIC HEARING IN AN ALTERNATIVE FORMAT IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT THE OFFICE OF THE CLERK OF THE LEGISLATURE AT 571-4252, OR MATTHEW DWYER, OF THE NASSAU COUNTY OFFICE FOR THE PHYSICALLY CHALLENGED AT 227-7101 OR TDD TELEPHONE NO. 227-8989.

1. **ORDINANCE NO. 77-2011**
AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE PAYMENT OF CERTAIN CLAIMS AGAINST THE COUNTY OF NASSAU, AUTHORIZING \$339,996.64 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE. 234-11(AT)
2. **ORDINANCE NO. 78-2011**
BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE CERTAIN PROJECTS UNDER THE ENVIRONMENTAL PROGRAM ESTABLISHED PURSUANT TO TITLE 59 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY, AUTHORIZING \$5,024,800 BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 250-11(PW)
3. **ORDINANCE NO. 79-2011**
BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE A PROJECT UNDER THE ENVIRONMENTAL PROGRAM ESTABLISHED PURSUANT SECTION 1612 OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY, AUTHORIZING \$1,136,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 251-11(PW)
4. **ORDINANCE NO. 80-2011**
BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE CAPITAL PROJECTS SPECIFIED HEREIN WITHIN THE COUNTY OF NASSAU, AUTHORIZING \$101,953,960 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW

ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 286-11(PW)

5. **ORDINANCE NO. 81-2011**

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE CAPITAL PROJECTS SPECIFIED HEREIN WITHIN THE COUNTY OF NASSAU, AUTHORIZING \$70,036,204 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 287-11(PW)

6. **ORDINANCE NO. 82-2011**

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO LEASE, ON BEHALF OF THE COUNTY OF NASSAU, CERTAIN RESIDENTIAL HOUSING UNITS LOCATED IN THE UNINCORPORATED AREA KNOWN AS UNIONDALE, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 44, BLOCK F, LOTS 353 AND 408 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL LEASES, CONTRACTS AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO LEASE SUCH PROPERTIES. 267-11 (RE)

7. **ORDINANCE NO. 83-2011**

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO ACCEPT, ON BEHALF OF THE COUNTY OF NASSAU, AN OFFER OF PURCHASE FROM PHILIP BECK AND NANCY BECK OF CERTAIN PREMISES LOCATED IN LIDO BEACH, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 60, BLOCK 9, LOT 205 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED, CONTRACT OF SALE AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMATE THE SALE. 269-11 (RE)

8. **ORDINANCE NO. 84-2011**

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO ACCEPT, ON BEHALF OF THE COUNTY OF NASSAU, AN OFFER OF PURCHASE FROM JESUS S. MESTIZO OF CERTAIN PREMISES LOCATED IN ROOSEVELT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 55, BLOCK 321, LOT 115 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED, CONTRACT OF SALE AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMATE THE SALE. 270-11(RE)

9. **ORDINANCE NO. 85-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 242-11(OMB)

10. **ORDINANCE NO. 86-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 243-11(OMB)

11. **ORDINANCE NO. 87-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 244-11(OMB)

12. **ORDINANCE NO. 88-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 245-11(OMB)

13. **ORDINANCE NO. 89-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 246-11(OMB)

14. **ORDINANCE NO. 90-2011**

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 263-11(OMB)

15. **ORDINANCE NO. 91-2011**
AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE HEALTH DEPARTMENT. 264-11(OMB)
16. **RESOLUTION NO. 156-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND ASCENT: A SCHOOL FOR INDIVIDUALS WITH AUTISM. 232-11(PK)
17. **RESOLUTION NO. 157-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND FEEL BETTER KIDS, INC. 233-11(PK)
18. **RESOLUTION NO. 158-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE OFFICE OF THE CHIEF MEDICAL EXAMINER OF THE CITY OF NEW YORK IN RELATION TO EXAMINATION OF SKELETAL REMAINS RECOVERED IN THE COUNTY OF NASSAU. 266-11(ME)
19. **RESOLUTION NO. 159-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF WILLISTON PARK IN RELATION TO FUNDING TO PROCURE AND INSTALL SUN COVERS AT KELLEHER BASEBALL FIELD. 275-11 (CE)
20. **RESOLUTION NO. 160-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF WILLISTON PARK IN RELATION TO FUNDING TO PROCURE AND INSTALL NEW LOCKER ROOMS AND UPGRADES TO BATHROOM FACILITIES AT THE WILLISTON PARK ROGER FAY POOL. 276-11(CE)
21. **RESOLUTION NO. 161-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE NASSAU COUNTY BRIDGE AUTHORITY IN RELATION TO FUNDING TO IMPROVE AND RECONSTRUCT PORTIONS OF THE STREET AND SIDEWALK UNDERNEATH THE ATLANTIC BEACH BRIDGE. 277-11(CE)
22. **RESOLUTION NO. 162-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF ROCKVILLE CENTRE IN RELATION TO FUNDING TO REPAIR OR REPLACE SIDEWALKS AND CURBS ON NORTH VILLAGE AVENUE. 278-11(CE)
23. **RESOLUTION NO. 163-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF MALVERNE IN RELATION TO A FACILITY TO BE LEASED TO THE MALVERNE VOLUNTEER AMBULANCE CORPS. 279-11(CE)
24. **RESOLUTION NO. 164-2011**
A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND LONG ISLAND FILM/TV FOUNDATION. 265-11(PK)
25. **RESOLUTION NO. 165-2011**
A RESOLUTION TO AUTHORIZE A TAX EXEMPTION AND PILOT AGREEMENT BETWEEN THE COUNTY OF NASSAU AND COW BAY HOUSING DEVELOPMENT COMPANY, INC. 289-11(AT)
26. **RESOLUTION NO. 166-2011**
A RESOLUTION CONFIRMING THE APPOINTMENT BY THE COUNTY EXECUTIVE OF ERIC BJORNEBY, AS A JUDGE OF THE DISTRICT COURT OF THE COUNTY OF NASSAU FOR THE SECOND JUDICIAL DISTRICT, PURSUANT TO SECTION 21(D) OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF NEW YORK. 247-11(CE)
27. **RESOLUTION NO. 167-2011**
A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF DR. JORGE L.

GARDYN TO THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES PURSUANT TO SECTION 6306 OF THE EDUCATION LAW. 274-11(CE)

28. **RESOLUTION NO. 168-2011**
A RESOLUTION TO APPOINT DANIEL J. MCCLOY AS A MEMBER OF THE NASSAU COUNTY EMPLOYEE INDEMNIFICATION BOARD. 288-11(LE)
29. **RESOLUTION NO. 169-2011**
A RESOLUTION CONFIRMING THE APPOINTMENT OF DR. JORGE L. GARDYN AS A MEMBER OF THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES. 290-11(LE)
30. **RESOLUTION NO. 170-2011**
MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE ACQUISITION OF AN EASEMENT FROM THE STATE OF NEW YORK OVER A PARCEL OF STATE-OWNED REAL PROPERTY SITUATED IN THE INCORPORATED VILLAGE OF FREEPORT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID REAL PROPERTY KNOWN AS SECTION 62, BLOCK E, PART OF THE MEADOWBROOK PARKWAY RIGHT-OF-WAY ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT OF EASEMENT AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO ACCEPT SUCH EASEMENT. 268-11(RE)
31. **RESOLUTION NO. 171-2011**
A RESOLUTION TO ACCEPT A GIFT OFFERED BY A DONOR TO THE NASSAU COUNTY POLICE DEPARTMENT. 241-11(PD)
32. **RESOLUTION NO. 172-2011**
A RESOLUTION AUTHORIZING THE COUNTY OF NASSAU TO FILE AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. 285-11(CD)
33. **RESOLUTION NO. 173-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 255-11(OMB)
34. **RESOLUTION NO. 174-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 256-11(OMB)
35. **RESOLUTION NO. 175-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 257-11(OMB)
36. **RESOLUTION NO. 176-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 258-11(OMB)
37. **RESOLUTION NO. 177-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 259-11(OMB)
38. **RESOLUTION NO. 178-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 260-11(OMB)
39. **RESOLUTION NO. 179-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 261-11(OMB)
40. **RESOLUTION NO. 180-2011**
A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 262-11(OMB)
41. **RESOLUTION NO. 181-2011**
A RESOLUTION AUTHORIZING AND DIRECTING THE TREASURER OF NASSAU COUNTY TO ASSIGN A CERTAIN TAX LIEN CERTIFICATE IN CONNECTION WITH PREMISES LOCATED IN THE TOWN OF HEMPSTEAD, SCHOOL DISTRICT NO. 11, SECTION 43, BLOCK 209, LOT 39.

42. **RESOLUTION NO. 182-2011**

A RESOLUTION AUTHORIZING AND DIRECTING THE TREASURER OF NASSAU COUNTY TO ASSIGN A CERTAIN TAX LIEN CERTIFICATE IN CONNECTION WITH PREMISES LOCATED IN THE TOWN OF OYSTER BAY, SCHOOL DISTRICT NO. 306, SECTION 53, BLOCK 41, LOTS 10 AND 12. 282-11(TR)

NOTICE IS HEREBY GIVEN that the County Executive has executed the following personal service agreements, copies of which are on file with the Clerk of the County Legislature. These agreements are subject to approval or review, by the Rules Committee, and are listed for informational purposes.

County of Nassau acting on behalf of Youth Board and S.T.R.O.N.G. Youth, Inc...

RE: Youth Development/Delinquency Program. \$225,000.00. ID# CYQB11000037.

County of Nassau acting on behalf of Parks, Recreation and Museums and Molloy College. RE: Facility Enhancement/Field Usage - Bay Park, East Rockaway.

\$.01. E-67-11 R-87-11.

County of Nassau acting on behalf of Office of Community Development and Arodes Construction.

RE: Lead. \$200,000.00. E-70-11 R-89-11.

County of Nassau acting on behalf of Health and Cost Management Services, Inc...

RE: Medicaid Claiming Services. \$88,594.00. ID# CLHE11000001.

County of Nassau acting on behalf of Emergency Management and Swiftreach Networks Inc. RE: Emergency Notification System. \$52,153.00. ID# CLEM11000001.

County of Nassau acting on behalf of Senior Citizens Affairs and Catholic Charities of the Diocese of Rockville Centre. RE: Title IIIC-1 Congregate Meals. \$584,474.00.

ID# CLSC11000006.

County of Nassau acting on behalf of Social Services and Nassau County Coalition against Domestic Violence. RE: Non Residential Services. \$673,695.00.

ID# CLSS110000042.

County of Nassau acting on behalf of Social Services and Coalition Against Child Abuse & Neglect, Inc... RE: Child Abuse and Neglect. \$600,000.00. E-94-11 R-120-11.

County of Nassau acting on behalf of Social Services and Leadership Training Institute. RE: Non Secure Detention Center. \$208,385.52. E-149-10 R-203-10.

County of Nassau acting on behalf of Social Services and Tristate Judicial Services.

RE: Process Server. \$16,666.67. E-88-11 R-111-11.

County of Nassau acting on behalf of Traffic Safety Board and Community Wellness Council. RE: Alcohol Education/Prevention. \$10,000.00. ID# CQTS11000018.

County of Nassau acting on behalf of Public Works and Malcolm Pirnie, Inc. (MPI).

RE: On-Call Construction Mgmt. \$.01 E-41-11 R-78-11.

County of Nassau acting on behalf of Public Works and Cameron Engineering & Associates, LLP... RE: Planning and Designing. \$355,245.00. E-46-11 R-67-11.

County of Nassau acting on behalf of Public Works and Lockweed, Kessler and Bartlett. RE: On-Call Mgmt. \$.01. E-38-11 R-75-11.

County of Nassau acting on behalf of Public Works and DeBruin Engineering, P.C...

RE: On-Call Construction Mgmt. \$.01. E-37-11 R-74-11.

County of Nassau acting on behalf of Public Works and Savin Engineers, P.C...

RE: On-Call Construction Mgmt. \$.01. E-43-11 R-84-11.

County of Nassau acting on behalf of Public Works and Dvirka and Bartilucci, a Division of William F. Cosulich Associates, P.C... Professional Service Agreements. \$643,500.00. E-62-11 R-64-11.

County of Nassau acting on behalf of District Attorney's Office and Veritext Court Reporting. RE: Court Report Services. \$200,000.00. ID# CLDA11000003.

County of Nassau acting on behalf of Mental Health, CD & DDS and Long Beach Medical Center. RE: Substance Abuse Treatment/Prevention. \$1,106,178.00. ID# CQBH11000063.

County of Nassau acting on behalf of Medical Examiner and Vito Cardo, DDS. RE: Forensic Odontology. \$1,620.00. E-59-11 R-61-11.

County of Nassau acting on behalf of County Attorney and Cuomo LLC. RE: Special Counsel. \$25,000.00. ID# CQAT10000027.

County of Nassau acting on behalf of Treasurer and Auctions International, Inc... RE: 2011 Annual Unpaid Property Tax Lien Sale Auctioneer. \$17,500.000. ID# CQTR11000002.

County of Nassau acting on behalf of Comptroller and Deloitte and Touche, LLP... RE: Independent Audit of County Finance. \$34,000.00. E-78-11 R-95-11.
County of Nassau acting on behalf of IT/GIS and Balfour Technologies LLC... RE: NCGIS Data Request. \$.01. ID# CQIT11000006.

County of Nassau acting on behalf of Parks, Rec. & Museums and Regina Schaentzler. RE: Ice Skating Instruction. \$4,995.00. ID# CQPK11000012-01.

County of Nassau acting on behalf of IT/GIS and Renaissance Downtowns LLC. RE: NCGIS Data Request. \$01. ID# CQIT11000002.

County of Nassau acting on behalf of District Attorney's Office and Suzanne Hand & Associates, Inc... RE: Court Reporting Services. \$170,000.00... ID# CLDA11000002.

County of Nassau acting on behalf of Senior Citizens Affair and Family and Children's Association. RE: Elder Abuse Prevention (Title VII). \$40,000.00. ID# CLSC11000034.

County of Nassau acting on behalf of Office of Community Development and Village of Sea Cliff. RE: CDBG. \$14,000.00. ID# CLHI11000004.

County of Nassau acting on behalf of Social Services and Melmark Home. RE: Foster Care/CSE Services. \$.01 ID# CQSS11000019.

County of Nassau acting on behalf of Health and United Way of Long Island, Inc... RE: Health & Human Services HIV/AIDS Grant Admin. \$13,971.00. ID# CLHE11000002.

County of Nassau acting on behalf of Senior Citizens Affairs and Catholic Charities of the Diocese of Rockville Centre. RE: Title IIIC-2 Home Delivered Meals. \$1,095,562.00. ID# CLSC11000001.

County of Nassau acting on behalf of Office of Minority Affairs and Nassau County Bar Association. RE: Catering. \$630.72. ID# CQMA11000001.

County of Nassau acting on behalf of District Attorney and WSK Consulting. RE: SISDA Programming and Maintenance. \$24,000.00. ID# CQDA11000008.

County of Nassau acting on behalf of Social Services and Jennifer Maragh. RE: Adult Foster Home. \$.03. ID# CQSS11000035.

County of Nassau acting on behalf of District Attorney and Nassau County Coalition against Domestic Violence. RE: Treat Victim of Sexual Assault. \$12,817.00. ID# CQDA11000004.

County of Nassau acting on behalf of District Attorney and Hofstra University. RE: Youth Violence & Gang Conference. \$2,000.00. ID# CQDA11000005.

County of Nassau acting on behalf of Mental Health, CD & DDS and North Shore Children & Family Guidance Association, Inc... RE: Community Based MH (LA Regular). \$828,520.00. ID# CQBH11000054.

County of Nassau acting on behalf of Health and First Step LLC. RE: Early Intervention. \$.01. ID# CQHD11000004.

County of Nassau acting on behalf of Health and The Omni Center/Harmony Hearing-dba-The Omni Center -A Progress for Children & Their Families. RE: Preschool Special Education. \$.02. ID# CQHE1100007/01.

County of Nassau acting on behalf of OHHS and Society of St. Vincent de Paul Anthony House. RE: Emergency Shelter Grant. \$15,000.00. ID# CQHI11000019.

County of Nassau acting on behalf of OHHS and Society of St. Vincent de Paul Dismas House. RE: Emergency Shelter Grant. \$15,000.00. ID# CQHI11000020.

County of Nassau acting on behalf of Medical Examiner and Henry Dondero DDS. RE: Forensic Odontology. \$1,620.00. E-58-11 R-60-11.

County of Nassau acting on behalf of Parks, Rec. & Museums and Eric Mordhorst. RE: Hotel/Motel Tax Grant. \$4,980.00. ID# CQPK11000016-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Esperanza Schweikert. RE: Hotel/Motel Tax Grant. \$4,950.00. ID# CQPK11000019-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Mary Nagin. RE: Traditional Dance Music. \$4,640.00. ID# CQPK11000018-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Charles Guthrie. RE: Hotel/Motel Tax Grant. \$3,600.00. ID# CQPK11000011-01.

County of Nassau acting on behalf of Senior Citizen Affairs and Long Island Marriott Hotel. RE: Conference/Luncheon. \$16,700.00. ID# CQSC11000002.

County of Nassau acting on behalf of Senior Citizen Affairs and Visiting Nurse Association of Long Island, Inc... RE: Title IIIC-2 Home Delivered Meals. \$659,336.00. ID# CLSC11000005.

County of Nassau acting on behalf of Social Services and Nassau Health Care Cooperation. RE: Medical for Children at JDC. \$155,000.00. ID# CLSS11000058.

**THE NASSAU COUNTY LEGISLATURE WILL
CONVENE NEXT
COMMITTEE MEETINGS
MONDAY JULY 25, 2011 at 1:00PM
AND
FULL LEGISLATURE MEETING
MONDAY AUGUST 1, 2011 at 1:00PM**

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT

**THE RULES COMMITTEE
WILL HOLD A MEETING ON
MONDAY, JULY 11, 2011 AT 11:00 A.M.
IN**

**THE LEGISLATIVE CHAMBERS
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK**

William J. Muller III
William Muller III
Clerk of the Legislature
Nassau County, New York

Dated: June 30, 2011
Mineola, NY

THE NASSAU COUNTY LEGISLATURE IS COMMITTED TO MAKING ITS PUBLIC MEETING ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. IF, DUE TO A DISABILITY, YOU NEED AN ACCOMMODATION OR ASSISTANCE TO PARTICIPATE IN THE PUBLIC

MEETING OR TO OBTAIN A COPY OF THE TRANSCRIPT OF THE PUBLIC HEARING IN AN ALTERNATIVE FORMAT IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT THE OFFICE OF THE CLERK OF THE LEGISLATURE AT 571-4252, OR MATTHEW DWYER OF THE NASSAU COUNTY OFFICE FOR THE PHYSICALLY CHALLENGED AT 227-7101 OR TDD TELEPHONE NO. 227-8989

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FULL LEGISLATURE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

July 11, 2011
1:26 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

PETER J. SCHMITT
Chair

DIANE YATAURO
Minority Leader

KEVAN ABRAHAMS

ROBERT TROIANO

JOHN J. CIOTTI

DENISE FORD

JOSEPH SCANNELL

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA

RICHARD J. NICOLELLO

JUDI BOSWORTH

WAYNE WINK

NORMA GONSALVES

JOSEPH BELESI

DENNIS DUNNE, SR.

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

LIST OF SPEAKERS

AUBREY LEWIS. 6
JERRY LARRICCHUITA. 8
TIMOTHY BEUTH. 13
GABE MARQUES. 15
MARCO DAFONTE 17
GUS XIKIS 17
ELEANOR WOLFFF 19
CAY FATIMA. 27
JOANNE BORDEN 35
JAMES CARVER. 42
BOB DELSIGNORE. 63
ERIC BJORNEBY 78
DAN SHORE 80
MARC HERBST 85
SUSAN SCHULTZ 95
JUDITH VANDYKE. 97

2 CHAIRMAN SCHMITT: Sorry for the delay,
3 but for those of you have been in the audience,
4 we have many different things going on at the
5 same time. And I'm going to -- we had adjourned
6 the meeting of June 6. I'm sorry. We had
7 recessed the meeting of June 6, so I'm going to
8 reconvene that meeting. And we have items that
9 were on that calendar that were not called. They
10 were not tabled, they were just not called.

11 I'm going to just call these two items.
12 They are two appointments.

13 The first item is Resolution Number 137,
14 which is confirming the county executive's
15 appointment or Russell Rosenthal to the Nassau
16 County Bridge Authority. This is a
17 reappointment. Mr. Rosenthal is already serving
18 on the Bridge Authority.

19 LEGISLATOR CIOTTI: So moved.

20 LEGISLATOR GONSALVES: Second.

21 CHAIRMAN SCHMITT: Motion by Legislator
22 Ciotti, seconded by Legislator Gonsalves.

23 Is there any debate or discussion?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The next item is Item Number 39,
8 Resolution Number 142, confirming the county
9 executive's appointment of Aubrey Oren Lewis to
10 the Board of the Nassau Health Care Corporation
11 in a non-voting position, pursuant to Section 203
12 of the Nassau County Charter and Charter 42 of
13 the 2006 Laws of New York.

14 May I have a motion, please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR CIOTTI: Second.

17 CHAIRMAN SCHMITT: Moved by Legislator
18 Gonsalves, seconded by Legislator Ciotti.

19 Mr. Lewis is with us. Welcome, sir.

20 Does anybody have any questions for Mr. Lewis?

21 (No verbal response.)

22 DR. LEWIS: Thank you very much, Mr.
23 Schmitt.

24 CHAIRMAN SCHMITT: Legislator Abrahams.

25 LEGISLATOR ABRAHAMS: I know I've know

2 Dr. Lewis for --

3 CHAIRMAN SCHMITT: I'm sorry, Dr. Lewis,
4 you're correct.

5 LEGISLATOR ABRAHAMS: for quite some
6 time. He has always been very passionate about
7 all of the residents of Nassau County and their
8 health. He has sponsored many different clinics
9 in the minority communities. He is a champion,
10 trying to get, at one time, a diagnostic and
11 treatment center, a full fledged hospital, for
12 that matter, in the minority communities,
13 realizing the disparities that exist. He is
14 truly somebody that will add some depth to this
15 particular body. And I want to thank him for
16 taking on this noble task. And I support his
17 candidacy for this position wholeheartedly.

18 DR. LEWIS: Thank you, Legislator
19 Abrahams.

20 CHAIRMAN SCHMITT: Thank you, Legislator
21 Abrahams.

22 Anybody else have any questions or any
23 comments? Dr. Lewis, is there anything you'd
24 like to say to us?

25 DR. LEWIS: I'm humbled and honored to be

2 asked by this Committee to appear before you for
3 my candidacy to the Board. As Legislator
4 Abrahams said, I've been very passionate about my
5 community. I trained at the Nassau County
6 Medical Center 33 years ago. I've been an
7 attending there for many years. My office is in
8 Merrick. My home is in Uniondale. And I have a
9 free clinic in Hempstead. And I have several
10 other help related activities that I do,
11 especially for people who are uninsured.

12 Because I trained at the Medical Center
13 and I'm passionate about it, I'm very interested
14 in its survival. I'm very interested in its
15 independence, and I'm very interested in its
16 integrity. So that's one of the first things I
17 will be focusing on.

18 The second thing is the actual health of
19 the workers at the Medical Center. You cannot
20 take care of sick patients with sick employees.
21 Care -- health care is a very interesting thing.
22 It demands an awful lot from the employees as
23 well as the staff. So we have to, as the Board,
24 have to pay attention and make certain that the
25 employees actually have ownership of their jobs

2 and they're not afraid of losing their jobs, and
3 they participate in making the Medical Center a
4 better place.

5 The third thing I'd like to focus on is
6 the community that the Medical Center serves. As
7 Legislator Abrahams said, one of the co-missions
8 of the Medical Center is actually serving the
9 poor in the minority communities of Nassau
10 County. And I would like to make certain that
11 that co-mission is actually carried out.

12 So those are the three main things that
13 I'm concerned about. And I'm, again, honored to
14 appear before you. And I hope that you will give
15 me the opportunity to serve.

16 Thank you.

17 CHAIRMAN SCHMITT: Thank you very much.

18 Any public comment?

19 MR. LARICCHIUTA: I would just like to
20 come and say congratulations to Dr. Lewis. He's
21 a champion for all residents, regardless of how
22 much money they make or don't make, the level of
23 insurance. Dr. Lewis, as Mr. Abrahams has said,
24 is a champion for all residents of Nassau County,
25 especially those that do not have the ability to

2 have medical insurance pay for their coverage.
3 This man has been a hero to them for years and
4 years. And I think that we are very lucky. And
5 I want to thank the Committee and the legislators
6 for endorsing him, hopefully. He will be a huge
7 addition to a board at the Hospital that's much
8 needed. And I look forward to working with Mr.
9 Gianelli and his board down the road, with the
10 addition of having Aubrey Lewis on there.

11 Thank you. And congratulations.

12 CHAIRMAN SCHMITT: Thank you.

13 Any other public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 Congratulations, Doctor.

21 DR. LEWIS: Thank you very much.

22 CHAIRMAN SCHMITT: I'm going to take a
23 motion to adjourn the meeting of June 6.

24 LEGISLATOR CIOTTI: So moved.

25 LEGISLATOR GONSALVES: Second.

2 CHAIRMAN SCHMITT: Moved by Legislator
3 Ciotti, seconded by Legislator Gonsalves.

4 All those in favor please say aye.

5 (Aye.)

6 We stand adjourned.

7 (Whereupon, the June 6, 2011 meeting of
8 the Full Legislature adjourned at 1:33 p.m.)

9 CHAIRMAN SCHMITT: Now I'm going to call
10 to order today's meeting, the meeting of July 11.

11 Mr. Clerk, would you please call the
12 roll?

13 CLERK MULLER: Deputy Presiding Officer
14 Ciotti?

15 LEGISLATOR CIOTTI: Here.

16 CLERK MULLER: Alternate Deputy
17 Presiding Officer Gonsalves?

18 LEGISLATOR GONSALVES: Present.

19 CLERK MULLER: Legislator Abrahams?

20 LEGISLATOR ABRAHAMS: Here.

21 CLERK MULLER: Legislator Troiano?

22 LEGISLATOR TROIANO: Here.

23 CLERK MULLER: Legislator Ford?

24 LEGISLATOR FORD: Here.

25 CLERK MULLER: Legislator Scannell?

2 LEGISLATOR SCANNELL: Here.

3 CLERK MULLER: Legislator Becker?

4 LEGISLATOR BECKER: Present.

5 CLERK MULLER: Legislator Kopel?

6 LEGISLATOR KOPEL: Here.

7 CLERK MULLER: Legislator Muscarella?

8 LEGISLATOR MUSCARELLA: Here.

9 CLERK MULLER: Legislator Nicoletto?

10 LEGISLATOR NICOLELLO: Here.

11 CLERK MULLER: Legislator Bosworth?

12 LEGISLATOR BOSWORTH: Here.

13 CLERK MULLER: Legislator Wink?

14 LEGISLATOR WINK: Here.

15 CLERK MULLER: Legislator Belesi?

16 LEGISLATOR BELESI: Here.

17 CLERK MULLER: Legislator Dunne?

18 LEGISLATOR DUNNE: Here.

19 CLERK MULLER: Legislator Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK MULLER: Legislator Walker?

22 LEGISLATOR WALKER: Here.

23 CLERK MULLER: Legislator Denenberg?

24 LEGISLATOR DENENBERG: Here.

25 CLERK MULLER: Minority Leader Yatauro?

2 LEGISLATOR YATAURO: Here.

3 CLERK MULLER: Presiding Officer

4 Schmitt?

5 CHAIRMAN SCHMITT: Present.

6 CLERK MULLER: We have a quorum.

7 CHAIRMAN SCHMITT: We have a quorum.

8 We're going to begin with -- we have a
9 CSEA hero, where we take time to recognize county
10 employees who have performed above and beyond
11 their capacity. Mr. Mulholland? Mr.

12 Laricchuita? Who is here for Timothy Beuth? Mr.
13 Beuth is obviously a CSEA member, a public safety
14 officer with the County.

15 While on patrol at Eisenhower Park,
16 Public Safety Officer Beuth received a call for a
17 man down on the softball field. Tim Beuth was
18 the first to respond and found a fellow CSEA
19 member unconscious and in cardiac arrest. Public
20 Officer Beuth performed CPR and was able to get
21 the aided person breathing on his own again.

22 Nassau University Medical Center doctors
23 credited Mr. Beuth with saving the person's life
24 and also preventing any brain damage. Mr. Beuth
25 has been given the Nassau County Police

2 Department Life Saving Award, the first time a
3 public safety officer received an award from the
4 Nassau County Police Department.

5 And we, here, on the Legislature was to
6 recognize you. And I have a citation to present
7 to you on behalf of all of us where we recognize
8 your service to the residents of this County over
9 and above the call of duty. And we want to
10 congratulate you and thank you for your service.

11 If there is anything you'd like to say to
12 us, please feel free and come up and then we'll
13 present the citation.

14 MR. BEUTH: I'd just like to thank the
15 County for this, very much so. Thank you.

16 CHAIRMAN SCHMITT: Thank you.

17 LEGISLATOR DENENBERG: If I could just
18 add something.

19 CHAIRMAN SCHMITT: Come up while he's
20 adding. Go ahead.

21 LEGISLATOR DENENBERG: Tim is -- Tim and
22 the Beuth family live in Bellmore. For everyone
23 in the audience, this is nothing new for Timmy.
24 All his life he's dedicated it to public service
25 and public safety. This is just one in a long

2 line of acts that he's done -- and he's following
3 in the footsteps of his father, Jack, to save
4 others and to help and protect our neighborhoods.
5 Tim, great job. Thanks.

6 CHAIRMAN SCHMITT: I'd have to ask all
7 the legislators to please take their seats.

8 I'd like to recognize Legislator Richard
9 Nicoletto who has a point of personal privilege.

10 LEGISLATOR NICOLELLO: Thank you, Mr.
11 Presiding Officer. This point of personal
12 privilege is particular well timed after
13 yesterday's exciting match in the women's World
14 Cup, where the U.S. moved on to the semifinals.

15 But today I am privileged to recognize
16 the Mineola Portuguese Soccer Club, the champions
17 of the Eastern New York Youth Soccer
18 Association's 2011 Manning Cup. Under the
19 leadership of President Marco DaFonte and Vice
20 President and Team Captain George Spanos, and
21 through the efforts of its extraordinary skilled
22 athletes, the club outscored its opponents 26 to
23 6 in a tournament that spanned nine months,
24 culminating in a 5 to 3 victory in the finals
25 over the 2010 National Amateur Champions.

2 The Mineola Portuguese Soccer Club will
3 also be participating with the Long Island Rough
4 Riders in the first ever County Executive's Cup
5 at Mitchel Field on Saturday, July 23, 2011.
6 This exciting event, which is already generating
7 a tremendous amount of interest among Long Island
8 youth soccer organizations, will help showcase
9 some of Nassau's finest young soccer players and
10 will feature a match between these two great
11 soccer organizations.

12 On behalf of the Nassau County
13 Legislature, I congratulate the Mineola
14 Portuguese Soccer Club on its Manning Cup victory
15 and all it's doing to create a great new
16 tradition here in Nassau County. So
17 congratulation, guys. How about a nice round of
18 applause for the soccer club?

19 I'd like to introduce actually one of our
20 -- Gabe Marques, who is a general manager of the
21 organization, but also one of our deputy county
22 comptrollers. Gabe.

23 MR. MARQUES: Thank you. Thank you to
24 the entire Nassau County Legislature. Thank you,
25 Legislator Nicoletto, for inviting us here today.

2 Presiding Officer Schmitt, Minority Leader
3 Yatauro, and the rest of the Legislature, we are
4 honored and we are humbled to be here before you
5 today. Behind me I have our president, Marco
6 DaFonte, with the Manning Cup trophy, and on my
7 right here is Gus Xikis, who is also the
8 president of the Long Island Soccer Football
9 League.

10 I cannot stress how much and how
11 important Legislator Nicoletto was in supporting
12 us through this victory. Soccer in Nassau County
13 has had a lull in the last ten years. And in the
14 last four to five years we've started the
15 restructuring process and it's starting to come
16 of age. And it's unbelievable how someone as
17 young as Marco DaFonte took it upon himself to
18 recreate a club that was formed in 1936 right
19 here in Mineola and has won four state
20 championships. Marco actually won the cup that
21 his father won back in 1981 as coach of the same
22 club. And Marco's father broke down in tears
23 when we beat the Pancyprians. So I want to
24 introduce Marco.

25 Again, I want to thank the Nassau County

2 Legislature for all your support. Legislator
3 Nicoletto, Legislator Ford for helping us grow
4 beach soccer here in Nassau County, and also
5 Legislator Walker for your family's contribution
6 to soccer in Nassau County.

7 So, thank you once again. Marco.

8 MR. DAFONTE: I'll keep this one short.
9 First, I'd like to thank everyone for all their
10 support. It's been a three-year journey for us.
11 We started the whole program again three years
12 ago, and now we're number one in the State. It
13 takes a lot of support.

14 There's 52 of us as part of the program,
15 and all of them having the dedication on a week-
16 to-week thing, to show up, to travel. We went
17 this week into Pennsylvania. It's all about
18 representing the Club, Long Island, Mineola, and
19 Nassau County. So thank you Legislator Nicoletto
20 and everyone else for your time.

21 I'm going to introduce you to Gus Xikis,
22 the president of the LISFL.

23 MR. XIKIS: Thank you. I want to thank
24 Richard Nicoletto. I met him for the first time
25 at the Mineola Portuguese Dinner Dance. I just

2 came president of this league. I just want to
3 tell you a little bit about the league.

4 We've been there since 1948. Mineola's
5 been there since a long, long time ago. Like
6 Gabe said, it took him 30 years to repeat as
7 champions. It's very hard to repeat as
8 champions. Hopefully now they're gonna go for
9 the nationals and win that also.

10 I just gave you a book from the last
11 dinner we had. We just want to let you know that
12 we're here. And we have over 3,000 adult players
13 playing on every given Sunday. It's a pretty
14 nice size league. And we're an adult league.
15 Most of our players usually come from the youth.

16 Thank you.

17 LEGISLATOR NICOLELLO: Thank you.

18 CHAIRMAN SCHMITT: Thank you very much.
19 Thank you, Legislator Nicoletto.

20 Now we're gonna have -- we dedicate a
21 half hour to public comment, and then we will
22 conduct the business of the calendar.

23 The first speaker is Eleanor Wolff. Mr.
24 Clerk, please mark the time. Speakers are
25 limited to three minutes from the time they start

2 speaking. I don't know where she is. Eleanor
3 Wolff. Eleanor Wolff.

4 MS. WOLFF: Peter Schmitt, Legislator
5 Kopel, ladies and gentlemen of the Legislature,
6 good morning.

7 CHAIRMAN SCHMITT: Good morning.

8 MS. WOLFF: My name is Eleanor Wolff. I
9 reside at 29 Princeton Avenue, Hewlett. I am a
10 retired classroom teacher and currently tutor for
11 special needs children with the New Ground
12 Organization in Hempstead. I'm here today to
13 present some issues regarding the erosion and
14 degradation of the historic landmark Hewlett
15 Homestead in Hewlett and make some suggestions
16 for improvements.

17 The community takes issue with the county
18 in retaining a tenant at the Hewlett Homestead,
19 an apparent default of pertinent articles of the
20 permit agreement signed by the County and the One
21 in Nine Long Island Breast Cancer Action
22 Coalition that has been incented to the community
23 and the historically cultural memorial to George
24 W. Hewlett.

25 Before enumerating apparent defaults of

2 the covenants in historic nature of the
3 Homestead, the good news is that supporters for
4 the Homestead as a memorial to George Hewlett,
5 who was the driving force for the construction of
6 the Hewlett/Woodmere High School and the first
7 president of the school board there, the
8 supporters have suggestions for use of the
9 farmhouse in several ways that are keeping with
10 the memory of George Hewlett.

11 First of all, for adults, an electronic
12 age schoolhouse by Skype camera that is perhaps a
13 satellite facility of Cornell University or Pratt
14 Institute of graduate level classes for
15 professional development in conservation
16 preservation, for credit or for auditing, also
17 seminars and grant writing or historic
18 preservation law to add to a law degree, and
19 adult community education in environmental and
20 conservation issues, economic development and
21 other issues.

22 For the children, the Long Island
23 Children's Museum Outreach Program of historical
24 presentations and tutorial services for help with
25 homework, reading improvement, language

2 development, and study skills. For adults,
3 entertainment, classic plays for traveling
4 theatre companies and chamber music concert
5 series. That's what our neighborhood is
6 interested in.

7 Regarding the real property termed the
8 setting for the farmhouse, supporters recommend
9 restoration of the real property to an historical
10 resemblance, a setting of flower gardens and
11 shrubs and restoration of the woods.

12 In connection with these suggestions, a
13 Hewlett Homestead Conservation Council is forming
14 to sponsor the flower gardens and the schoolhouse
15 programs, pending cooperation and approval of the
16 Nassau County Legislature.

17 It should be noted the farmhouse is
18 eligible for nomination to the state and national
19 registers of historic places. Based on surveys
20 beginning in 1968 by the State Historic Trust and
21 later a site visit by the State Office of
22 Historic Preservation in 1996, it was determined
23 the Hewlett House meets the criteria for listing
24 in state and national registers of historic
25 places, for its historic significance in

2 architecture and early settlement of Long Island.
3 The paperwork was stopped years ago without
4 transparency but continues to be of interest to
5 the State Office of Historic Preservation.

6 When the County provides a signed owner's
7 statement -- support state to the New York State
8 Office of Historic Preservation, the State can
9 continue the paperwork for the eligible farmhouse
10 to be nominated for the state and national
11 registers of historic places. The county
12 executive has a copy of this owner support
13 statement.

14 Together with a suitable program taking
15 place at the farmhouse that is recognized by the
16 Office of Historic Preservation, the Homestead
17 could be eligible for state and federal grants to
18 maintain the site, also grant money to reunite
19 the parcels of the school district and the
20 county.

21 CHAIRMAN SCHMITT: The bell has run.
22 You have to finish up.

23 MS. WOLFF: Okay. Everyone has a copy
24 of the default, so I really don't have to mention
25 that. The new organization there is

2 Hewletthouse.org. It's not One in Nine anymore.
3 And I'm getting to my concluding paragraph.

4 The community supports the Homestead
5 Conservation Team and recent government changes
6 at the State Office of Historic Preservation and
7 the school board and other local levels are
8 taking place to support the conservation team.
9 The estimate startup cost, 15 to 20,000 would
10 boot up the schoolhouse, eliminate erosion and
11 degradation of the grounds of the cultural
12 heritage site. Bill Nodell personally expended
13 25,000 to recover the --

14 CHAIRMAN SCHMITT: You really have to
15 finish up, please.

16 MS. WOLFF: I'm on my last sentence.

17 CHAIRMAN SCHMITT: Go ahead.

18 MS. WOLFF: Please approve the Hewlett
19 Homestead Conservation Team and its
20 recommendations for a fresh approach and help
21 preserve Long Island's cultural heritage that is
22 priceless.

23 Thank you.

24 CHAIRMAN SCHMITT: Thank you.

25 MS. WOLFF: Do you have any questions?

2 CHAIRMAN SCHMITT: I didn't follow some
3 of what you said. I know that Hewlett House was
4 purchased by the County.

5 MS. WOLFF: For a dollar, yes.

6 CHAIRMAN SCHMITT: And was restored by
7 the County.

8 MS. WOLFF: Restored by the County,
9 right.

10 CHAIRMAN SCHMITT: And we have a long-
11 term lease with One in Nine. We do not --

12 MS. WOLFF: You don't have a long-term
13 lease. You have a -- if you give them a notice
14 of -- if you give them a 30 day notice --

15 CHAIRMAN SCHMITT: You're here asking us
16 to throw out the Breast Cancer Advocacy Center?

17 MS. WOLFF: I'm not saying throw it out.
18 They should either stay in the house that they
19 were given -- they weren't given the parcel.
20 That's where the misunderstanding comes in.

21 CHAIRMAN SCHMITT: Ma'am, that's not
22 something for here and now. I understand you've
23 met with people from our Parks Department.

24 MS. WOLFF: From where?

25 CHAIRMAN SCHMITT: From the Nassau

2 County Parks Department.

3 MS. WOLFF: Yes.

4 CHAIRMAN SCHMITT: And I understand that
5 you've been up to the State Commissioner of
6 Education.

7 MS. WOLFF: No, I haven't been there.
8 But there's an appeal in process with the --
9 Eleanor Wilburss is the school board, which is
10 not about the farmhouse.

11 CHAIRMAN SCHMITT: I understand. But I
12 do also know that we do not own the property -

13 MS. WOLFF: Which property?

14 CHAIRMAN SCHMITT: The property adjacent
15 to the home.

16 MS. WOLFF: That's right.

17 CHAIRMAN SCHMITT: The school district
18 owns that property.

19 MS. WOLFF: The school district owns
20 Parcel B and the County owns Parcel A of Lot
21 Number 156.

22 CHAIRMAN SCHMITT: Which is the house.

23 MS. WOLFF: Parcel A was sold for \$1 in
24 1997 to the County with the house on it.

25 CHAIRMAN SCHMITT: Right.

2 MS. WOLFF: And when it says premises, it
3 means the house, which it also says premises is
4 part of the real estate called the Homestead.

5 CHAIRMAN SCHMITT: Okay.

6 MS. WOLFF: And so that's where the
7 confusion comes in.

8 CHAIRMAN SCHMITT: Alright.

9 MS. WOLFF: The premises is known as the
10 Hewlett House on the real estate of the Hewlett
11 Homestead, and that's where the problem comes in.

12 We greeted them warmly when they arrived.
13 Now Hewletthouse.org has taken over, which is not
14 One in Nine. They stopped their activities back
15 in 2004. They no longer donate to the
16 laboratory, to Cold Spring Harbor. They stopped
17 making those donations for breast cancer
18 research.

19 CHAIRMAN SCHMITT: Okay. I got it.

20 MS. WOLFF: The CDC gave --

21 CHAIRMAN SCHMITT: I get it. I get it.

22 MS. WOLFF: a report --

23 CHAIRMAN SCHMITT: I get it.

24 MS. WOLFF: of quality care for --

25 CHAIRMAN SCHMITT: Ma'am.

2 MS. WOLFF: survivors and their
3 families, and now they're satisfied.

4 CHAIRMAN SCHMITT: Ma'am I get it.

5 MS. WOLFF: And gave it over to the
6 Hewletthouse.org. So it's not One in Nine
7 anymore. It needs to be clarified. So you
8 really do have to hear the whole thing.

9 CHAIRMAN SCHMITT: Thank you. Thank
10 you.

11 MS. WOLFF: Thank you.

12 CHAIRMAN SCHMITT: Cay Fatima from Friar
13 House. I'm sorry if I'm mangling anybody's name,
14 but I'm reading this as best as I can.

15 MS. FATIMA: I'm sorry.

16 CHAIRMAN SCHMITT: Don't be sorry.

17 MS. FATIMA: For the record, Cay is
18 spelled - C-A-Y.

19 CHAIRMAN SCHMITT: And how do you
20 pronounce your last name, ma'am?

21 MS. FATIMA: Fatima.

22 CHAIRMAN SCHMITT: Fatima. Welcome.

23 MS. FATIMA: Like our Lady of Fatima.

24 CHAIRMAN SCHMITT: Oh, Fatima.

25 MS. FATIMA: Or if you're Muslim, then

2 it's like the holy prophets daughter, Fatima. Or
3 Fatima Cigarettes. I don't want to go on with
4 that.

5 CHAIRMAN SCHMITT: I understand.

6 MS. FATIMA: If you're old enough to
7 remember Fatima Cigarettes.

8 I am here today for two purposes and
9 hopefully I will not take up my three minutes.
10 But I first want to start with a little joke.

11 Usually, when Robert Troiano sees me, he
12 says here comes trouble. My mother taught me to
13 be a mover and shaker and to rock the boat, but
14 my father taught me how to swim. So I do know
15 how to swim. And he threw me out into a lake and
16 I swam across. So that's just a little thing.

17 And I also want to give credit to Ms.
18 Rosemarie Walker, because I met your son, Rob,
19 and he is very well trained and a perfect
20 gentleman. I want to give you congratulations
21 because he is definitely a county worker that I
22 enjoy working with.

23 The first purpose of my coming here has
24 to do with introduction of a local law that you
25 received, Chairman Schmitt, with regards to the

2 establishment of a new home building license --
3 and I talked to some of our distinguished
4 legislators -- in which we needed to be put on
5 the agenda. Am I right? How do we get this done
6 as constituents? What is the process? This is a
7 question. And then that's the end of that
8 situation.

9 Legislator Kopel, remember when I gave
10 you the --

11 CHAIRMAN SCHMITT: I was just checking
12 with counsel. The proposal has been received but
13 it's being reviewed. I'm not quite sure what the
14 hang up is, but I will find out.

15 MS. FATIMA: Okay. And you have my
16 business card, and someone from your office can
17 please say it to me.

18 The second reason that I'm here -- and I
19 can't stay for the general session -- has to do
20 with the Ordinance 78 on our legislative
21 calendar, 2 and 3. I am the proposer of the
22 Roger Cockerham Botanical Peace Garden. And
23 within this budgetary capital expenditure, monies
24 will be I guess set aside and authorized for
25 additional funding for the initial 2008 Bond Act.

2 The only problem that I have is that it's not
3 clear as to what is getting what and who is
4 getting who.

5 My community in Lakeview has received
6 dispirit treatment in regards to this \$150
7 million that was allocated in 2006 and 2008. My
8 community got only \$125,000 out of 100 million.
9 Of all the African Americans and minority
10 communities in Nassau County, a total of only
11 \$500,000 was allocated for open space,
12 environment, ecology, conservation and all of
13 these issues. One of the big issues with my
14 project is that when I proposed it back in May of
15 1993 -- I've gone through Gulotta, I've gone
16 through Suozzi, I'm now here with Ed Mangano --
17 we wanted to make sure that first it was a
18 preventive measure against littering; secondly, a
19 teaching tool for educators and a practical
20 hands-on method for school children to learn
21 about horticulture, botany and ecology; and
22 thirdly, a place where senior citizens and others
23 can come to sit and enjoy what the botanical
24 garden is.

25 CHAIRMAN SCHMITT: Okay. Please wrap it

2 up. The bell has rung.

3 MS. FATIMA: In wrapping it up,
4 hopefully I'll get a chance to talk or write to
5 the legislators individually, because I believe
6 you're going to vote on these ordinances today.

7 CHAIRMAN SCHMITT: We're gonna try.

8 MS. FATIMA: Okay. How do we get what
9 we call set asides or guarantees? I don't want
10 it to just go into some general Department of
11 Public Works fund and then someone down the road
12 says we're not going to appropriate it for X, Y,
13 Z.

14 CHAIRMAN SCHMITT: We don't have set
15 asides here. We're not doing a set aside.

16 MS. FATIMA: Who makes the decisions of
17 this \$5 million?

18 CHAIRMAN SCHMITT: Money is allocated
19 for projects. It's specified in the capital
20 plan.

21 MS. FATIMA: Okay.

22 CHAIRMAN SCHMITT: And it's an estimate.
23 For example, for a road paving job, the
24 engineer's estimate that it will cost up to \$8
25 million. So \$8 million is put to that project.

2 It's not a set aside because it goes for that
3 project and that project alone. If for some
4 reason that project can't be done, for example,
5 they find out that in order to do it it's going
6 to cost \$20 million and they only have eight,
7 then it goes back into the capital plan to be
8 reallocated at a future date. It's project
9 specific.

10 MS. FATIMA: So I was told by Mr. Walker
11 that project specific, we would receive an
12 additional \$125,000 or so.

13 CHAIRMAN SCHMITT: Okay.

14 MS. FATIMA: I don't want it to go into
15 the black hole of legislative budgetary mist.

16 CHAIRMAN SCHMITT: With all due respect,
17 that's why you have a legislator who represents
18 you.

19 MS. FATIMA: Actually, my community has
20 two legislators.

21 CHAIRMAN SCHMITT: You're very
22 fortunate. Between the two of them, you
23 shouldn't have any difficulty in tracking that
24 project.

25 Could you tell us a little bit more?

2 Where in the capital plan is your project?

3 MS. FATIMA: I was told it was there. I
4 received a printout, but I don't know
5 specifically. Is Brian Schneider here?

6 CHAIRMAN SCHMITT: So maybe your
7 legislators can speak to Mr. Walker and we can --
8 they can take care of it.

9 MS. FATIMA: Because the project right
10 now is under construction. We need this
11 allocated. We're still having some design flaws
12 worked out. And if we're going to receive
13 additional funding --

14 CHAIRMAN SCHMITT: I understand that,
15 ma'am. But we have to put one step in front of
16 the other. We can't even discuss what you're
17 discussing until we have a capital bond. Then
18 you can discuss it with your legislators and with
19 Mr. Walker.

20 MS. FATIMA: So, in voting on this I
21 definitely will hope to see -- I will not be back
22 here next session saying what happened to the
23 money for Lakeview in the capital bond.

24 CHAIRMAN SCHMITT: Mr. Troiano.

25 LEGISLATOR TROIANO: It's listed in Item

2 2 that we're going to be voting on today.

3 CHAIRMAN SCHMITT: There you go.

4 MS. FATIMA: Okay. It is listed. But
5 the amount that we will be receiving is not
6 specified. Is there anyone here that can specify
7 how much the Roger Cockerham Botanical Garden
8 will be receiving?

9 CHAIRMAN SCHMITT: I don't believe they
10 can specify until we have a capital bond. It
11 says in my backup 120,000.

12 MS. FATIMA: Okay. So there is
13 something that says there will be an additional
14 120,000?

15 LEGISLATOR TROIANO: Correct.

16 CHAIRMAN SCHMITT: That's what it says.

17 MS. FATIMA: Okay. Very good. Thank
18 you.

19 CHAIRMAN SCHMITT: Thank you.

20 MS. FATIMA: Please vote yes.

21 CHAIRMAN SCHMITT: Thank you again.

22 I have a slip here for Marc Herbst, but
23 he's on the item. I'm assuming -- where is he?
24 Is he even in the chamber? Marc, you want to
25 speak on the item? Okay. Good.

2 Joanne Borden.

3 MS. BORDEN: In the transgender
4 community, we are patriotic and good citizens.
5 But even if you're not a good citizen, an evil
6 person, a detestable person, a universally hated
7 person, American principles dictate that everyone
8 have equal protection and rights. If you are
9 opposed to equal protection and rights to all,
10 you are indeed in the wrong chair, in the wrong
11 country.

12 Nassau should not stand alone as opposed
13 to universal rights in all of downstate New York.
14 I'm ashamed that our laws do not reflect
15 America's creed of equality for all.

16 Thomas Jefferson said it. Every human
17 being born on this continent has a right to
18 equal, indeed, identical treatment in the machine
19 of the law.

20 In these United States, the civil rights
21 of one person is more important, more sacred than
22 money, budgets, personal beliefs, religious
23 affiliations, party lines, bus service, medical
24 centers, and, yes, redistricting plans; all those
25 things in time will change. One thing we must

2 never change or our pledge of liberty and justice
3 for all.

4 Please listen. Please listen. Listen to
5 your own words.

6 CHAIRMAN SCHMITT: I can walk and chew
7 gum at the same time. I'm listening.

8 MS. BORDEN: Listen to your own words --
9 liberty and justice for all.

10 Our principles were important enough for
11 our founding fathers to put their lives on the
12 line. Just as so many in the transgender
13 community have done. We earned our honorable
14 discharge and now we want equal rights. Give me
15 a vote. Let everyone vote their conscience. I
16 have complete faith that true Americans will
17 always outnumber all others and will choose the
18 right, the just, and the honest course of action.

19 Can't you see it gnawing at American
20 value for any purpose is wrong, especially since
21 your oath of office proclaimed it? This is the
22 time to do the right thing and give us the law's
23 protection from the abuses we endure. My request
24 simply boils down to, do you believe in American
25 enough to outlaw the prejudice discrimination,

2 harassment, violence against us and all people?

3 Mr. Kopel, either you agree with the
4 ideals of our founding fathers and their intent
5 in the Constitution or you don't. Either you
6 believe in the equal protection of the 14th
7 Amendment or you don't. Either you believe in
8 liberty and justice for all or you don't. Either
9 you agree that all men are created equal or you
10 don't. Either you believe in the basic
11 principles of American justice or you don't.
12 Either you believe in the very foundation of our
13 republic or you don't.

14 Thank you.

15 CHAIRMAN SCHMITT: Thank you very much.
16 James Carver.

17 I'm sorry. Legislator Bosworth.

18 LEGISLATOR BOSWORTH: Ms. Borden, thank
19 you for coming and speaking to us again. I know
20 that you've had a lot of back and forth with
21 administration and they feel that your concerns
22 are covered in the current law. And I think only
23 when you walk in the shoes of somebody who feels
24 that they are being discriminated against can you
25 tell if, in fact, you feel the law does protect

2 you.

3 It would seem to me that we need to do
4 what we can so that transgender rights are in
5 fact taken care of so that Ms. Borden and all the
6 others who feel that they are being discriminated
7 against have the sense of feeling that Nassau
8 County is there for them and will protect them
9 from discrimination and prejudice. I would just
10 hope that we would be able to add that one little
11 -- and that's what it is, adding one little
12 phrase to an already existing law protecting
13 everybody who lives in Nassau County.

14 I thank you for coming down. I think
15 you've made some very excellent points. And
16 again, the people of the transgender community
17 don't feel that their rights are being protected.
18 It seems like so little a thing for us to do and
19 it would mean so much to that community.

20 MS. BORDEN: Actually, discrimination
21 and maltreatment is ramped in this County. I
22 sent each of you a copy of a letter from a
23 transgendered woman who was abused by the police.
24 Lured back to the county and abused by the
25 police. It took a letter from the county

2 executive to make them even recognize my letter.
3 I had a detective lieutenant promise all kinds of
4 things, that he'll look into the issue, and asked
5 me for two sentences that would help educate
6 police officer, and I presented those two
7 sentences. Merely it says, transgender people
8 are people -- you have to treat people with
9 respect and courtesy.

10 Well, it was four, five months later with
11 prodding from two of my letters where I was
12 promised someone would contact the party who was
13 abused. There were all kinds of excuses. But
14 when you excuse one thing, okay. If you have a
15 police procedure that excuses another thing, yes.
16 But when you have a half a dozen instances in the
17 same condition, there's something screwy
18 somewhere. Well, someone eventually, after many
19 of my letters prompting them, somebody said call
20 -- called the abused person and said we spoke to
21 the officers. That was the internal
22 investigations; we spoke to the officers about
23 it. They probably didn't even do that, they just
24 said it.

25 My two sentences -- first, putting in my

2 simple English into their jargon, then they were
3 redesigning the whole thing, and now it's seven
4 months later and those two sentences or
5 reasonable facsimiles have still not been put in.

6 I wrote the Human Rights Commission that
7 there is no place on the complaint form on the
8 internet to check off gender, a complaint dealing
9 with gender rights. I was thanked by the
10 commissioner or whoever's in charge. I was
11 thanked for calling that to their attention. So
12 all they did was pull the forms off the internet.
13 I didn't see them change the form.

14 There is plenty and plenty of
15 discrimination that needs to be corrected, and
16 the first step is defining it in the law. If
17 it's not defined in the law, I once told you
18 about how you condone perpetuation of
19 discrimination. Only by putting it in a law will
20 it eventually, will it eventually be believed by
21 the people.

22 LEGISLATOR JACOBS: Ms. Borden --

23 CHAIRMAN SCHMITT: Legislator Jacobs.

24 MS. BORDEN: Incidentally, I have a
25 request that my distributed or to-be distributed

2 address be entered in the record.

3 CHAIRMAN SCHMITT: Ms. Borden, I just
4 want to talk to you for a minute. You gave a
5 very impassioned speech. You know that I've
6 entered a bill into the clerk's office on this.

7 MS. BORDEN: Yes.

8 CHAIRMAN SCHMITT: I feel, as Ms.
9 Bosworth just said, that I did believe when we
10 passed our human rights bill in a totally
11 bipartisan way, we certainly had every intention
12 of everybody being protected. There was never an
13 exclusion of anybody. But I think Legislator
14 Bosworth is correct, that if you have this
15 feeling that because other counties somehow have
16 verbiage that protects -- literally says
17 something about gender or it describes gender,
18 that's what I put in, what you and I had
19 discussed. I don't know what's holding that up.
20 But I believe even if there's a disagreement over
21 it being in the bill, the original bill or not,
22 that we're not really losing anything by
23 clarifying what the bill said. So I would urge
24 everybody on the Legislature -- we already passed
25 it. I would urge everyone, it's just one line

2 that gives what Suffolk does and Westchester and
3 the City, just a line that describes gender so
4 that, therefore, nobody is left out of it.

5 So, I'm going to distribute it again.
6 Because it's there. It's been there for months
7 and months.

8 MS. BORDEN: You distributed it to
9 everyone on January 4.

10 LEGISLATOR JACOBS: I know that. So,
11 the point is that I think people -- when you're
12 standing up here it's very difficult for people
13 to absorb the fact that what we thought was every
14 comprehensive, isn't as comprehensive as we
15 thought. And I will see what I can do. I'm sure
16 it's not for any reason except a misunderstanding
17 of the need for the description or definition of
18 gender.

19 CHAIRMAN SCHMITT: Thank you very much.
20 James Carver.

21 MR. CARVER: Good afternoon.

22 CHAIRMAN SCHMITT: Good afternoon.

23 MR. CARVER: How are you guys doing
24 today?

25 About a month ago I was here asking for a

2 public safety hearing, a public hearing on public
3 safety issues and I was told that there was
4 nothing in black and white. About two weeks ago,
5 the department, on a Friday at five o'clock, put
6 out an order that did the redeployment in the
7 police department. I know, Peter, you've
8 answered my second request by denying it, but I
9 felt obligated to come here and explain why you
10 still should be doing this. Most people probably
11 don't understand the inner workings of the police
12 department, but as a legislator, you should be
13 interested in what's going on day in and day out
14 and what kind of services are being provided or
15 what kind of services are not being provided
16 right now. I've give you a small example.

17 The POP officers, which each one of you
18 worked closely with day in and day out, have been
19 slashed from four from each precinct down to one.
20 With vacation, with other duties and
21 responsibilities that they have, you have had a
22 tremendous decrease in that community liaison
23 that is very important to solving issues day in
24 and day out throughout our communities. Now, it
25 might not necessarily relate to crime but the

2 quality of life, as you guys will know. I won't
3 get into every single little issue. But it goes
4 to whether there's minors buying liquor from a
5 store; there's programs that POP run that are
6 very important to our quality of life and to our
7 youth here in Nassau County. So they've
8 eliminated that. They effectively went from 32
9 down to four POP officers countywide -- I mean
10 eight, I'm sorry.

11 And motor carrier, we used to have six
12 police officers in motor carrier. They are the
13 ones that patrol the highways and look out for
14 trucks that are unsafe on the road. Last year
15 they took 280 trucks off the road last year. In
16 the post-9-11 world that we live in, who is to
17 inspect these trucks now that we're down to two?
18 You need police officers at a time to inspect
19 these trucks which, in effect, gives you half the
20 year where trucks are going unchecked on the
21 roadways of Nassau County in and out of the City.

22 The motorcycle unit, a very important
23 unit, for a lot of details, VTL enforcement, in
24 the villages. I've met with village mayors
25 who've complained about the decrease in summonses

2 being issued in that location. And this is
3 another reason why, you had 20 at one point and
4 you're down to 10. You're down to 10. They may
5 say they slashed it by four, but we've had
6 massive retirement over the last few years. Yes,
7 we've asked not to sit there and backfill during
8 this economic time, but at the same time you
9 cannot have these units that are instrumental in
10 supplementing the regular patrols. This County
11 or this administration will tell you that there
12 are the same amount of police officers on the
13 street today as there was two weeks ago before
14 they did that. That's misleading.

15 You have 170 sectors, patrol cars on any
16 given day. 178 cars at night. Plus, you have
17 eight highway cars out there. You used to have
18 motor carrier out there in addition to that. BSO
19 has gone from nearly 100 ten years ago to under
20 50 bureau of special operations. Those are the
21 countywide anti-crime guys. You have slashed
22 that by the half.

23 When you sit there and you add all these
24 things up, the SET unit, which enforces DWI
25 strictly at night has been eliminated. Canine

2 Unit, although they took the two dogs away, now
3 they're back. Anti-crime units they're talking
4 about wiping out in most of the precincts. In
5 five of the precincts you will no longer have any
6 anti-crime cops going out there doing the quality
7 of life issues that are very important to our
8 neighborhoods.

9 You're seen the downsizing. You still
10 have 170 cars out there during the day but you
11 used to have 15 to 20 extra doing out there doing
12 quality of life issues. You don't have them
13 anymore. So if anybody tells you that they're
14 not out there -- that we have just as many,
15 they're lying.

16 We've run into a lot of problems during
17 these last couple of years. At the end of each
18 tour, 9-11 calls that will be generally --
19 they're handed out immediately during the first
20 11 hours of the tour are now being held for the
21 next tour to avoid the payment of overtime, which
22 increases our response time, which is not what
23 this police department has been all about all
24 these years.

25 Data processing, which is the unit that

2 we call in case reports, has been downsized to
3 the extent where we have police officers waiting
4 up to two hours to get through to call in a case
5 report if someone has a stolen car, burglary,
6 etcetera.

7 We are seeing a demise, a dismantling of
8 the whole police department and it's affecting
9 the time that the police officers have to patrol
10 out there day in and day out.

11 We have a new records management system.
12 Now, I'm just hitting on a few things, guys. A
13 new records management system which takes over
14 the arrest processing of what we were accustomed
15 to for the last 15 years, which was difficult to
16 learn, when you learn a new system. We have now
17 increased -- the department will say it will
18 increase, at least two hours, each arrest, the
19 average arrest by having this new system in
20 there. That's two additional hours, whether it's
21 on overtime or taking a car off the street. In
22 the Eighth Precinct for the first four months of
23 the year, you had about 61 -- 65 incidents of
24 where an arrest was so long that it wound up
25 decreasing patrols on the street for an hour or

2 more. In the first six weeks of this new records
3 management in the Eighth Precinct, you've had 91
4 cars that have been off the road for extended
5 periods of time, in addition to what's normally,
6 than what you have. Most of them for five hours
7 or more. Our marked fleet, we have 43 cars out
8 of the 170 that have over 100,000 miles. We
9 still haven't passed the budget for the capital
10 projects, so we're still waiting for the cars.

11 Ambulances. Sometimes we're down 25
12 percent in the ambulances because they're laid
13 up. They're old and it's an aging fleet. Why
14 are we interested in ambulances? Because they
15 come and help us too when we're helping the
16 public. We are the first responders.

17 AEDs, the automated external
18 difibrators. Last year we were told -- last
19 January, February we were told by the deputy
20 county executive that it was in the capital
21 projects plan to replace AEDs in each car. We
22 have yet to see one new one replaced.

23 Firearms training unit. We have a range
24 that is in disrepair and needs to be updated.
25 It's in the capital project but it's been delayed

2 once again. We have police officers that go down
3 there for training, their yearly training, that
4 they're getting spillback from the bullets.
5 They're being struck by the bullets from this
6 berm that is outdated.

7 Lastly, the Muttontown Police Department.
8 We've seen Muttontown separate from Old
9 Brookville and they're hired a minimum amount of
10 police officers that patrol that area. What
11 their new thing right now is the Second Precinct
12 will back them up. So now we're taking more cars
13 out of the Second Precinct to go back up
14 Muttontown. This is a trend that we're starting
15 to see with villages right now. They're not
16 hiring. Why should they hire anybody when we can
17 have Nassau County come in and back us up when
18 it's needed? That takes away from the
19 communities that we, in the police district, that
20 we patrol day in and day out.

21 I know, Peter, you said no, but I believe
22 these are all issues that I believe the public
23 needs to be aware of and I believe this
24 Legislature should be leaders in this. Let's
25 have a sit down here. Let's talk about these

2 items. Do we want to change the way we police
3 here? I say no.

4 CHAIRMAN SCHMITT: Mr. Carver, you and I
5 have had many conversations. As I told you when
6 you came here in front of the Legislature, you
7 asked for a public safety hearing on cuts, and I
8 said to you when we get something in black and
9 white. I've told you this. The county executive
10 has redeployed the existing departments --
11 redeployed the forces in the existing department.
12 That is within his authority to do. There has
13 not been a cut in police personnel. There
14 haven't been any layoffs of police, as there have
15 been in CSEA. But he has seen fit to make these
16 adjustments. As you know, as I've said to Jerry
17 Laricchiuta from the CSEA, we're not raising
18 taxes.

19 Now, the county executive has made it
20 clear that he needs to get -- he would like to
21 get labor savings in concessions from the unions
22 and the unions have said no. So he is now in the
23 process of extracting those savings.

24 Now, some of the items you talked about
25 are just not so. We just approved, I believe two

2 weeks ago, buying three ambulances and upgrading
3 new carriages on a couple of others. That's
4 done. It's in the works. We've done our job
5 there. Some of the items, such as the AED,
6 external defibrillators, are in the capital plan.
7 The cars are in the capital plan. The cars are
8 in the capital plan. The bond is on the calendar
9 today. It has been delayed. Okay, no question
10 about it. It has been delayed. Let's see if it
11 passes today, and that will take care of some of
12 those problems.

13 This is redeployment, not cuts. And the
14 purpose of a public hearing is to arrive at a
15 conclusion, as was the case with the sewer and
16 storm water situation at Cedar Creek Park. It
17 should arrive at either the issuing of a report
18 or the processing of legislation as a result of
19 the discovery at a public hearing. You just gave
20 us the reasons why that would be a "waste of
21 legislative time." The acting police
22 commissioner says yes; you say no. You say yes;
23 he says no. And it goes back and forth, back and
24 forth. Meanwhile, savings have to be accumulated
25 by the county executive. So what are we supposed

2 to do? Sit here for 7, 10, 12 hours and listen
3 to the acting police commissioner say one thing
4 and the union say another, and we'll have our
5 usual activists from the other side ready to jump
6 in and jump up and down and have a nice show? It
7 cannot lead to anything. It can't lead to
8 legislation; it's not in our power to do. So
9 that's why I say to you no. Until I see cutbacks
10 that my delegation thinks is necessary to hold a
11 hearing on, that's the answer. That was the
12 answer I gave you privately. It's the answer I
13 give you publicly. Which you should know me by
14 now to know that the answer I give privately is
15 not gonna change if you stand up here publicly.
16 And as long as you're here publicly, let me say
17 something to you.

18 We had a chance meeting at a funeral and
19 the county executive came in. And the three of
20 us had a chance to chat for the first time in
21 many, many months. And you said that the three
22 of us should sit down and have a meeting. And I
23 said that the Charter is clear that negotiations
24 are between you and the county executive.
25 However, if you wanted me to attend a meeting, I

2 would be happy to attend that meeting. You said
3 you'd call. You didn't call. So here we are.

4 MR. CARVER: I did not say I would call.

5 CHAIRMAN SCHMITT: Okay.

6 MR. CARVER: Okay. Let's get that
7 straight. We did have a conversation. There
8 were four of us back there that had that
9 conversation. And if you remember the whole
10 conversation, where you talk about the unions
11 giving back, the unions have already given back
12 and we've already had that on the record. In
13 addition to that, last year when we did the
14 retirement incentive, originally they were
15 supposed to backfill 75 percent; that was what
16 was made as the representation here. When the
17 county executive then wanted \$60 million back
18 from labor, concession, he didn't care how he got
19 it, we told him do not rehire or hire new police
20 officers or new county workers, get your savings
21 that way. We agreed -- and at that same
22 conversation we had with the county executive,
23 that saved the County \$55 million. So their 55
24 of the 60 was achieved. On top of that, this
25 year NIFA came in, and nobody wanted NIFA to come

2 in here, and they --

3 CHAIRMAN SCHMITT: But --

4 MR. CARVER: Listen to me. They imposed
5 a wage freeze that resulted in \$10 million of
6 savings. You're up to 65. You laid off CSEA
7 workers last week, which resulted in \$5 million
8 in savings for the rest of this year. You're up
9 to 70. When does it stop?

10 CHAIRMAN SCHMITT: It stops when the
11 county executive and the budget office and we are
12 all in agreement that he has presented to us, on
13 September 15, a budget that does not contain a
14 tax increase and is balanced. The \$55 million in
15 savings that you keep referencing was, if in fact
16 it was achieved, it was achieved prior to the
17 determination being made by the administration,
18 not this Legislature, that an additional \$60
19 million in savings had to be arrived at. And I'm
20 sorry, but I'm not in the meetings that were
21 held. I don't have labor counsel and neither, as
22 far as I know, does the minority and the
23 minority's not in the meetings that were held.
24 So I don't know what the he said, she said was in
25 those negotiations. What I do know is that they

2 failed to produce agreement; whether that's the
3 union's fault or the administration's fault, I
4 don't know. What I do know is that the clock is
5 running. He and you collectively have failed to
6 reach an agreement that gives us the necessary
7 dollars. He's doing redeployments. And we,
8 unfortunately, had to do layoffs. As far as I
9 can tell, there are more to come.

10 MR. CARVER: This is not about labor
11 savings from the unions. This is about policing
12 Nassau County. And what has happened here now is
13 they have downsized and they have redeployed
14 people from units that are vital to the way we
15 police here in Nassau County. They have taken
16 those police officers off of those patrols right
17 now and they have lessened the amount of police
18 officers that patrol every single day. That's
19 what this is about.

20 We can argue back and forth about what we
21 did or what we didn't do -

22 CHAIRMAN SCHMITT: We can argue back and
23 forth, Jimmy. I don't -

24 MR. CARVER: The bottom line is that you
25 have to go back to your --

2 CHAIRMAN SCHMITT: think that there is
3 one member of the Legislature up here, republican
4 or democrat, that is happy about these changes.
5 Would we like to see more police in these various
6 units that you described to us today? Of course
7 we would. There's not one member up here that
8 would say no to that. Of course we would.

9 MR. CARVER: What are you going to do to
10 get them back there?

11 CHAIRMAN SCHMITT: We don't have the
12 money.

13 MR. CARVER: What are you willing to do
14 to get them back there?

15 CHAIRMAN SCHMITT: What do you mean what
16 am I willing to do to get them back there?

17 MR. CARVER: We sat here for years --

18 CHAIRMAN SCHMITT: You need to negotiate
19 with upstairs.

20 MR. CARVER: Absolutely not.

21 CHAIRMAN SCHMITT: Oh, okay.

22 MR. CARVER: Absolutely not. We've been
23 there. We've been there.

24 CHAIRMAN SCHMITT: The fact that you've
25 been there -- and I'm not arguing. I can't

2 challenge you on that because, as I said before,
3 I'm not part of those meetings. But the fact
4 that you've been there and there's been a failure
5 to achieve the necessary compromise does not
6 change the balance of power in this County. It
7 does not devolve onto us authority that is his,
8 and by him I mean the county executive. I'm
9 pointing upstairs not to heaven. It's his
10 authority to negotiate a contract.

11 MR. CARVER: So you're laying this
12 squarely on his shoulders and that's it? And
13 you're gonna remain silent on this issue?

14 CHAIRMAN SCHMITT: I'm laying it
15 squarely on your shoulders and his shoulders, and
16 the detectives' shoulders and everybody else.
17 You have to an agreement or not. I can't tell
18 you what to do and neither can -- I guess neither
19 can the county executive. You have your
20 membership to answer to. You have your things
21 that you have to do. I understand that. But we
22 are not raising taxes. So what has to be done
23 will be done.

24 MR. CARVER: So you will watch these cuts
25 being made continuously and stay silent?

2 CHAIRMAN SCHMITT: I don't think anybody
3 is staying silent.

4 MR. CARVER: By not having a hearing
5 you're staying silent.

6 CHAIRMAN SCHMITT: I don't know what you
7 would have us do. The county executive has made
8 what you call cuts and I call a redeployment. He
9 has done that. Now what do you want us to do?
10 Do you want us to say, gee, if I was the county
11 executive I wouldn't have done that? I would
12 have done something else. Guess what? I'm not
13 the county executive. Neither is she, neither is
14 he or anybody else. He can do under the Charter
15 what he thinks is necessary to do and he's doing
16 so.

17 MR. CARVER: And you could also go up
18 there and voice your displeasure as the leader of
19 this --

20 CHAIRMAN SCHMITT: And how do you know
21 that that hasn't happened?

22 MR. CARVER: You have never told me
23 that.

24 CHAIRMAN SCHMITT: Why would I tell you
25 that? You see, one of the things wrong around

2 here is that at certain times you have
3 conversations with people -- whether I have it
4 with you or I have it with upstairs -- and
5 they're in confidence. But that doesn't seem to
6 hold any water around here. Everything spreads.
7 I get calls. Two minutes after something happens
8 I'm getting calls from newspapers. This place
9 leaks like a sieve. But that's the way it is.
10 What can I tell you?

11 MS. CARVER: Except for conversations
12 like this.

13 CHAIRMAN SCHMITT: You're right. You
14 come here and it's a public conversation. So
15 we'll have a public conversation.

16 MR. CARVER: This is the bottom line
17 Peter. We have come here, asked you to sit there
18 and look into what the police department cuts
19 have done. If your answer is no, absolutely no,
20 I will go back to my membership and let them know
21 that the Legislature is not interested in what
22 goes on within the police department.

23 CHAIRMAN SCHMITT: That would be almost
24 as inaccurate a portrayal as the portrayal you
25 made relative to some solicitation that you got

2 in the mail. But you do what you want to do,
3 James. You're the president of the PBA.

4 MR. CARVER: Absolutely.

5 CHAIRMAN SCHMITT: If that's what you
6 have to do, that's what you have to do. I don't
7 know what you want from me. I sat and waited for
8 your call. I sat and waited to see if we were
9 going to get together.

10 MR. CARVER: I never said I was gonna
11 call you, so you could have waited for a long
12 time.

13 CHAIRMAN SCHMITT: Well, you're right.

14 MR. CARVER: But I will tell you this, I
15 will call you up after this.

16 CHAIRMAN SCHMITT: Okay, fine.

17 MR. CARVER: And we will sit down.

18 CHAIRMAN SCHMITT: I wish you would.
19 Legislator Denenberg.

20 LEGISLATOR DENENBERG: Just on behalf of
21 at least the minority, I will tell you this, Jim.
22 Whether it was County Executive Suozzi or County
23 Executive Mangano, public safety's everyone's
24 responsibility. And when we find out that POP
25 units go from four down to one or we're losing

2 some special units, it's gonna affect public
3 safety in our districts. And I think it's all of
4 our jobs to be very, very concerned about it and
5 voice our displeasure.

6 MR. CARVER: I appreciate that.

7 LEGISLATOR DENENBERG: I agree with you.

8 MR. CARVER: Thank you.

9 CHAIRMAN SCHMITT: So voice your
10 displeasure, Legislator Denenberg, and offer your
11 alternative on how to balance the budget.

12 Legislator Belesi.

13 LEGISLATOR BELESI: Good afternoon,
14 Jimmy. You made an entry about something, about
15 9-11 is holding calls on the late tours?

16 MR. CARVER: Yes.

17 LEGISLATOR BELESI: What is the --

18 MR. CARVER: The last hour we have sent
19 letters to the administration and we are in the
20 midst of trying to resolve the issue. But it's
21 been going on for quite some time. At the end of
22 the tour, if it's going to incur overtime they
23 will hold certain calls.

24 LEGISLATOR BELESI: What are the calls?

25 Do you know?

2 MR. CARVER: I would rather not talk
3 about that publicly.

4 LEGISLATOR BELESI: Okay. That's fine.

5 The other question I have on the motor
6 carrier. How much money does motor carrier bring
7 in in fines? I know it's a tremendous amount.
8 Do you know off the top?

9 MR. CARVER: Most of these tickets --
10 and I got somebody from highway here right now.
11 They're probably \$1,000 tickets.

12 LEGISLATOR BELESI: I know they're
13 expensive.

14 MR. CARVER: And you're talking about
15 there's over 3,000 summonses a year issued. And
16 they're usually equipment. They're keeping the
17 roads safe there.

18 LEGISLATOR BELESI: Anybody here that
19 knows motor carrier?

20 MR. CARVER: Yeah, I got Bobby
21 Delsignore, my delegate from Highway.

22 LEGISLATOR BELESI: Hello, Bob. Please
23 explain to me how many trucks do you have on the
24 road now for the inspections? And we're going
25 down to two, is that correct?

2 MR. DELSIGNORE: How many trucks?

3 LEGISLATOR BELESI: I mean how many
4 motor carriers do we have on the road?

5 MR. DELGINORE: Currently, we have only
6 two people assigned to motor carrier. At its
7 peak we had 18.

8 Also, just to answer Jim's question, they
9 routinely write summonses that have fines in
10 excess of \$35,000.

11 LEGISLATOR BELESI: Is that the old tax
12 summonses?

13 MR. DELSIGNORE: Excuse me?

14 LEGISLATOR BELESI: Is that the old tax
15 summonses on the back of the license?

16 MR. DELSIGNORE: No, these are the --
17 it's the Motor Carrier Safety Laws -- I forgot
18 the exact term that they use -- but they write
19 under separate law. It's not the Vehicle and
20 Traffic Law.

21 LEGISLATOR BELESI: And the other
22 question I have I guess for Mr. Carver, Jim. On
23 the new processing for the arrest, how is the
24 time as opposed to the old arrest procedure
25 going? We have the new arrest procedure. Do you

2 know how long the average is taking?

3 MR. CARVER: Sometimes it's seven,
4 eight, nine hours.

5 LEGISLATOR BELESI: This is the new one?

6 MR. CARVER: This is the new one.

7 LEGISLATOR BELESI: That we paid all the
8 money for?

9 MR. CARVER: That's correct. Thirteen
10 million dollars or \$11 million.

11 LEGISLATOR BELESI: We paid for it and
12 it's not working again?

13 MR. CARVER: It's not working. Any new
14 technology, this is giving a lot more
15 information. But any new technology, not
16 everybody's computer literate. If someone worked
17 on computers every single day they could probably
18 get used to this. The people -- an individual
19 police officer does not make an arrest every
20 single day. So the learning curve here can go on
21 two or three years before they really master the
22 system.

23 LEGISLATOR BELESI: So it's the same
24 problem we had 15 years ago.

25 MR. CARVER: With Swift Justice.

2 LEGISLATOR BELESI: Swift Justice.

3 MR. CARVER: It's worse.

4 LEGISLATOR BELESI: It's worse.

5 Okay. Thank you very much, Jim.

6 CHAIRMAN SCHMITT: Legislator Ford.

7 LEGISLATOR FORD: Thank you very much.

8 Mr. Carver, I just have a couple of question
9 myself, too. In regard -- I guess with this new
10 system. It's hard for me to follow everything
11 because I'm not as well versed as Joe Belesi.

12 But when you were saying that with the
13 cars being held back because of inputting the
14 information, have you found that this has caused
15 a dramatic increase in overtime in the precincts
16 because of --

17 MR. CARVER: Arrest processing overtime
18 has gone up tremendously in the Eighth Precinct.
19 It's a pilot program in the Eighth right now.
20 The Eighth is a precinct where we have our least
21 amount of cars. We have 17 on a day tour and 18
22 at night. So anytime that you take away a
23 substantial amount of cars, whether it's two or
24 three, it has a bigger effect there. And we have
25 them off the road five, six hours during their

2 regular tour, and then they go into the next
3 tour, which could be a few more hours also. So
4 you could start the day off sometimes, instead of
5 having 17 or 18, you could be down four or five
6 cars to start the day off.

7 LEGISLATOR FORD: So then you'll have to
8 keep other officers on for the minimum manning,
9 basically?

10 MR. CARVER: No, they don't. And that's
11 a grievance that we're going to be filing over
12 that.

13 LEGISLATOR FORD: Oh, okay. The motor
14 carrier unit, I know that you were talking about
15 them patrolling the highways. Now, they're not
16 the same officers that would work, like, say we
17 have side streets, like, say, in the Town of
18 Hempstead, that clearly states no trucks over,
19 say, 8,000 pounds. And know a lot of times,
20 every once in a while we'll have a unit go out
21 there to monitor the trucks that are going down
22 the side street. Is that a separate unit or is
23 that part of motor carrier unit?

24 MR. CARVER: That's the work that POP
25 used to do and the work that the motorcycle unit

2 would do. Those were the extra patrols, where
3 they could sit there and stay on an area for a
4 couple of hours and write large amounts of
5 summonses.

6 LEGISLATOR FORD: Okay. And then my
7 last thing would be in regard to the firing
8 range. I remember a couple of years ago I spent
9 a rainy morning touring that firing range, and at
10 that point those problems that you talked about
11 today were brought to our attention. It was my
12 understanding then, we passed legislation and
13 monies to have that all fixed. None of that has
14 been done even though we had allocated funding at
15 that time for that?

16 MR. CARVER: That's probably about four
17 years ago and I was with you that day.

18 LEGISLATOR FORD: I remember, right.

19 MR. CARVER: Four or five years ago.

20 LEGISLATOR FORD: So even though we met
21 then nothing has been done since four or five
22 years ago?

23 MR. CARVER: No, they put some more hay
24 on the burn back there to help the splash back.
25 They'll replace the hay every once in a while.

2 LEGISLATOR FORD: But we never did
3 anything really concrete in repairing that
4 situation.

5 MR. CARVER: No, they remediated the
6 problem that we were having with lead in the
7 ground --

8 LEGISLATOR FORD: Okay.

9 MR. CARVER: We were tracking it back
10 into the building. They did remediate that, but
11 that was a temporary solution and not a long term
12 fix. Because you still have the splash back from
13 firing your weapon. The berm is built up so
14 much. You could just imagine, after a lot of
15 years, when you have this lead going into a berm,
16 it becomes hard as a rock. So now what's
17 happening is most police shootings happen between
18 three and five feet from a person and you can't
19 even shoot within that targeted range anymore.
20 You have to go back 10 yards, 15 yards sometimes
21 and you're still getting the splash back from the
22 firing.

23 LEGISLATOR FORD: Do you feel with this
24 capital plan, if it's passed, that that would be
25 able to finally fix the situation?

2 MR. CARVER: That money's already been
3 approved and it hasn't been started. Already
4 been approved.

5 LEGISLATOR FORD: Hmm. We'll look into
6 that. Thank you.

7 CHAIRMAN SCHMITT: Mr. Carver, would you
8 --

9 MR. CARVER: And the range, just to let
10 you know right now, the range is closed. They've
11 closed the range due to this. It's been closed
12 for a few weeks now, and it's going to be closed
13 indefinitely until this problem is resolved.
14 This is all capital project money. This has
15 already been approved. We never started this
16 project.

17 CHAIRMAN SCHMITT: Would you give the
18 gentleman here a copy of your statement so that
19 we can pursue certain items that you raised?

20 MR. CARVER: Sure. Which one of them?
21 There's three of them there.

22 CHAIRMAN SCHMITT: Mike, I want you to
23 take it.

24 MR. CARVER: You're pointing the finger
25 at somebody else.

2 CHAIRMAN SCHMITT: I gather from your
3 comments about the 9-1-1, although the initial
4 presentation seemed to indicate that all calls
5 were being held, it's not all calls, it's some
6 calls.

7 MR. CARVER: There are calls that are
8 being held.

9 CHAIRMAN SCHMITT: Some calls.

10 MR. CARVER: Not all cars.

11 CHAIRMAN SCHMITT: I would like to
12 discuss that further, too.

13 MR. CARVER: Right. I'm not going to go
14 on the record with that.

15 CHAIRMAN SCHMITT: I understand. No
16 problem. I would like -- I'm glad that you
17 don't.

18 Legislator Dunne.

19 LEGISLATOR DUNNE: Jim, first of all, I
20 want to thank you for coming here. Tom Willdigg
21 used to come here and tell us about DAI problems
22 from time to time. Very educational. And let us
23 know what the problems are. I'm glad you did
24 this today.

25 I, personally, am going to meet with the

2 acting commissioner. I'm very upset to hear
3 about these things. Last night I was at a
4 barbeque and I heard about the splash back, that
5 a lieutenant got lead in his face from splash
6 back. And that we bring a company from Ohio to
7 put the hay down.

8 MR. CARVER: Special hay, I guess. I
9 don't know.

10 LEGISLATOR DUNNE: What the hay? You
11 know.

12 CHAIRMAN SCHMITT: Legislator Dunne,
13 that contract was under the previous
14 administration.

15 LEGISLATOR DUNNE: That's got to be
16 fixed. Those kinds of things we are going to try
17 to fix. But I am going to speak to the acting
18 commissioner about these many things that you
19 brought up today. I did speak to some police
20 officers since you and I met last and they said
21 POP unit, we existed before the POP unit ever was
22 there and we never needed it before. Now all of
23 a sudden there's a POP unit and we need it
24 desperately. So there's two sides to the
25 arguments. And I want to know from the

2 commissioner what's going to happen, where and
3 when. When is important too.

4 Right now with the range being closed,
5 you're using Hempstead's range, right?

6 MR. CARVER: Right.

7 LEGISLATOR DUNNE: And you're gonna use
8 Freeport's also?

9 MR. CARVER: Freeport hasn't been
10 mentioned. I don't believe we're using Hempstead
11 right at this time. I think eventually there are
12 plans.

13 We've also reached out to -- the PBA has
14 reached out to the state troopers, and they have
15 a range in Bethpage State Park that we have
16 suggested that the County reach out to and see if
17 they could use that. The problem becomes when
18 you have a range where you have 20-plus points,
19 people being able to shoot, at our range, 22, and
20 then you go down to a smaller range where it can
21 only satisfy 10 to 12 shooters. You are now
22 lengthening the time to transitionalize somebody
23 during the course of the year. And they barely
24 get it done every year as it is. And now you
25 have a long term closing of the range which

2 complicates it more.

3 LEGISLATOR DUNNE: That's what was
4 mentioned at the barbeque last night, that you're
5 not gonna get the guys all trained.

6 MR. CARVER: That's correct.

7 LEGISLATOR DUNNE: And that's a real
8 difficult thing. Ohio, doing the hay, it's got
9 to be addressed also.

10 So I am going to speak to -- because of
11 these many things that you brought up today, I'm
12 going to speak with the commissioner, acting
13 commissioner and try to get some answers. If
14 need be, then Joe Belesi and I and you will meet
15 with the commissioner and see what we can --
16 again, we're not administration so we can't tell
17 them -- we can tell them what we want, but he
18 doesn't have to listen to us. But we will reach
19 out, definitely will reach out.

20 Thank you, Jimmy.

21 MR. CARVER: Alright.

22 CHAIRMAN SCHMITT: Legislator Jacobs.

23 LEGISLATOR JACOBS: Okay. Jim, I'm
24 really concerned about a lot of things you said,
25 but certainly about the range. About five years

2 ago -- I would say, right, for those of us who
3 were there together -- we went down. I was
4 presiding officer at the time. We couldn't
5 believe what we were seeing. Our understanding
6 was that through the capital plan this was being
7 done. Had no idea that it left it in this
8 situation where it's still splashing back at
9 everybody. I gather it's still being brought in
10 on shoes also into the building. Am I correct?

11 MR. CARVER: They remediated that
12 problem. It's not being transferred to the
13 building anymore.

14 LEGISLATOR JACOBS: But it is still
15 splashing back.

16 MR. CARVER: It's still splashing back.

17 LEGISLATOR JACOBS: Do you have any idea
18 -- and I know this isn't your problem -- if the
19 entire capital expenditure for that was used
20 already or you don't know where we are in that/

21 MR. CARVER: My understanding is, through
22 the commissioner, is that there is funding
23 available. It was supposed to start July 1. It
24 has now been put off until September 1. And this
25 has nothing to do with the current capital plan.

2 This is already preapproved funds.

3 LEGISLATOR JACOBS: Oh, no, it was
4 definitely done way before. I'm gonna -- I
5 promise you, I will find out. We all thought
6 that it was accomplished. When we left there we
7 thought it was a go. This is excusable.

8 CHAIRMAN SCHMITT: Legislator Bosworth.

9 LEGISLATOR BOSWORTH: Thank you,
10 Presiding Officer. Jimmy, good to see you.
11 There was a time ago where we had read in the
12 paper about the proposed merging of the 2nd and
13 6th Precinct. You had come and we spoke about
14 that. That seemed to have been no longer an
15 action. But something else that I read about in
16 the paper was the possible elimination of a
17 police precinct. I was just wondering if you've
18 heard anything more about that. I know you had
19 come to us and said if that's going to happen
20 there needs to be a hearing. I know that the
21 Presiding Officer had agreed if that were to
22 happen, if there was something that was
23 identified that, in fact, there would be a
24 hearing about it. I was just curious to know if
25 there's been anything more about that because

2 many residents in my district, as I'm sure in
3 other districts, are very concerned about that.

4 MR. CARVER: My understanding is it's
5 not on the table at this time. But if it goes on
6 the table, we'll be here.

7 LEGISLATOR BOSWORTH: Thank you.

8 MR. CARVER: Thank you.

9 CHAIRMAN SCHMITT: Thank you, Mr.
10 Carver.

11 MR. CARVER: I'll call you.

12 CHAIRMAN SCHMITT: Please do. I gotta
13 move forward, Judy. The public comment period
14 was extended way past a half hour. It's been an
15 hour. There are still more slips that we're
16 going to have to take up at the conclusion of the
17 meeting.

18 Mr. Muller, would you call of the
19 Legislature please or did we do that? We'll all
20 set. Okay. We're going to go to the calendar.

21 The first thing I'm going to call is Item
22 Number 27, Resolution Number 166, which is a
23 resolution confirming the appointment by the
24 county executive of Eric Bjerneby as a Judge of
25 the District Court of the County of Nassau for

2 the Second Judicial District, pursuant to Section
3 21(D) of Article 6 of the Constitution of the
4 State of New York.

5 LEGISLATOR CIOTTI: So moved.

6 CHAIRMAN SCHMITT: Moved by Legislator
7 Ciotti. Who said second over there? Legislator
8 Gonsalves outranks.

9 I understand that there is an amendment
10 because the item said -- there's an amendment to
11 correctly reflect the appointment will be made to
12 the Second Judicial District not the First
13 Judicial District.

14 LEGISLATOR CIOTTI: So moved.

15 LEGISLATOR GONSALVES: Second.

16 CHAIRMAN SCHMITT: The amendment is
17 moved by Legislator Ciotti, seconded by
18 Legislator Gonsalves.

19 All those in favor of the amendment
20 please say aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Now, on the item as amended.

25 Hello, Mr. Bjerneby. Any members have

2 any questions for the nominee?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 Okay. All those in favor of the
7 appointment please say aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 Let the record show that the item carries
12 with 11 affirmative votes and 7 -- 11 to 7.

13 Congratulations, Judge.

14 JUDGE BJORNEBY: Thank you very much.

15 CHAIRMAN SCHMITT: Anything you want to
16 say to us?

17 JUDGE BJORNEBY: I will only say that I
18 am very honored and very humbled by this
19 experience. As you know, I spent almost 23 years
20 as a prosecutor. I spent the last 11 years as a
21 court attorney in family court, in supreme court,
22 district court, researching and drafting
23 decisions for the court's judges. I've done the
24 trial work. I've done the writing work. I've
25 done the research work. I am truly humbled now

2 to have the opportunity to sit and serve as a
3 judge of that court. And I thank you.

4 CHAIRMAN SCHMITT: Thank you. And
5 congratulations.

6 JUDGE BJORNEBY: Thank you very much.

7 CHAIRMAN SCHMITT: Okay. I'm going to
8 call Item Number 33 -- wait a minute, not Item
9 33.

10 Ordinance Number 77 is an ordinance
11 providing for a capital expenditure to finance
12 the payment of certain claims against the County
13 of Nassau, authorizing \$339,966 of bonds of the
14 County of Nassau to finance said expenditure.

15 Can I have a motion, please?

16 LEGISLATOR CIOTTI: So moved.

17 LEGISLATOR DUNNE: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Ciotti, seconded by Legislator Dunne.

20 Mr. May, who is here to speak on this?

21 MR. MAY: I'm sorry, what was the item
22 number?

23 CHAIRMAN SCHMITT: Item Number 1,
24 Ordinance Number 77.

25 MR. MAY: We have Mr. Dan Shore.

2 MR. SHORE: Good afternoon.

3 CHAIRMAN SCHMITT: Good afternoon.

4 MR. SHORE: If you want to discuss this
5 matter it would be best to do it in executive
6 session just because this is a legal matter.

7 CHAIRMAN SCHMITT: Do you have a need to
8 go into executive session?

9 (No verbal response.)

10 In that case, any public comment?

11 (No verbal response.)

12 All those in favor please say aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item carries unanimously.

17 Ordinance Number 78 is a bond ordinance
18 providing for a capital expenditure to finance
19 certain projects under the environmental program
20 established pursuant to Title 59 of the
21 Miscellaneous Laws, authorizing \$5,024,800 bonds
22 from the Environmental Bond issue of 2006.

23 May I have a motion, please?

24 LEGISLATOR CIOTTI: So moved.

25 LEGISLATOR GONSALVES: Second.

2 CHAIRMAN SCHMITT: Moved by Legislator
3 Ciotti, seconded by Legislator Gonsalves.

4 Any debate or discussion?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor please say aye.

9 (Aye.)

10 Okay.

11 Item Number 33, a resolution authorizing
12 the County of Nassau to file an application for
13 federal assistance with the U.S. Department of
14 Housing and Urban Development.

15 May I have a motion, please?

16 LEGISLATOR CIOTTI: So moved.

17 LEGISLATOR GONSALVES: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Ciotti, seconded by Legislator Gonsalves.

20 Any public comment?

21 (No verbal response.)

22 I'm sorry. Any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 Now we're going to call -- we're going to
8 bulk the rest of the calendar. No we're not. I
9 love this last minute stuff.

10 Ordinance Number 5 needs to be amended,
11 correct?

12 LEGISLATOR YATAURO: Yes.

13 CHAIRMAN SCHMITT: Ordinance Number 5 is
14 a bond ordinance providing for a capital
15 expenditure to finance the capital projects
16 specified -- wait a minute.

17 Ordinance Number 81 is a bond ordinance
18 providing for a capital expenditure to finance
19 the capital projects within the County for our
20 capital program, authorizing \$70,036,204 of bonds
21 of the County.

22 There is a technical amendment.

23 LEGISLATOR CIOTTI: So moved.

24 LEGISLATOR GONSALVES: Second.

25 CHAIRMAN SCHMITT: Moved by Legislator

2 Ciotti, seconded by Legislator Gonsalves.

3 The technical amendment, which I will
4 offer, is this amendment in the nature of a
5 substitution is being filed to replace Appendix A
6 to include a list of intended projects contained
7 within the capital budget for 2011. This
8 amendment does not impact on the underlying
9 amount of the bond ordinance.

10 I'll offer the amendment.

11 LEGISLATOR CIOTTI: Second.

12 CHAIRMAN SCHMITT: Seconded by
13 Legislator Ciotti.

14 All those in favor of the amendment
15 please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 On the item, as amended, any debate or
20 discussion?

21 LEGISLATOR ABRAHAMS: If I may.

22 CHAIRMAN SCHMITT: Legislator Williams.

23 LEGISLATOR ABRAHAMS: Holy God.

24 CHAIRMAN SCHMITT: I did it again.

25 Legislator Abrahams. I apologize.

2 LEGISLATOR ABRAHAMS: I just want to
3 make sure I read into the record -- I want to
4 thank the Presiding Officer for reading the
5 amendment that obviously is not going to have any
6 impact on the actual capital plan itself. There
7 was a memo that actually came down -- obviously
8 that's a part of the record -- from the county
9 executive. That memo is something that we feel
10 will crystallize this process and also ensure
11 that many of the contractors and laborers that
12 are out there will -- it will crystallize and
13 ensure that many people are able to get the work
14 and working with the county executive, which we
15 plan to do, we want to make sure that the work
16 gets to the hands of those that need it the most.

17 Obviously, the fact that some of the IMAs
18 that are going to be called later on in the Rules
19 Committee, it's our interest to ensure that those
20 IMAs will also go through the full legislative
21 process in two weeks. But we are willing to leap
22 out on some degrees of faith to ensure that the
23 capital plan is passed today, as well as the
24 bonding for the sewers. We're willing to commit
25 that today in hopes that we will have our inter-

2 municipal agreements for today as well as in two
3 weeks will be passed as well. So I just wanted
4 to make sure -- and into the future. Sorry about
5 that.

6 Thank you.

7 CHAIRMAN SCHMITT: Okay. Marc Herbst.
8 Agreements to pass the capital plan. I want to
9 thank you. Go ahead. Tell us.

10 MR. HERBST: Thank you. My name is Marc
11 Herbst. I'm the executive director of the Long
12 Island Contractors Association. I am appearing
13 before you on July 11, 2011 to adopt the 2011
14 bonding for the capital program, and I think that
15 speaks for itself.

16 And all of you are used to me coming up
17 every year and probably hear my whining,
18 complaining or I can use more profanity of what
19 you might think of my remarks. But you've all
20 shook your heads, been very nice and kind, and I
21 thank you. And we all have personal
22 relationships. Some of you I know almost 30
23 years. So, individually, we all get along. But
24 the bottom line is that the capital program, all
25 of my rants about the importance of passing it in

2 January, at the beginning of the year when it's
3 proposed, so we can put the men and women to work
4 in Nassau County to generate the revenues, sales
5 tax, and everything, to put people to work and
6 get the economy going never takes place and it
7 drags on and on. Here we are in July and we're
8 finally adopting the bonding to have the program
9 go forward.

10 I assume that, you know, we were
11 successful the last few years because it kept
12 happening earlier and earlier. I honestly
13 thought you were listening to me. I thought I
14 was making an impact. But, I guess I was wrong.
15 What I found out and shortly discovered was even
16 though you pass it, that meant -- that did not
17 mean the project would take place. And even if
18 somebody else gave you the money to do the
19 projects, Nassau County still didn't move
20 forward.

21 The federal government passed the ARA
22 project, the stimulus program. We had projects
23 in September 2009 that were approved with the
24 dollars given to you. Went out to bid in
25 September 2009. Here we are today and I have

2 contractors who still haven't been paid. One
3 contractor, Legislator Yatauro, your district,
4 Cedar Swamp Road, the contractor is owed about
5 \$800,000. \$800,000. Now, I bring that up and I
6 talk about the problems. I say everything that
7 we hear -- I go back to the contractor and I go
8 back to all the people, because it's not just
9 this contractor. It's the subcontractors that
10 aren't being paid. It's the suppliers who aren't
11 being paid because the cash flow is not
12 happening. And this isn't your money. It's the
13 federal dollars to get through. Now, what's the
14 problem?

15 I've talked to everyone. It's the county
16 executive's problem. It's the former county
17 executive's problem. It's the republican
18 legislators' problem. It's democrats'
19 legislators' problem. It's the commissioner of
20 public works. It's the county attorney. It's
21 the county comptroller. I don't really care
22 whose fault it is. Can't we all just get
23 together and get it done?

24 It's frustrating to go forward and have
25 these issues. It's serious work. It's money.

2 It's the economy. It's what we need to get
3 going. And it's been very frustrating, to be
4 honest with you, about trying to get these things
5 done. We all work well together, but we've got
6 to make a more concerted effort.

7 There's a systematic problem in the
8 County of Nassau that starts from the day that
9 you start a project to the day you finish it.
10 We've got to work together. And I'm thankful
11 that at this time it looks like you finally
12 reached the conclusion at the legislative level
13 to pass the bonding for the sewer and storm
14 water. And that's very important. It should've
15 been done. It's an emergency situation, what's
16 going on out there. You're affecting the
17 homeowners. You're affecting the economy.
18 You're affecting the environment. It needs to be
19 addressed.

20 And I ask you to continue to work
21 together and try to move this process forward.
22 And some of the payments, it's frustrating.

23 Presiding Officer Schmitt, I'd like to
24 publicly thank you because finally one of the
25 payments, I had to come to you. You called the

2 comptroller and finally got him to answer the
3 call. My repeated calls to the office there have
4 been met with the cold answering machine, so
5 impersonal that the regular resident calls the
6 county should be insulted. I can't even get a
7 call back. And that only tells me maybe he can't
8 pay his phone bills because money's so bad. But
9 the response has been pathetic. At least the
10 legislators, when we reach out, you've made the
11 effort on the republican side, as well as the
12 democratic side, and I thank you.

13 Today I ask that you take Item Number 4
14 and Item Number 5 and please vote for them in the
15 affirmative. Because we were bearing gifts today
16 and we decided to leave them outside because we
17 didn't want to actually present you. So the raw
18 sewage was not brought into this building. But
19 it will be delivered if this does not go through.
20 On that note, I thank you.

21 CHAIRMAN SCHMITT: Mr. Herbst, I want to
22 thank you and your organization and a lot of the
23 other interested parties -- the laborers union,
24 the buildings trades and so forth -- for prodding
25 and pushing us collectively to get this done.

2 And we're going to go and hopefully get this done
3 today and work to make sure that the next one is
4 done in a more timely fashion.

5 Legislator Yatauro.

6 LEGISLATOR YATAURO: Marc, can you just
7 talk to me after this about Cedar Swamp? Thanks.

8 CHAIRMAN SCHMITT: Any other -- that's
9 the only speaker slip I have on that. Any other
10 debate?

11 LEGISLATOR DENENBERG: Peter, I just
12 wanted to say one thing to what Mr. Herbst has
13 said.

14 CHAIRMAN SCHMITT: The Chair will
15 recognize Legislator Denenberg.

16 LEGISLATOR DENENBERG: Thank you. Mr.
17 Herbst, what you ultimately said, you know, even
18 this year, \$120 million worth of bonding for last
19 year's capital budget and sewer and storm water
20 plan first was approved or went through in March
21 and April to NIFA for approval. So that's work
22 from last year. So all of us have to be
23 vigilant, but particularly you, that when we
24 approve a capital plan -- last year it took till
25 May -- for the work still -- or to just be

2 starting or to be ongoing into 11, really we need
3 to implement everything quicker. To just say
4 it's the administration wouldn't be enough
5 because all of us get the phone calls and we
6 really have to be on top of it from year to year.
7 That's why quarterly status review had always, in
8 my opinion, worked well in the past.

9 But, thank you. And thanks for your help
10 for both sides. Thank you.

11 CHAIRMAN SCHMITT: Any public comment?

12 (No verbal response.)

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Hallelujah, the item is passed.

18 Item Number 6, Ordinance Number 82 is
19 making certain determinations pursuant to the
20 State Environmental Quality Review Act and
21 authorizing the county executive of the County of
22 Nassau to lease, on behalf of the County of
23 Nassau, certain residential housing units located
24 in the unincorporated area known as Uniondale,
25 Town of Hempstead.

2 Could I have a motion, please?

3 LEGISLATOR CIOTTI: So moved.

4 LEGISLATOR GONSALVES: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Ciotti, seconded by Legislator Gonsalves.

7 I understand that there is an amendment
8 to this item. Okay.

9 This is an amendment that I will offer.
10 This is an amendment being made to add additional
11 backup documentation to the item.

12 LEGISLATOR CIOTTI: So moved.

13 LEGISLATOR GONSALVES: Second.

14 CHAIRMAN SCHMITT: Moved by Legislator
15 Ciotti, seconded by Legislator Gonsalves.

16 All those in favor of the amendment
17 please say aye.

18 (Aye.)

19 All opposed?

20 (No verbal response.)

21 None.

22 So, on the item, as amended, is there any
23 debate or discussion?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor please say aye.

4 (Aye.)

5 The item carries.

6 We're going to bulk the rest of the
7 calendar with the consent of the Minority. These
8 are items that have been exhaustively debated at
9 various committees, and there is consensus on the
10 Legislature to pass them.

11 Item Number 3, Ordinance Number 79; Item
12 Number 4, Ordinance Number 80; Item Number 7,
13 Ordinance Number 83; Item Number 8, Ordinance
14 Number 84; Item Number 9, Ordinance 85; Item
15 Number 10, Ordinance 86; Item Number 11,
16 Ordinance 87; Item Number 12, Ordinance 88; Item
17 Number 13, Ordinance 89; Item Number 14,
18 Ordinance 90; Item Number 15, Ordinance 91; Item
19 Number 16, Resolution 155; Item Number 17,
20 Resolution 156; Item Number 18, Resolution 157;
21 Item Number 19, Resolution 158; Item 20,
22 Resolution 159; Item 21, Resolution 160; Item 22,
23 Resolution 161; Item 23, Resolution 162; Item 24,
24 Resolution 163; Item 25, Resolution 164; Item 26,
25 Resolution 165; Item Number 29, Resolution 168;

2 Item Number 31, Resolution 170; Item 32,
3 Resolution 171; Item Number 34, Resolution 173;
4 Item 35, Resolution 174; Item 36, Resolution 175;
5 Item 37, Resolution 176; Item 38, Resolution 177;
6 Item 39, Resolution 178; Item 40, Resolution 179;
7 Item 41, Resolution 180; Item 42, Resolution 181;
8 Item 43, Resolution 182.

9 May I have a motion, please?

10 LEGISLATOR CIOTTI: So moved.

11 LEGISLATOR GONSALVES: Second.

12 CHAIRMAN SCHMITT: Moved by Legislator
13 Ciotti, seconded by Legislator Gonsalves.

14 Any public comment?

15 (No verbal response.)

16 All those in favor please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The items carry unanimously.

21 Is there anything else?

22 (No verbal response.)

23 That's it. Okay.

24 We have concluded the business of the
25 Legislature.

2 We will take a motion to adjourn.

3 LEGISLATOR CIOTTI: So moved.

4 LEGISLATOR GONSALVES: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Ciotti, seconded by Legislator Gonsalves.

7 All those in favor say aye.

8 (Aye.)

9 We stand adjourned.

10 (Whereupon, the Full Legislature
11 adjourned at 1:33 p.m.)

12 CHAIRMAN SCHMITT: We have slips left
13 from public comment.

14 Susan Schwartz from Inwood. Susan
15 Schultz, I'm sorry.

16 MS. SCHULTZ: My name is Susan Schultz,
17 and on March 7, 2006 I was run over by a Nassau
18 County bus. I am here to implore you not to sell
19 the buses to the people from Ohio or Paris,
20 France.

21 I went to the meeting of the MTA capital
22 funding, and I found out that Nassau County has
23 plans for millions of dollars of expenditures for
24 the MTA, which is why they need to sell the MTA
25 to Paris, France.

2 Those of us who ride the buses depend on
3 the buses. In the five years since I was run
4 over by a bus, the man who ran me over has
5 admitted that he was never trained on the bus,
6 but that didn't help the courts in saying I don't
7 get a penny.

8 It's very disconcerting to watch people
9 talk.

10 We, the riders of the bus, do care if the
11 buses disappear. We do care if the MTA buses run
12 out of funding after one year. We do care if
13 Able Ride disappears. There are bus riders
14 everywhere in Nassau County and in Queens,
15 because I go from Long Beach to Rockaway on the
16 33, that are going to be stranded when the one-
17 year contract of the people from Ohio is run out
18 and then Nassau County will find out that they
19 have to take back the buses.

20 All I know is I've lived in this area for
21 40 years. Before that I lived in New Jersey and
22 I worked for Public Service Transit, which has
23 trains and buses that run kind of the same.
24 Here, the train people are paramount; the bus
25 people are like underdogs. And it's really,

2 really, really very bad for the little people of
3 Nassau County.

4 Thank you.

5 LEGISLATOR GONSALVES: Judith VanDyke.

6 MS. VANDYKE: Good afternoon, ladies and
7 gentlemen.

8 LEGISLATOR GONSALVES: Good afternoon.

9 MS. VANDYKE: Thank you for allowing me
10 to speak today. I am Judith VanDyke, and I live
11 at 116 Conklin Street in Farmingdale, New York.
12 I am President of the United Association of
13 Entrepreneurs, and I represent thousands of small
14 businesses in both Suffolk, Nassau, and the
15 boroughs.

16 I'm here today because the economy across
17 New York, and especially where I live here in
18 Nassau County, is in dire trouble. I have lost,
19 in the last two years, probably a third of my
20 membership due to bankruptcies, closures in
21 business, and many other tax issues and things
22 where small business just cannot stay in business
23 anymore. This is causing terrible tax problems
24 for our county. Because if people aren't in
25 business, then they don't have any money to be

2 pay taxes. And if they don't have any money,
3 they're not only not paying their business taxes,
4 they're also not paying their home taxes, which
5 is why we see so many foreclosures.

6 Recently, I was privy to getting some
7 information about something that could save not
8 only our counties, our states, but our country,
9 and that's a legislation that was put into the
10 House, HR1489, and that is the Glass/Stiegel Act.
11 Glass/Stiegel was introduced in 1933 by Roosevelt
12 and that was during the Depression when the
13 investment banks were bankrupting the country.
14 And he separated the investment banks from the
15 local savings and loans banks. That was in place
16 until 1999, when President Clinton did away with
17 it. And now history has repeated itself because
18 we are back into bankrupting the country, the
19 towns, the states, small business, and the
20 average homeowner, who is losing their pensions,
21 their homes, their 401(k)'s and we are in deep
22 trouble. This would stop all the bailouts for
23 the big savings and loans banks and it would put
24 money back into the states and back into the
25 pockets of the people for jobs. Although I

2 understand that you don't pay us that, that this
3 is something that's in Congress, we all have a
4 responsibility to reach out to a congressmen and
5 help to do whatever it is that's going to be best
6 for our country, and our state, and our unions,
7 and all the people I heard here today complaining
8 that they have no money to help their
9 neighborhoods, to help the medical people, the
10 people they're trying to cure. There is no
11 money. This would put trillions back into the
12 economy. Trillions.

13 I implore you, there are other
14 legislators who have signed on to sponsor this,
15 New Jersey for one, and tons of unions -- the
16 AFL/CIO, along with 24 congressmen throughout the
17 Country.

18 So I would like to leave you some
19 information on this bill and on maybe what each
20 and every one of you could do to help get this
21 passed.

22 CHAIRMAN SCHMITT: Please give the
23 information to the gentleman here and we will
24 distribute it.

25 MS. VANDYKE: And I thank you for your

2 time.

3 CHAIRMAN SCHMITT: Thank you very much.

4 That's the last speaker that I have. And

5 we will be resuming the Rules Committee in ten

6 minutes.

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2011.

FRANK GRAY

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

July 11, 2011
11:14 a.m.

REGAL REPORTING SERVICES
516-747-7353

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

PETER J. SCHMITT
Chair

JOHN J. CIOTTI
Vice-Chair

DENNIS DUNNE

ROSE WALKER

DIANE YATAURO
Ranking

KEVAN ABRAHAMS

JUDITH JACOBS

WILLIAM J. MULLER, III (Clerk)

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JOHN CIAMPOLI
County Attorney. 6

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BRIAN SCHNEIDER 255

2 CHAIRMAN SCHMITT: Please rise for the
3 Pledge of Allegiance, led by Deputy Presiding
4 Officer John Ciotti.

5 (Whereupon, the Pledge of Allegiance was
6 recited.)

7 CHAIRMAN SCHMITT: Mr. Clerk, would you
8 please call the roll?

9 CLERK MULLER: Mr. Schmitt?

10 CHAIRMAN SCHMITT: Here.

11 CLERK MULLER: Vice Chairman Ciotti?

12 LEGISLATOR CIOTTI: Here.

13 CLERK MULLER: Legislator Dunne?

14 LEGISLATOR DUNNE: Here.

15 CLERK MULLER: Legislator Walker?

16 LEGISLATOR WALKER: Here.

17 CLERK MULLER: Ranking Member Yatauro?

18 (No verbal response.)

19 CLERK MULLER: Legislator Abrahams?

20 LEGISLATOR ABRAHAMS: Here.

21 CLERK MULLER: Legislator Jacobs?

22 LEGISLATOR JACOBS: Here.

23 CLERK MULLER: We have a quorum.

24 CHAIRMAN SCHMITT: Thank you.

25 We have --

2 LEGISLATOR CIOTTI: Let the record
3 reflect that Minority Leader Yatauro is here.

4 CHAIRMAN SCHMITT: Okay.

5 We have two items on the calendar for the
6 Rules Committee. One is a proposed local law to
7 amend the -- to amend an annex of the Nassau
8 County Charter, making technical corrections to
9 the metes and bounds descriptions of the official
10 map of the County Legislature Districts; and the
11 other is a resolution authorizing the county
12 executive to execute a personal service agreement
13 between the County of Nassau, acting on behalf of
14 the County and the County Attorney and Smith
15 Valuation Services.

16 LEGISLATOR CIOTTI: So moved.

17 CHAIRMAN SCHMITT: Moved by -- well, I'm
18 going to call 292; that's moved by Legislator
19 Ciotti -

20 LEGISLATOR DUNNE: Second.

21 CHAIRMAN SCHMITT: Seconded by
22 Legislator Dunne.

23 This is the local law to amend Annex A of
24 the Nassau County Charter, making technical
25 corrections to the metes and bounds and so forth.

2 Where's Mr. May? Mr. May, who is here to
3 speak on this?

4 MR. MAY: We have the County Attorney,
5 John Ciampoli.

6 CHAIRMAN SCHMITT: Welcome back, Mr.
7 Ciampoli. Would you like a seat?

8 COUNTY ATTORNEY CIAMPOLI: Nope, we're
9 fine, thank you. That of me which is back, I
10 don't recommend --

11 LEGISLATOR YATAURO: We're glad that
12 you're back.

13 COUNTY ATTORNEY CIAMPOLI: what I did as
14 a weight loss program, but I'll take the side
15 effects.

16 LEGISLATOR YATAURO: Well, we're all
17 glad that you are back.

18 COUNTY ATTORNEY CIAMPOLI: Some more
19 than others, Legislator Yatauro.

20 CHAIRMAN SCHMITT: I had my own weight
21 loss experience, and I also don't recommend it.

22 Would you give us a brief overview of
23 exactly what this is?

24 COUNTY ATTORNEY CIAMPOLI: Presiding
25 Officer Schmitt and members of the Legislature,

2 whenever there is a reapportionment done it has
3 often been found that the districts, by
4 unintentional omission, sometimes have
5 duplication, overlapping areas, erroneous
6 nomenclature, lack of adequate descriptions of
7 political subdivisions or other divisions, lack
8 of an adequate description or lack of clarity
9 regarding boundaries or courses of waters,
10 waterways, lands that are filled in, other
11 changes in the geography, alternation of courses,
12 right-of-ways, lines of public utilities and
13 other conditions that affect reapportionment
14 plans.

15 Routinely, administrative bodies take the
16 actions necessary to correct any such omissions.
17 They rely on the map that was adopted by the
18 legislature, so as to effectuate the purposes of
19 the law. In Nassau County, the apportionment
20 plan, in fact, is Annex A.

21 What you do is you make any changes so as
22 to be consistent with those standards of
23 reapportionment that were applied in developing
24 the plan, to preserve continuity, compactness of
25 districts and avoid unnecessary division of any

2 political subdivisions that might be affected.

3 The descriptions are routinely, and in
4 this State it is the law, that the descriptions
5 that are administratively adopted are filed with
6 the State Board of Elections and the Secretary of
7 State and given the power of law. It is the past
8 practice of our Board of Elections in Nassau
9 County to similarly effectuate any corrections in
10 the district lines, to make any clarifications
11 that are necessary, so as to implement the intent
12 of the Legislature, and, again, Annex A, the map,
13 is in fact the intent of the Legislature.

14 This technical corrections bill was done
15 so as to accommodate those who seem to have an
16 unusual amount of difficulty in implementing the
17 intention of the Legislature, the map we believe
18 is clear. What we have done is we have corrected
19 two scrivener's errors in Districts 10 and 11.
20 The TIGER/Line Census matters -- Census segment
21 from the Bureau of the Census were identified and
22 clarified in all districts except 4, 12, 13, and
23 14. And what we did in many cases where the
24 metes and bounds reflected Census data and we
25 were able to clarify and eliminate a redundancy

2 in the bill that was adopted by the Legislature,
3 we used the more common and more accepted school
4 district lines to clear up those redundancies.

5 In several instances our team found that
6 the so-called errors that were cited by the Board
7 of Elections commissioner on the democratic side
8 were not in fact accurate. It appears -- and I
9 have gone back and personally conferred with
10 personnel at Caliper Corporation, which is the
11 manufacturer of the Maptitude software that is
12 used to develop this plan, and is also the
13 manufacturer of software which is used for
14 precinct and election management at the Board of
15 Elections, they indicated that it appeared that
16 Nassau County's Board of Elections has not
17 renewed their license and updated their software
18 and therefore they were using geography from the
19 2000 Census when, in fact, the 2010 Census
20 geography, as published by the Census Bureau, is
21 what should have been used.

22 With that said, if you want I'll read the
23 whole bill because it's air conditioned here and
24 it's not in my office.

25 CHAIRMAN SCHMITT: No, no. It's not air

2 conditioned in your office?

3 COUNTY ATTORNEY CIAMPOLI: Everything in
4 West Street is shut down. The coils were
5 replaced over the weekend.

6 CHAIRMAN SCHMITT: Really?

7 COUNTY ATTORNEY CIAMPOLI: Yep. They're
8 hooking them up and we hope sooner rather than
9 later.

10 CHAIRMAN SCHMITT: I have a hearing room
11 that you can use for your office for today and
12 tomorrow.

13 Okay. So this is a technical correction.

14 COUNTY ATTORNEY CIAMPOLI: That is
15 correct.

16 CHAIRMAN SCHMITT: We also know -- I
17 just want to put it on the record -- that the
18 whole issue of the -- of the law that was adopted
19 is in litigation and it's in -- I'm not even sure
20 where it is -- federal court, state court,
21 bouncing back and forth.

22 COUNTY ATTORNEY CIAMPOLI: It is in both
23 courts. There is presently a matter in Federal
24 District Court before Judge Seibert and
25 Magistrate Lindsey, which is *Boone v. Nassau*

2 County. There is also *Yatauro v. County of*
3 *Nassau*, which is pending before Judge Jaeger in
4 State Supreme Court.

5 CHAIRMAN SCHMITT: Okay. Does anybody
6 have any questions?

7 LEGISLATOR ABRAHAMS: Oh, absolutely.

8 CHAIRMAN SCHMITT: I know that. But let
9 me -- hold on. This is an amendment. We are not
10 having another hearing. This is another
11 amendment. This is an amendment to the existing
12 law. Questions will be limited to the amendments
13 or they'll be ruled out of order. We're not
14 gonna sit here and have another public hearing.
15 And if you want to put on a show, you put it on
16 outside on the steps for the media. This is a
17 technical correction.

18 LEGISLATOR JACOBS: Very nice, Peter.

19 CHAIRMAN SCHMITT: Very nice is right.
20 I've gotten all of the memos from -- ghostwritten
21 by your counsel that Legislator Yatauro has sent
22 over and we've answered. And we spent a lot of
23 time going back and forth and we're not going to
24 do that here today.

25 Anyway. It is to the amendment. I'm

2 going to ask counsel to advise me if -- on the
3 legal aspects --

4 LEGISLATOR YATAURO: Would that be a
5 ghost answer then?

6 CHAIRMAN SCHMITT: That would be a -- my
7 answer pending legal advice.

8 LEGISLATOR YATAURO: Just checking.

9 CHAIRMAN SCHMITT: You're very -- you
10 can check anytime.

11 Who's first?

12 LEGISLATOR JACOBS: I'd like to say
13 something.

14 CHAIRMAN SCHMITT: Legislator Jacobs.

15 LEGISLATOR JACOBS: Mr. Ciampoli, let me
16 ask you a question. I've been here for a long
17 time. I've never heard of anything called,
18 "technical correction that exists in our Charter
19 or our Rules." There have been experiences
20 through the years, very minor ones, that have
21 dealt with typos or mathematic errors, but not a
22 technical correction. I don't know where -- you
23 seem to be coming up with new -- first, welcome
24 back. But second place -- and I'm glad you're
25 well. But to be honest with you, you can't make

2 up words and phrases that just don't exist in
3 what we've been working with for the last 16
4 years. So where does that phrase exist in our
5 Charter, technical correction?

6 COUNTY ATTORNEY CIAMPOLI: A technical
7 correction does not exist in the Charter. It is
8 a term of art in the field which is used to
9 correct, as I opened with, to correct
10 unintentional omissions, duplications,
11 overlapping areas, erroneous nomenclature,
12 etcetera.

13 LEGISLATOR JACOBS: Wouldn't you say
14 though that that was saying that --

15 CHAIRMAN SCHMITT: Let the witness
16 finish the answer, please.

17 LEGISLATOR JACOBS: I thought he was
18 finished.

19 COUNTY ATTORNEY CIAMPOLI: Well, to
20 finish the answer, put simply, on the state level
21 and on any number of other levels, when a
22 reapportionment is done, very often you go back
23 later and you find that there was an error in the
24 metes and bounds. I had personal experience with
25 an error that was uncovered by the democratic

2 caucus in the State Senate in which approximately
3 two full election districts worth of people were
4 misplaced. It was not located until
5 approximately eight years after the reapportionment
6 was done. It was then taken care of, a
7 correction was made, and it was implemented
8 actually for only one election before the next
9 reapportionment happened.

10 CHAIRMAN SCHMITT: Excuse me one second.
11 I am having trouble hearing. If Mr. Denenberg
12 would please stop talking, and if the people over
13 here, whoever it is, would stop talking so we
14 could hear what you have to say.

15 LEGISLATOR JACOBS: I didn't say
16 anything. I'm listening. I'm listening.

17 COUNTY ATTORNEY CIAMPOLI: The point is
18 these scrivener's errors happened. We've
19 corrected some scrivener's errors. In several
20 instances we've used nomenclature that was
21 redundant and we've used the school district
22 lines which are more understandable on the local
23 level. What we've done is made adjustments and
24 made clarifications on the TIGER/Line maps so
25 that they more clearly fit village lines in

2 certain instances and street directions in
3 others.

4 This is not something that is new to the
5 reapportionment process. And if somebody doesn't
6 go and look at a plan after a plan's been adopted
7 -- and that could be a year or two years or
8 several years later -- and find errors and then
9 see that they're corrected, somebody's not doing
10 their job. We've done it sooner rather than
11 later because there were some issues that were
12 raised.

13 LEGISLATOR JACOBS: Mr. Ciampoli, that
14 maybe so in the State, and I'm not saying it's
15 not. I have no knowledge of the State. I do
16 have a pretty good knowledge of what goes on here
17 in the County.

18 Let me ask you something else. If you're
19 saying in part of this that the state of the
20 legislative intent is the conclusion that the map
21 of the County contained in Annex A is correct,
22 then the truth of the matter is how can you say
23 this when so definitely there were so many errors
24 in the original set of metes and bounds? I just
25 don't understand how you meet the two. There

2 were so many errors -- I don't want to say I
3 believe, that's too subjective. So many errors
4 in putting this together, as you did, that you
5 could still come out with a statement that the
6 actual legislative maps are definitively correct?

7 COUNTY ATTORNEY CIAMPOLI: Well, we've
8 corrected about two or three errors; that's not
9 so many in my book. In fact, two of the errors,
10 one overlaps the other. There were
11 clarifications made in nomenclature. However,
12 the bottom line here is that nothing in the map
13 has changed, and the map expresses the will and
14 the intent of the Legislature.

15 LEGISLATOR JACOBS: Well, it seems to me
16 when we received this letter from the democratic
17 commissioner of the Board of Elections, it's a
18 seven page letter, seven page letter or errors.
19 Now, I don't know. You may disagree with him.
20 But he's been around a long time also. And you
21 know what? We did do this ten years ago, and we
22 did it with very few errors, if any, and, quite
23 honestly, we didn't make up terms.

24 COUNTY ATTORNEY CIAMPOLI: As did we.
25 I'm not making up terms. What we're doing is

2 we're addressing issues that were raised. One of
3 the issues that Commissioner Biamonte raised --
4 or should I say was raised with Commissioner
5 Biamonte by his republican counterpart -- was the
6 fact that the Board is using out-of-date software
7 to manage its precinct and election system. The
8 license expired this spring. It has not been
9 renewed.

10 In talking to the software manufacturer,
11 they identified -- they said, without even
12 looking at the content of what he says are
13 errors, a large number of them will undoubtedly
14 be attributable to the fact that he is using out-
15 of-date geography files. If you don't pay the
16 software company to update your software, you're
17 going to get bad results. And I appreciate Mr.
18 Biamonte and his staff's efforts. But when they
19 went at it with the wrong tools, they came up
20 with a bad result. So there were not as many
21 errors as you would like to think. We've
22 addressed some of them in which the error
23 identified was clearly not an error. But we
24 clarified information, we used school district
25 lines as opposed to TIGER file lines, okay, and

2 we interpreted into the lowest common
3 denominator, if you will. Okay. And now I'm
4 probably making up a term.

5 The terminology used, so that you were no
6 longer using CDPs, or Census Designated Places,
7 in our metes and bounds.

8 LEGISLATOR JACOBS: Alright. So let me
9 just conclude with this.

10 Section 113 gives the people the right to
11 have this bipartisan commission that has to come
12 up with their conclusion eight months before the
13 election. And it makes sense when you think
14 about it because that gives you that time -- they
15 knew what they were doing with 113 and 114 -

16 CHAIRMAN SCHMITT: Mrs. Jacobs, please
17 confine yourself to the amendments.

18 LEGISLATOR JACOBS: I am, Mr. Schmitt.
19 It's going -- this is redistricting of the entire
20 legislature. It's very important right now.

21 CHAIRMAN SCHMITT: And I agree it's very
22 important. It's a matter under litigation. We
23 had this debate. We had this discussion. We had
24 12 hours worth. These are technical amendments.
25 If you have a question or a comment on the

2 amendments, please make it.

3 LEGISLATOR JACOBS: I do. If you
4 would've given yourself the eight months that
5 Section 113 would give a bipartisan commission,
6 perhaps you could have avoided these metes and
7 bounds errors instead of rushing it through.

8 COUNTY ATTORNEY CIAMPOLI: Legislator,
9 prefacing my answer with anything is possible,
10 the Charter gives six months to make an
11 adjustment after the Census data is published. I
12 believe it was the Presiding Officer's
13 determination that this Legislature go forward on
14 the basis that there were major, one-person, one-
15 vote issues that were raised by the Census data
16 as applied to the old districts. They were
17 addressed by the plan.

18 There is an old saying that justice
19 delayed is justice denied, and I believe that
20 that axiom was well applied by the Presiding
21 Officer and my office in this instance to make
22 the corrections, to cure any potential violation
23 of one man, one vote, one woman, one vote that we
24 would have, and to also make corrections because
25 no one here has addressed, at any point in time,

2 the inordinate number of town lines that were cut
3 in violation of state law. Those were also
4 corrected. That was one of the presiding
5 officer's directives to me, to correct that and
6 change that and make that better in a new plan;
7 that's what we did. What we have in a new plan,
8 with or without these technical amendments, is
9 something that is better under the 2010 Census
10 numbers than existed before.

11 LEGISLATOR JACOBS: Mr. Ciampoli, of
12 course you're entitled to your opinion. I'm
13 entitled to my opinion. You've given us certain
14 districts that don't make any sense whatsoever.
15 This has been really, in my estimation, a
16 political power grab, and let's hope the courts
17 recognize for what it is.

18 CHAIRMAN SCHMITT: Anybody else?

19 LEGISLATOR ABRAHAMS: Yes.

20 CHAIRMAN SCHMITT: Legislator Wink. No,
21 I'm sorry. Legislator Kevan.

22 LEGISLATOR ABRAHAMS: How are you, Mr.
23 Ciampoli?

24 COUNTY ATTORNEY CIAMPOLI: Doing well.

25 LEGISLATOR ABRAHAMS: I'm glad to see

2 that you're back. You seem to be doing better.
3 I'm glad to see that.

4 I do have some questions in regards to
5 your testimony today.

6 As you mentioned before, I know you're
7 familiar with the letter that was written by
8 Commissioner Biamonte from the Board of
9 Elections. Am I correct?

10 COUNTY ATTORNEY CIAMPOLI: Yes.

11 LEGISLATOR ABRAHAMS: And within that
12 letter it specifies many different technical
13 questions that need to be taken place. Of that
14 particular letter and how many corrections that
15 are before us today, how many of the corrections
16 specified by the commissioner have you taken into
17 consideration that are before us today?

18 COUNTY ATTORNEY CIAMPOLI: I believe I
19 opened with a summary, which was we corrected
20 two scrivener's errors in Districts 10 and 11.
21 The TIGER/Line segments were identified and
22 clarified in all districts except 4, 12, 13, and
23 14. And school district lines were identified to
24 remove redundancies and clarify the descriptions
25 in all districts except 5, 6, and 15.

2 LEGISLATOR ABRAHAMS: I heard you say
3 that before. But I'm trying to get a quantity.

4 COUNTY ATTORNEY CIAMPOLI: I don't have
5 a checklist of -- I don't have a checklist here
6 of what Biamonte alleged was an error and what
7 the result was. In number of instances, my notes
8 reflect, such as in District 2, it says
9 Biamonte's allegation that corrections were
10 needed were not accurate. There were
11 clarifications in that district made in the
12 Lincoln Road to Cedar Street area and the Lawson
13 Street area, which was basically caused by
14 identification made by TIGER/Lines.

15 LEGISLATOR ABRAHAMS: And to your
16 knowledge, are all the corrections made necessary
17 for this map?

18 COUNTY ATTORNEY CIAMPOLI: The map was
19 not corrected at all. The metes and bounds were
20 corrected.

21 LEGISLATOR ABRAHAMS: Oh, for this metes
22 and boundaries.

23 COUNTY ATTORNEY CIAMPOLI: The metes and
24 bounds, are they necessary?

25 LEGISLATOR ABRAHAMS: No, no. I said

2 are they correct.

3 COUNTY ATTORNEY CIAMPOLI: My initial
4 premise was that the map speaks for itself. The
5 map is the intent of the legislature. The metes
6 and bounds merely describe what's on the map.
7 And what we've done is make it more reflective
8 and clarified any errors -- clarified any
9 potentially confusing situations and remedied any
10 errors that exist.

11 LEGISLATOR ABRAHAMS: In due difference
12 to the presiding officer, walk me through this
13 process. Because I'm thinking the metes and
14 boundaries defined the map. Don't you have to
15 look at the streets before you know how you're
16 going to know how you're going to make your map?

17 COUNTY ATTORNEY CIAMPOLI: No, not in
18 this day and age.

19 LEGISLATOR ABRAHAMS: So, basically
20 you're drawing lines on a map and then you're
21 following back to see how they meet into the
22 metes and boundaries?

23 COUNTY ATTORNEY CIAMPOLI: Well, what
24 you are using -- what you used to use is Census
25 blocks. And the new terminology from the Census

2 Bureau for the 2010 Census is the VTD, the voter
3 tabulation district. Those districts, which are
4 provided to us by the Census Bureau, generally,
5 but not always, conform with election districts
6 as they exist. In many instances the VTDs do not
7 necessarily recognize geography that we are
8 otherwise cognizant of. They might not recognize
9 things like village lines. So, therefore, there
10 are, shall we say, gaps. So even the map and the
11 metes and bounds have to go to the Board of
12 Elections because there is no 100 percent overlap
13 between VTDs and EDs, election districts, okay.
14 There is an adjustment that has to be made over
15 at the Board of Elections. The Board of
16 Elections does that with a software package known
17 as Maptitude P&E, or Precinct & Election. That's
18 the software which I've previously informed is
19 out of date over at the Board.

20 LEGISLATOR ABRAHAMS: I see. I'm trying
21 to get to the crux of my questions.

22 If what is being proposed today is
23 correcting what should have been done in terms of
24 the metes and boundaries -- and I know you're
25 saying that you should be able to use the map to

2 implement how the election boundaries are going
3 to be implemented for this November, even though
4 we still have the belief that it should be done
5 in 2013. But thinking along the lines of your
6 methodology, if I'm understanding you correctly,
7 I'm having a hard time trying to put together
8 exactly how the boundaries that are being defined
9 today shouldn't be under some type of public
10 hearing or scrutiny because we're changing lines
11 from when the last group of folks I guess had an
12 opportunity to review it.

13 COUNTY ATTORNEY CIAMPOLI: In
14 legislative parlance, a technical correction or a
15 technical amendment is an amendment that does not
16 change the substance of the law. That is exactly
17 what is before this Rules Committee today, a
18 technical amendment that does not in any way
19 change the substance of the law that was adopted
20 by this Legislature.

21 LEGISLATOR ABRAHAMS: Could you cite
22 where that exists in the Charter?

23 COUNTY ATTORNEY CIAMPOLI: It's an
24 accepted precept of legislative practice. If you
25 wish I could go and find you the appropriate

2 citation in *Mason's Manual of Legislative*
3 *Procedure*.

4 LEGISLATOR ABRAHAMS: Is it acceptable
5 practice, you're saying here in Nassau.

6 COUNTY ATTORNEY CIAMPOLI: Absent us
7 breaking away from the body of laws, both in the
8 common law and the statutory and case law in the
9 United States, I would say it is. I have not
10 heard that we've declared independence from the
11 country yet.

12 LEGISLATOR ABRAHAMS: Oh, Mr. Ciampoli.
13 What I'm trying to also understand is how many
14 people, based on the errors that are in the metes
15 and boundaries that were past earlier this year,
16 how many people were impacted by those changes,
17 would've been -- if we didn't cast these changes,
18 would've been in districts that they shouldn't
19 have been as per the map? In some cases I
20 understand some people were drawn into or Suffolk
21 was included as part of districts. What I'm
22 trying to get to is how many people were impacted
23 directly by these errors by lines being drawn in
24 the 2nd District when they should've been in 1st
25 District or vice versa?

2 COUNTY ATTORNEY CIAMPOLI: Well, you
3 actually touched on the answer in your question.
4 And if we had followed the map and if the map is
5 the declaration of the intent of the legislature,
6 none.

7 LEGISLATOR ABRAHAMS: Okay. But we're
8 following also the metes and boundaries because
9 obviously we're here today to vote on a technical
10 change, so the metes and boundaries must carry
11 some substance. So based on the metes and
12 boundaries that was passed earlier this year
13 versus what was being proposed today, how many
14 people are being impacted?

15 COUNTY ATTORNEY CIAMPOLI: Assuming that
16 I accepted your theory, which I don't --

17 LEGISLATOR ABRAHAMS: Okay. Can you
18 just --

19 COUNTY ATTORNEY CIAMPOLI: I can't tell
20 you the number but it would be a negligible
21 number of people, because most of the corrections
22 that were called for by the democratic
23 commissioner at the board were not in fact
24 corrections that needed to be made, but were in
25 fact merely clarifications, eliminations of

2 redundancies, okay, and conforming the
3 TIGER/Lines, the Census Bureau lines to accepted
4 school district lines and village lines that we
5 use here in Nassau County.

6 LEGISLATOR ABRAHAMS: Mr. Ciampoli, I
7 find it hard to believe that we don't have an
8 idea of how many people this is going to be
9 impacting.

10 COUNTY ATTORNEY CIAMPOLI: It's not.

11 LEGISLATOR ABRAHAMS: No, no, no. In
12 all due difference to the Presiding Officer, he
13 didn't answer the question.

14 CHAIRMAN SCHMITT: Yes he did. The
15 answer was none.

16 LEGISLATOR ABRAHAMS: That's not what --
17 he said there was none when you look at the
18 actual map, but the metes and boundaries, he
19 said, would be negligible and he did not provide
20 a number. If you have to have Frank read it
21 back, he can.

22 COUNTY ATTORNEY CIAMPOLI: What I'm
23 saying is that analysis is not necessary because
24 we have a map which is definitive.

25 LEGISLATOR ABRAHAMS: Yeah, but

2 obviously it must carry some substance, wouldn't
3 you agree? Why are we here today? Why are we
4 voting on metes and boundaries for a technical
5 change today if it doesn't carry any substance?

6 COUNTY ATTORNEY CIAMPOLI: Quite
7 frankly, because I have a recalcitrant
8 commissioner at the Board of Elections who hasn't
9 implemented the legislature's plan.

10 LEGISLATOR ABRAHAMS: Let's be clear.

11 COUNTY ATTORNEY CIAMPOLI: And I haven't
12 said which one.

13 LEGISLATOR ABRAHAMS: Let's be clear
14 though. And I don't know if -- we should
15 probably incorporate it as part of the record.
16 But Mr. Biamonte's letter that talks about the
17 metes and boundaries and the areas identified is
18 pretty extensive.

19 COUNTY ATTORNEY CIAMPOLI: Yes. Yep.
20 And you want to know what? I could come up with
21 -- what I'm telling you is that I could come up
22 with the same thing if I used out-of-date
23 software.

24 LEGISLATOR ABRAHAMS: But Mr. Ciampoli
25 let's be clear, though. Obviously, the out-of-

2 date software in terms of reading the map itself
3 is one thing. But there's also an issue that the
4 metes and boundaries -- when you go through all
5 of your technical adjustments -- and just bear
6 with me for two seconds as I try to gather the
7 legislative item.

8 292-11, for the public, because obviously
9 there's not going to be a public hearing so you
10 can have an opportunity to ask these questions
11 yourselves; today is actually the day for you to
12 do that.

13 CHAIRMAN SCHMITT: This is going to be
14 the subject of a public hearing on July 25.

15 LEGISLATOR ABRAHAMS: A public hearing
16 and also a legislative vote.

17 CHAIRMAN SCHMITT: Correct.

18 LEGISLATOR ABRAHAMS: See, that's my
19 point. Normally, just to explain to the public,
20 you usually have a public hearing separate of the
21 legislative vote, giving you two weeks between
22 the committee and the public hearing and then two
23 weeks after that for the legislative vote. But
24 we are -

25 COUNTY ATTORNEY CIAMPOLI: That wasn't

2 the practice in reapportionment in 2003.

3 LEGISLATOR ABRAHAMS: changing the rules
4 again.

5 CHAIRMAN SCHMITT: Excuse me. First of
6 all, that's not a --

7 COUNTY ATTORNEY CIAMPOLI: Or in 2001.

8 CHAIRMAN SCHMITT: question as to the
9 amendments that are in front of us. Second of
10 all, there is nothing in the Rules of the
11 Legislature, as adopted, that would mandate the
12 two week period that you're talking about.

13 LEGISLATOR ABRAHAMS: Mr. Schmitt, you
14 know all too well when that practice was
15 incorporated by, at the time, Presiding Officer
16 Jacobs, we all know too well that that has been
17 the practice for many years now. It's not until
18 recently --

19 CHAIRMAN SCHMITT: That's just
20 incorrect.

21 LEGISLATOR ABRAHAMS: it is not until
22 recently we have changed that. But that's
23 neither here nor there.

24 CHAIRMAN SCHMITT: I'm not going to
25 debate the issue with you.

2 LEGISLATOR ABRAHAMS: Great. Thank you.
3 If I could get back --

4 CHAIRMAN SCHMITT: Ask the questions
5 pertaining to the amendments and let's move on.

6 LEGISLATOR ABRAHAMS: to my questions
7 please. Thank you.

8 That being said, Mr. Ciampoli,
9 Legislative Item 292-11 has all of the metes and
10 boundaries here that you're talking about, that
11 we're voting on today as technical corrections.
12 Mr. Biamonte's letter talks about many of these
13 changes in what you're proposing versus what he
14 is saying is flawed. So to say that we should
15 just implement what's based on the map doesn't
16 seem to make much sense to me because the bottom
17 line is many of these changes, as I looked at
18 Legislative District Number 2, these impact
19 people. According to Mr. Biamonte, in the first
20 paragraph of Legislative District Number 2, in
21 the metes and bounds defining Legislative 2, on
22 page 5 of the amended Annex A, the following
23 direction appears: And proceeding easterly along
24 Jackson Street to Belmont Avenue and proceeding
25 northerly on Belmont Avenue to East Columbia --

2 that's pretty definitive and obviously that would
3 impact people. So when I asked the question of
4 whether or not how many people are being impacted
5 by what's being proposed -- by what was proposed
6 earlier this year versus where we are today,
7 that's a pretty significant number. I think the
8 public should have an opportunity to be able to
9 know if they were going to be drawn into
10 districts which they shouldn't be drawn into
11 based off of the metes and boundaries.

12 And I know your bone of contention is
13 that you could implement the district lines off
14 the map, but obviously that is not the case if we
15 are here today debating technical changes to
16 metes and boundaries.

17 COUNTY ATTORNEY CIAMPOLI: That --

18 LEGISLATOR ABRAHAMS: But we're not
19 debating, because I guess you guys are already
20 going to vote yes.

21 COUNTY ATTORNEY CIAMPOLI: The
22 underlying premise of your question is that this
23 is a substantive change; it is not a substantive
24 change. If the map put them in District 2, they
25 are in District 2. If the metes and bounds were

2 not in accord with the map, that has been
3 remedied. If there was any lack of clarity due
4 to the fact that a TIGER/Line did not comport
5 with, say, a village line or a school district
6 line, we have gone the extra step to clarify
7 that; not to change it, to clarify that.

8 LEGISLATOR ABRAHAMS: Mr. Ciampoli, you
9 have to realize and recognize the fact that if
10 someone came to this legislative body a few
11 months ago and basically walked away with the
12 metes and boundaries that day and determined,
13 based off of this metes and boundaries, where
14 exactly they live in this new proposed
15 legislative districts, and the fact that that
16 person is not going to have an opportunity to
17 come down and voice their concerns in a public
18 hearing separate from a legislative vote is
19 pretty significant. And at the end of the day,
20 you can talk about how the maps are being
21 implemented. But to be frank with you, the
22 bottom line is the metes and boundaries would
23 have to carry some significance if we're going to
24 be vote on it today and it's not being done as a
25 technical change. There should be a public

2 hearing.

3 We are changing -- we are changing the
4 legislative map. You're assuming that most
5 people in the public know full well that the map
6 is the overall riding force and not the metes and
7 boundaries that's being described. You're
8 assuming that 1.3 million people that live in
9 this County know that, and that's the part that
10 this body, at least this side of the aisle, takes
11 some offense to. Because at the end of the day,
12 quite frankly, we look at this entire piece of
13 legislation, which it should be not just -- not
14 just conforming in both the map as well as the
15 metes and boundaries. The bottom line is it
16 should not have flaws to the magnitude of what's
17 being described. That said, I cannot see how
18 this process could go forward without some type
19 of public hearing describing what you're
20 changing, which will air it out over two weeks
21 and then two weeks from the hearing to the
22 legislative vote like any process that we have
23 done in the last ten years in this legislative
24 body.

25 CHAIRMAN SCHMITT: Mr. Abrahams, that's

2 the third time you've asked him this question.

3 I want the record to show that when the
4 County legislative districts were first created
5 in 1995, except for legal notices, there was
6 never a description of metes and bounds.

7 LEGISLATOR ABRAHAMS: You're right. Mr.
8 Schmitt --

9 CHAIRMAN SCHMITT: Ten years ago --

10 LEGISLATOR ABRAHAMS: The change came
11 after that.

12 CHAIRMAN SCHMITT: or eight years ago
13 there was --

14 LEGISLATOR ABRAHAMS: Mr. Schmitt,
15 please don't --

16 CHAIRMAN SCHMITT: never a description
17 of metes and bounds.

18 LEGISLATOR ABRAHAMS: do not try to
19 insult our intelligence.

20 CHAIRMAN SCHMITT: No, you're doing a
21 good job yourself.

22 LEGISLATOR ABRAHAMS: Yeah, okay.
23 Great. Just start insults. That's right.

24 The bottom line, Mr. Schmitt, the change
25 came under Presiding Officer Jacobs; you know

2 that just as well as I do. You know full well
3 the practice has been a committee vote, then a
4 public hearing, then a legislative vote. Why
5 play games?

6 CHAIRMAN SCHMITT: I will have for you -
7 -

8 LEGISLATOR ABRAHAMS: Legislative Jacobs
9 --

10 CHAIRMAN SCHMITT: at the public hearing
11 --

12 LEGISLATOR ABRAHAMS: Mr. Schmitt,
13 please. I didn't cut you off, Mr. Schmitt.

14 CHAIRMAN SCHMITT: I will have for you
15 at the public hearing --

16 LEGISLATOR ABRAHAMS: Mr. Schmitt, I did
17 not cut you off.

18 CHAIRMAN SCHMITT: the number of times -
19 - I will put into the record the number of times
20 that a hearing and a vote were held on the same
21 day under the former democratic majority. So
22 let's move on.

23 LEGISLATOR ABRAHAMS: Yeah, let's move
24 on, please. Since we made that change, you know
25 that's not true.

2 But the bottom line is -- and I asked the
3 question to Mr. Ciampoli. I asked the question
4 to Mr. Ciampoli earlier and I'm still trying to
5 get an answer to it. How many people are
6 impacted by the lines that were proposed earlier
7 this year --

8 CHAIRMAN SCHMITT: That question --
9 enough.

10 LEGISLATOR ABRAHAMS: He has not
11 answered the question.

12 CHAIRMAN SCHMITT: He answered that
13 question and Frank will read it back. He said
14 negligible.

15 LEGISLATOR ABRAHAMS: I want a number.
16 I think the people of Nassau County --

17 CHAIRMAN SCHMITT: He can't give you a
18 number, he told you that. It's negligible.

19 LEGISLATOR ABRAHAMS: Mr. Schmitt, if
20 you knew that your district was being impacted,
21 if District Number 12 was impacted, wouldn't you
22 want to know how many of your constituents were
23 being drawn into a different district?

24 CHAIRMAN SCHMITT: There is no impact.
25 I have looked at that. There is no impact. The

2 map controls.

3 LEGISLATOR ABRAHAMS: The bottom line is
4 we all want to know from the County Attorney how
5 many --

6 CHAIRMAN SCHMITT: The bottom line is,
7 Mr. Abrahams --

8 LEGISLATOR ABRAHAMS: The bottom line is
9 we can't get answers.

10 CHAIRMAN SCHMITT: The bottom line is
11 the matter is in court. We believe and state for
12 the record that the map controls; your side
13 thinks differently. That will be determined by
14 the judiciary. Let's move on.

15 LEGISLATOR ABRAHAMS: Let's. Let's try
16 to get -- the bottom line is this process has
17 been rushed from the beginning.

18 CHAIRMAN SCHMITT: No, it hasn't.

19 LEGISLATOR ABRAHAMS: Yes, it has.

20 CHAIRMAN SCHMITT: The Charter Section
21 112 has been followed to the letter.

22 LEGISLATOR ABRAHAMS: Mr. Schmitt, how
23 can you say it's not rushed when we're voting on
24 technical changes on July 11 and the election's
25 on November 8? How can you say it's not rushed

2 when, the bottom line is, the entire process, as
3 you put forward, took a matter of two to three
4 weeks? How could you say it's not rushed when we
5 went through extensive public hearings and
6 extensive community hearings and we have not had
7 one to date? We've had one public hearing.

8 CHAIRMAN SCHMITT: You're rehashing --

9 LEGISLATOR ABRAHAMS: Because you're
10 bringing up --

11 CHAIRMAN SCHMITT: the debate, the 12
12 hour debate.

13 LEGISLATOR ABRAHAMS: up stuff, I've got
14 to respond.

15 CHAIRMAN SCHMITT: I'm going to state it
16 again for the record.

17 We had significant public hearings on
18 maps presented by the bipartisan commission and
19 then at nine o'clock at night, on a Sunday night,
20 you trotted out your map and rammed it through on
21 a 10 to 9 vote, without a single public hearing.
22 So let's move on.

23 LEGISLATOR ABRAHAMS: Mr. Schmitt,
24 that's neither here nor there because you're
25 basically going to remake history as you see fit.

2 But the bottom line is you should take a page out
3 of what the county executive is doing and try to
4 sell something that he's doing in regards to the
5 Coliseum. He has held eight public hearings.
6 You have chosen not to hold one in the
7 communities that are impacted by this the most.

8 CHAIRMAN SCHMITT: What does the
9 Coliseum have to do -- I'm not even gonna go
10 there.

11 LEGISLATOR ABRAHAMS: The Coliseum --

12 CHAIRMAN SCHMITT: Stick to the issue.

13 LEGISLATOR ABRAHAMS: is an example of
14 community hearings that you should be doing as
15 part of this legislative process. You chose to
16 do none.

17 CHAIRMAN SCHMITT: Do you have any
18 further questions on --

19 LEGISLATOR ABRAHAMS: No, no, no, no.

20 CHAIRMAN SCHMITT: the item?

21 LEGISLATOR ABRAHAMS: What? Mr.
22 Schmitt, you're engaging and you're cutting me
23 off, that's why I'm engaging you back.

24 CHAIRMAN SCHMITT: That's fine. I would
25 engage you all day long.

2 LEGISLATOR ABRAHAMS: I am going to ask
3 the same question that I asked before.

4 CHAIRMAN SCHMITT: Let's cut to the
5 chase.

6 LEGISLATOR ABRAHAMS: And I expect a
7 response.

8 CHAIRMAN SCHMITT: He's gonna give you
9 the same answer.

10 LEGISLATOR ABRAHAMS: Well, the bottom
11 line is, don't you think it's worthy of a
12 response?

13 CHAIRMAN SCHMITT: No, because the map
14 controls. And if you --

15 LEGISLATOR ABRAHAMS: No, it does not.

16 CHAIRMAN SCHMITT: look at the map, you
17 know where you are.

18 LEGISLATOR ABRAHAMS: No, it does not.
19 The bottom line is --

20 CHAIRMAN SCHMITT: Yes, it does.

21 LEGISLATOR ABRAHAMS: if you heard a
22 number that the amount of people that are going
23 to be impacted by this is 10,000 people because
24 some lines were drawn and redrawn in a different
25 way, I would like to know. The bottom line is

2 the map that we're voting on or what's being
3 before us today really going to fix that? 10,000
4 people would be pretty significant.

5 I think this body deserves a number.
6 You're talking about an electorate of an amount
7 of people that's 1.3 million people in Nassau
8 County. Negligible to him maybe different from
9 what I believe negligible to be. Negligible to
10 me would be 30 or 40 people.

11 CHAIRMAN SCHMITT: And you've made your
12 point and you've received your answer, and you
13 have a vote if you don't think it's right.

14 LEGISLATOR ABRAHAMS: Mr. Schmitt, let's
15 be clear. I have not received an answer. I
16 asked for a specific quantity and I have not
17 gotten it.

18 CHAIRMAN SCHMITT: And he has told you
19 that he doesn't have that number and that it is
20 negligible.

21 LEGISLATOR ABRAHAMS: Don't you find
22 that odd --

23 CHAIRMAN SCHMITT: No.

24 LEGISLATOR ABRAHAMS: that I cannot get
25 an answer to that? Why not?

2 Mr. Ciampoli, you just said it yourself;
3 in this day and age, with this great technology
4 we're able to geographically map things based off
5 a Census track.

6 CHAIRMAN SCHMITT: Mr. Abrahams --

7 LEGISLATOR ABRAHAMS: I cannot
8 understand why we cannot have that number.

9 CHAIRMAN SCHMITT: Mr. Abrahams, a hissy
10 fit does not add anything to the debate. He has
11 answered your question. He has indicated to you
12 that the answer is --

13 LEGISLATOR ABRAHAMS: Let's try this.
14 Mr. Ciampoli, can you call your experts?

15 CHAIRMAN SCHMITT: No, he cannot.

16 LEGISLATOR ABRAHAMS: Why not?

17 CHAIRMAN SCHMITT: The question now it
18 out of order. Move on or --

19 LEGISLATOR ABRAHAMS: It's out of order
20 and I get gaveled when we ask the wrong
21 questions.

22 CHAIRMAN SCHMITT: That's right.
23 Because you've asked the same question now four
24 times.

25 LEGISLATOR ABRAHAMS: No, no, no, no. I

2 never asked a question about the expert.

3 Mr. Ciampoli, is it possible your expert
4 can provide you with the number?

5 COUNTY ATTORNEY CIAMPOLI: Of?

6 LEGISLATOR ABRAHAMS: The amount of
7 people that are impacted by the metes and
8 boundaries that was written and passed into law
9 earlier this year versus what's being proposed to
10 us today?

11 COUNTY ATTORNEY CIAMPOLI: Assuming that
12 the number's not zero.

13 LEGISLATOR ABRAHAMS: You said
14 negligible, so I'm assuming it's higher than
15 zero.

16 COUNTY ATTORNEY CIAMPOLI: Okay. There
17 were a couple of scrivener's errors. I assume
18 that number's negligible. If you want that
19 information, we'll get it to you.

20 LEGISLATOR ABRAHAMS: Yes, I would like
21 to see it.

22 CHAIRMAN SCHMITT: Good. Move on.

23 LEGISLATOR ABRAHAMS: Thank you. That's
24 all I have.

25 CHAIRMAN SCHMITT: That's all you have.

2 LEGISLATOR ABRAHAMS: That's all I have.

3 CHAIRMAN SCHMITT: Legislator Yatauro, I
4 assume you have questions.

5 LEGISLATOR YATAURO: Yes, thank you Mr.
6 Schmitt.

7 CHAIRMAN SCHMITT: After Legislator
8 Yatauro's turn, then I'm going to call the
9 question.

10 LEGISLATOR YATAURO: Without getting the
11 gavel. Since we're not --

12 CHAIRMAN SCHMITT: Maybe I should turn
13 your microphone off.

14 LEGISLATOR YATAURO: Always worked for
15 me.

16 You talked about getting the information
17 from expert witnesses. I know you also talked
18 about the fact that you couldn't bring them here
19 because they'd be used in testimony in court, and
20 it brings me back to the point that they haven't
21 been on any witness list, they haven't been asked
22 to be in court. It is in court, as Mr. Schmitt
23 has brought to our attention several times. So
24 with all of it in court, it's on hold. Why are
25 were here doing anything until, in fact, there is

2 information and we have the errors in the metes
3 and bounds properly corrected? Why are we here?
4 Why are we here?

5 COUNTY ATTORNEY CIAMPOLI: I think I
6 could explain it. If I could cite to a comment
7 that was made to the *Buffalo News* by Dennis Ward,
8 the Democratic Election Commissioner of Erie
9 County. His quote is, "It sounds to be some like
10 some late in the game politicking. He figures
11 that anyone who raises technical objections about
12 metes and bounds descriptions is trying to kill
13 such a plan." He said, "That since small metes
14 and bounds errors are not uncommon, the
15 legislature would win in court if it chooses to
16 correct the problems either before or after the
17 vote of the Legislature at its next meeting."

18 I know Dennis Ward personally. The
19 leader of the Erie County Legislature, also a
20 member of your party, indicated that the plan
21 that they had proferred to the Erie County
22 Legislature would be fine. And his quote here in
23 this article is, "As long as there's clarity on
24 the map that we are voting on, we ought to be
25 able to direct the county attorney, for example,

2 to draw language properly or work with both
3 election commissioners to do that", when he was
4 asked about cleaning up any technical errors in
5 the bill. They use the word, out in Erie County,
6 cleanup; maybe I should use that instead of
7 technical corrections. I can virtually assure
8 you that the word cleanup isn't in the Erie
9 County Charter.

10 LEGISLATOR JACOBS: Then they shouldn't
11 have used it.

12 COUNTY ATTORNEY CIAMPOLI: It is a
13 practical process that we're engaged in here. It
14 is an attempt to move the plan forward. As I
15 told you, my personal opinion is that I have a
16 recalcitrant commissioner at the board of
17 elections. And I'm hoping that this technical --
18 this set of technical corrections will move the
19 process forward.

20 CHAIRMAN SCHMITT: Legislator Yatauro,
21 do you have anymore?

22 LEGISLATOR YATAURO: Yes. A question
23 that was given to me was why destroy districts
24 where Census stayed constant? That's right, it
25 was passed from one of my colleagues who already

2 asked a question and they were trying to save
3 time.

4 COUNTY ATTORNEY CIAMPOLI: A number of
5 factors -- Legislator Yatauro, you're aware of
6 the documents that have been submitted to both
7 the Federal and the State Court, including the
8 directives to me from the Presiding Officer. One
9 factor that created a ripple effect across the
10 County was the creation of a third minority-
11 majority district on the western border of the
12 county, that necessarily creates a push west.
13 That push west, like a stone thrown into a pond,
14 creates ripples. Those ripples hit two existing
15 minority-majority districts, which it was our
16 intention to preserve. So, therefore, the
17 ripples go around, they go past, they find other
18 avenues to express themselves.

19 The other thing that we did that is on
20 that list was a correction of a large number of
21 cuts of town lines, which is prohibited under the
22 guidelines in state law. What we did was we
23 tried to minimize the number of times that town
24 lines were cut. At the same time, one of the
25 things that the presiding officer authorized me

2 to do was to include incumbency; that is the
3 reason why your announcement of your departure
4 from the legislature affected the district lines.
5 There was no incumbency to consider in what had
6 been your district. Incumbency, unlike what is
7 permissible under several areas of the case law,
8 incumbency was accorded on a bipartisan basis to
9 the incumbent legislature -- legislators,
10 regardless of party.

11 CHAIRMAN SCHMITT: Legislator Yatauro?

12 LEGISLATOR YATAURO: I'm done. Thanks.

13 CHAIRMAN SCHMITT: Okay. I have some
14 public comments. And I'm going to caution people
15 that public comment is three minutes and I'm
16 gonna have a very -- moan all you want. If
17 you're not on the subject -- we're not doing
18 politics here. We're not doing a hearing here.
19 These are technical amendments and you'll have to
20 -- if you anything to say about the technical
21 amendments, I'll call you up.

22 Audrey Phillips. Aubrey, I'm sorry.

23 MR. PHILLIPS: Good afternoon all.

24 CHAIRMAN SCHMITT: Good afternoon.

25 MR. PHILLIPS: I have a few questions on

2 the technical amendments.

3 First, I'd like to know, since I probably
4 will be speaking in the dark, are those technical
5 amendments available for us to see?

6 CHAIRMAN SCHMITT: I'm sorry, could you
7 say that again?

8 MR. PHILLIPS: Are those technical
9 amendments available for us to see?

10 CHAIRMAN SCHMITT: Yes, they're
11 available in the clerk's office. We can get you
12 a copy.

13 MR. PHILLIPS: There are no copies here?

14 CHAIRMAN SCHMITT: I don't know. Mr.
15 Clerk, are there copies here?

16 CLERK MULLER: I'll go get them right
17 now.

18 CHAIRMAN SCHMITT: Okay. There will be
19 copies here.

20 MR. PHILLIPS: Then I'd probably want to
21 hold until I see that.

22 CHAIRMAN SCHMITT: Okay.

23 MR. PHILLIPS: But does that mean that
24 I'm going to lose my three minutes?

25 CHAIRMAN SCHMITT: No, no.

2 MR. PHILLIPS: I'm just making sure that
3 the rules don't get bent somehow.

4 CHAIRMAN SCHMITT: Here's a set coming
5 right now.

6 Mr. Ciampoli, would you stay close in
7 case there's questions, please?

8 Why don't you get the legislation and
9 I'll call you back?

10 MR. PHILLIPS: Sounds good. Thank you.

11 CHAIRMAN SCHMITT: Leonie Baum from
12 Hempstead.

13 LEGISLATOR ABRAHAMS: If I may. Mr.
14 Phillips.

15 CHAIRMAN SCHMITT: He'll be back.

16 LEGISLATOR ABRAHAMS: I understand that.
17 Bear in mind, when you start to read through what
18 I have here -- 292-11, this document does not
19 delineate what was voted on earlier this year
20 versus what's being proposed. Normally, you
21 would --

22 CHAIRMAN SCHMITT: Alright.

23 LEGISLATOR ABRAHAMS: Are you just going
24 to cut me off?

25 CHAIRMAN SCHMITT: Yeah, because we've

2 had the debate on this already.

3 LEGISLATOR ABRAHAMS: No, no, no, no.

4 CHAIRMAN SCHMITT: If you have something
5 to say to him, why don't you go down and talk to
6 the man?

7 LEGISLATOR ABRAHAMS: Mr. Schmitt, I
8 want this on the record, number one. Number two,
9 what I'm talking about now, I was talking about
10 the quantity of how many people are going to be
11 impacted. What I'm explaining to Mr. Phillips is
12 that when he looks at this, he's going to think
13 that this entire document is brand new. What I'm
14 explaining to him is that when he looks at
15 District Number 2, which we voted on technical
16 corrections, District Number 2, it does not
17 delineate in this area of 292-11, what's
18 different from what was passed in District 2
19 earlier this year versus what's being proposed
20 today.

21 CHAIRMAN SCHMITT: Fine.

22 LEGISLATOR ABRAHAMS: Am I correct by
23 saying that?

24 CHAIRMAN SCHMITT: I don't know. Mr.
25 Ciampoli, is he correct by saying that?

2 LEGISLATOR ABRAHAMS: What difference
3 does it make, I guess, right?

4 LEGISLATOR JACOBS: Then I'll answer
5 you. Yes, you are correct. And if you look at
6 it, you'll see there's no changes.

7 LEGISLATOR ABRAHAMS: There's no
8 changes. So when you look at it, everything is
9 underlined.

10 LEGISLATOR JACOBS: You can't see the
11 changes.

12 MR. PHILLIPS: In light of what I just
13 heard, then I have a simple question about, for
14 instance, the new un-described District 19, it
15 was my understanding that District 19, in its
16 metes and bounds, there were areas where streets
17 that did meet. For instance, if you were drawing
18 a rectangle, you would have drawn a three-sided
19 rectangle as opposed to a four-sided rectangle.
20 So my question is since petitions were already
21 gathered by the republican candidate for this new
22 District 19, how does that affect people who
23 petitioned in those un-described District 19? In
24 that un-described District 19, how were those
25 petitions affected by this, Mr. Schmitt?

2 CHAIRMAN SCHMITT: Mr. Ciampoli?

3 MR. PHILLIPS: This post -- let me just
4 clarify. After the petitioning period amendment.

5 COUNTY ATTORNEY CIAMPOLI: The actual
6 answer to that question is what is before a judge
7 this afternoon at three o'clock. So he probably
8 can answer it. I can't. I can only be an
9 advocate.

10 LEGISLATOR JACOBS: Mr. Schmitt, just
11 one second, though.

12 CHAIRMAN SCHMITT: Mr. Phillips, where
13 are you? Mr. Phillips?

14 MR. PHILLIPS: I'm here.

15 CHAIRMAN SCHMITT: You heard Mr.
16 Ciampoli's answer, it's in front of a judge this
17 afternoon. Is there anything else? I'm talking
18 to the gentleman. Is there anything else that
19 you would like to inquire about?

20 MR. PHILLIPS: There may be. I have to
21 look at this.

22 CHAIRMAN SCHMITT: Okay, fine.

23 LEGISLATOR ABRAHAMS: Mr. Ciampoli,
24 while you're here.

25 CHAIRMAN SCHMITT: Mr. Abrahams, I got

2 that right.

3 LEGISLATOR ABRAHAMS: Yes, you did.
4 You're batting one for ten; pretty poor in
5 baseball standards.

6 CHAIRMAN SCHMITT: Touché. We've had
7 the give and take. We're going to have a public
8 hearing.

9 LEGISLATOR ABRAHAMS: You don't even
10 know what I'm going to say, Mr. Schmitt.

11 CHAIRMAN SCHMITT: We're going to have a
12 public hearing on the 25th. You're going to go
13 over all the same ground again.

14 LEGISLATOR ABRAHAMS: No, no. What I'm
15 trying to say, Mr. Ciampoli, is it our
16 understanding, and obviously I'm thinking -- I'm
17 not speaking for the Majority. It is proper
18 legal practice that when you make changes from
19 one document to the next, that you underline the
20 changes. Am I right by saying that?

21 COUNTY ATTORNEY CIAMPOLI: There are
22 different ways to do an amendment; that's one.

23 LEGISLATOR ABRAHAMS: How do we do it
24 here, Mr. Ciampoli?

25 COUNTY ATTORNEY CIAMPOLI: I've seen it

2 done a couple of ways here.

3 LEGISLATOR ABRAHAMS: Well, I gotta --

4 CHAIRMAN SCHMITT: Wait, wait, wait,
5 wait.

6 LEGISLATOR ABRAHAMS: You guys can chime
7 in anytime.

8 CHAIRMAN SCHMITT: Hold on a second now.

9 LEGISLATOR ABRAHAMS: When we make
10 changes, we make changes --

11 CHAIRMAN SCHMITT: Whoa, whoa. Mr.
12 Abrahams.

13 LEGISLATOR ABRAHAMS: we underline the
14 changes.

15 CHAIRMAN SCHMITT: You did things a
16 certain way.

17 LEGISLATOR ABRAHAMS: Mr. Schmitt, am I
18 speaking out of school here? Am I speaking out
19 of school?

20 CHAIRMAN SCHMITT: Yes, you are. You're
21 not recognized. You are not recognized.

22 Mr. Ciampoli, does the item in front of
23 us meet the legal requirements of the County
24 Charter? You're the county attorney. You're our
25 attorney.

2 LEGISLATOR ABRAHAMS: That's not what
3 I'm asking.

4 COUNTY ATTORNEY CIAMPOLI: Yes, it does.

5 LEGISLATOR ABRAHAMS: Mr. Schmitt, come
6 on. Let's be honest. We're two guys having a
7 frank conversation.

8 CHAIRMAN SCHMITT: Yeah, but Mr.
9 Abrahams, just because you're --

10 LEGISLATOR ABRAHAMS: Let's just drop
11 the politics.

12 CHAIRMAN SCHMITT: It's not politics.

13 LEGISLATOR ABRAHAMS: You know all too
14 well when we make changes to any particular
15 document, whether it be previous legislation, we
16 underline what we're changing.

17 CHAIRMAN SCHMITT: That's fine. So
18 what?

19 LEGISLATOR ABRAHAMS: What I'm saying --

20 CHAIRMAN SCHMITT: The question has to
21 be is that required?

22 LEGISLATOR ABRAHAMS: So that it's
23 transparent to the public.

24 CHAIRMAN SCHMITT: Ask him if it's
25 required. He prepared the legislation.

2 LEGISLATOR ABRAHAMS: Mr. Schmitt, how
3 do we know what he changed? It's not indicated
4 in here. You know we did those types of things
5 to make sure it's transparent. Why are we trying
6 to hide changes? Can anybody explain to me why
7 we're trying to hide changes? Wouldn't it be
8 easier just to underline what we're changing?

9 COUNTY ATTORNEY CIAMPOLI: I don't know
10 that this will help --

11 CHAIRMAN SCHMITT: They're not hiding
12 anything. I'm not going to allow that nonsense
13 to stand unanswered. Mr. Ciampoli.

14 COUNTY ATTORNEY CIAMPOLI: I don't know
15 that it's going to really help the dialogue here
16 --

17 CHAIRMAN SCHMITT: I don't think so
18 either.

19 COUNTY ATTORNEY CIAMPOLI: because,
20 again, there's a fundamental problem with your
21 premise. Your premise is the that the typical
22 member of the public comes in and goes to the
23 Clerk of the Legislature when they want to find
24 out what legislative district they're in, and
25 they ask for an 80 or 90 page bill and they read

2 it line by line. My experience is that they'll
3 go in and they'll ask for a map. And the map is
4 what speaks here, and the map remains unchanged.

5 LEGISLATOR ABRAHAMS: Mr. Ciampoli, I
6 don't want to speak for you, but it sounded --

7 CHAIRMAN SCHMITT: Then please don't.

8 LEGISLATOR ABRAHAMS: It sounds like
9 you're insulting people's intelligence. You're
10 assuming that they're not going to read hundreds
11 of pages of paperwork and just defer to a map
12 because it's easier.

13 COUNTY ATTORNEY CIAMPOLI: That's not
14 insulting their intelligence. The map is the
15 simple tool and the expression of the legislative
16 intent. It is much quicker than reading metes
17 and bounds. That is one thing that I think we
18 can agree on.

19 LEGISLATOR ABRAHAMS: But I think most
20 people realize in dealing with any legislative
21 process that the metes and bones that's behind
22 the legislation --

23 CHAIRMAN SCHMITT: It's bounds not
24 bones.

25 LEGISLATOR ABRAHAMS: Bounds. I said --

2 forget it.

3 The bottom line is, also, if I'm standing
4 by -- actually, hold on. Excuse me one second,
5 Mr. Ciampoli.

6 CHAIRMAN SCHMITT: Is this a technically
7 correct amendment?

8 COUNTY ATTORNEY CIAMPOLI: Yes.

9 CHAIRMAN SCHMITT: Does it meet all
10 legal requirements?

11 COUNTY ATTORNEY CIAMPOLI: Absolutely.

12 LEGISLATOR JACOBS: Is it clear to the
13 normal person?

14 CHAIRMAN SCHMITT: If you look at a map.

15 LEGISLATOR JACOBS: If you look at a
16 map. There is no map. And there is no map
17 attached to this.

18 COUNTY ATTORNEY CIAMPOLI: I want to
19 tell you that reapportionment comes once every
20 ten years.

21 LEGISLATOR JACOBS: We know that.

22 COUNTY ATTORNEY CIAMPOLI: So it is a --
23 even those who are trained in reading and writing
24 metes and bounds, you lose those people, you lose
25 that knowledge. The common person, the typical

2 citizen, would have a very difficult time reading
3 metes and bounds and they'd tell you, you're a
4 legislator, that's legislative gibberish, you
5 folks read it. That is why a map that shows us
6 the geography of every district is the best and
7 most accurate expression of what the legislature
8 has done.

9 LEGISLATOR JACOBS: Okay. So, Mr.
10 Ciampoli, you said something very important just
11 now. You said that redistricting comes every ten
12 years. I appreciate your saying that. It
13 doesn't come every eight years. It doesn't take
14 70 percent of a district and tear it away.

15 CHAIRMAN SCHMITT: Mrs. Jacobs, the
16 public hearing --

17 LEGISLATOR JACOBS: You know Mr.
18 Schmitt? Stop stopping us from talking. This is
19 very important for the next ten years.

20 CHAIRMAN SCHMITT: I understand that,
21 Mrs. Jacobs, and I'm not trying to deny anybody
22 the right to speak. You held the floor. You
23 asked your questions. They were answered. We
24 have other people sitting here and other business
25 that has to go forward. We have a legislative

2 meeting at one o'clock, and this will be the
3 subject of a public hearing where you can drone
4 on for hours, if that's your preference. But
5 that will be on July 25, not today.

6 LEGISLATOR JACOBS: I don't consider my
7 questions droning. I consider them getting to
8 the point.

9 CHAIRMAN SCHMITT: Then with all due
10 respect, I would suggest that you organize
11 yourself so that when you get the floor, you can
12 ask all your questions and we can conduct
13 business in a civil and ordinary and progressive
14 manner. This back and forth and asking the same
15 question three, four, five, six times to try and
16 make a political point has got to end. We have
17 to make a decision; that's why you have a vote.

18 LEGISLATOR ABRAHAMS: Mr. Schmitt, I'm
19 going to ask you that you can make sure that all
20 the witnesses that come have all the answers that
21 we need. The bottom line is I asked a very
22 straightforward question.

23 How many people are impacted by this?

24 CHAIRMAN SCHMITT: I am very satisfied
25 with the answers that we've heard so far.

2 LEGISLATOR ABRAHAMS: I can't believe
3 how anybody could say that.

4 CHAIRMAN SCHMITT: You don't like the
5 answer, Mr. Abrahams. He indicated to you that
6 he will see if there is -- if it's higher than
7 zero, it's negligible. And he will check with
8 his experts to see if they have a number. You
9 can ask him that question 12 more times, the
10 answer's not going to change today. Ask him
11 again on the 25th; he'll either have an answer
12 for you or he will not.

13 LEGISLATOR ABRAHAMS: And I don't think
14 it's acceptable that there's a not.

15 CHAIRMAN SCHMITT: Well, I do.

16 LEGISLATOR ABRAHAMS: Well that's -

17 CHAIRMAN SCHMITT: And you have a vote,
18 so use it.

19 LEGISLATOR ABRAHAMS: your opinion, not
20 mine.

21 CHAIRMAN SCHMITT: That's right.

22 LEGISLATOR ABRAHAMS: That's it.

23 CHAIRMAN SCHMITT: Anything else Mr.
24 Ciampoli?

25 COUNTY ATTORNEY CIAMPOLI: That's all

2 for now.

3 CHAIRMAN SCHMITT: Please standby.

4 Mr. Phillips, do you have anything else?

5 MR. PHILLIPS: Not now.

6 CHAIRMAN SCHMITT: I invite you, if you
7 have any questions that you come up with after
8 this is over, you can contact me office or you
9 can contact Legislator Ciotti and whatever
10 answers you need, we will ascertain and provide
11 to you. Alright? Yes? No? Maybe?

12 MR. PHILLIPS: Yes, sir.

13 CHAIRMAN SCHMITT: Leonie Baum. Leonie
14 Baum, President of Hempstead Chamber of Commerce.

15 MS. BAUM: Good afternoon, Mr. Schmitt.

16 CHAIRMAN SCHMITT: Good afternoon.

17 MS. BAUM: Good afternoon, ladies and
18 gentlemen of the Legislature, and all of the
19 people behind you who are sitting and standing
20 and running around, and my friends, colleagues,
21 and neighbors behind me. A few very quick
22 things, Mr. Schmitt. I hope you won't cut me
23 off.

24 First of all, the answer, Erie County's
25 process was flawed. So using Erie County as an

2 answer, to me, was a reach.

3 The other thing, I was the executive
4 assistant to the vice chairman of the original
5 Charter Revision Commission which was put
6 together by a republican, Tom Gulotta, at the
7 order of the court. And now I forgot what I was
8 going to say. No. They had 14 public hearings
9 and about 100 small meetings all over the county
10 before these lines were drawn. I see some of you
11 back there understand what I'm saying and know
12 that it's absolutely the truth.

13 I'm here today -- I live in the Village
14 of Hempstead. I'm confused about what map and
15 what metes and bounds. The last metes and bounds
16 I read was in *Newsday* a week or two, maybe two
17 weeks ago, and it was a tiny bit larger than the
18 original. And I was really able to read the
19 metes and bounds. I'm one of the plain people in
20 this County who can both read a map, metes and
21 bounds, Census tracks, anything you want. Just
22 show it to me, I can read them.

23 My question is -- my confusion lies in
24 the fact that I don't know what map we're talking
25 about. First I was in Mr. Muscarella's district

2 and he couldn't want to get rid of my part of the
3 Village of Hempstead, which is still chopped up
4 in a million pieces. So we're partly in Mr.
5 Abrahams', partly in Mr. --

6 CHAIRMAN SCHMITT: Ma'am, you've asked a
7 question on where --

8 MS. BAUM: The question --

9 CHAIRMAN SCHMITT: Obviously you weren't
10 paying attention when we went through the
11 process.

12 MS. BAUM: technical.

13 CHAIRMAN SCHMITT: There was a public
14 hearing on the proposed map. Residents,
15 including yourself, raised some objections and
16 made some points, just the same point you're
17 making now again. And as a result of that
18 testimony and as a result of reviewing the map,
19 we amended the map. We moved your particular
20 section into Legislative District 2, if memory
21 serves -- Mr. Ciampoli, if I stray here,
22 interrupt -- and then adopted the map. This is
23 now technical corrections.

24 As Mr. Ciampoli has testified to, the map
25 is -- if you look at the map and locate your

2 home, that's where you are.

3 MS. BAUM: I did. But what I want you -
4 - what I'm telling -- where my confusion lies is
5 that in the last metes and bounds that I read,
6 the line goes down the middle of my street. It
7 goes down the middle of the street leading to my
8 street, the middle of my street, the middle of
9 the street around the corner. And across the
10 street is still Hempstead. I don't know why that
11 was done and whether or not it means a technical
12 correction because there is a street at the end
13 of my block that used to be a street that is no
14 longer a street. But since the -- it's so
15 unclear. In the one that I read states it, I'm
16 not sure. I need a much bigger map, which I
17 don't have, and I would need somebody to explain
18 whether or not that street is included. Because
19 it looks to me as if there's a street included
20 that is no longer there. And so that is one of
21 my questions. I guess that has to be about it.

22 I guess I could comment on the fact that
23 we're in court all over the place and we, the
24 taxpayers, are paying egregious, egregious legal
25 costs one way or the other, whether republicans

2 win or democrats. At this point, I don't care,
3 in terms of my tax dollar. It's going to be
4 tremendous.

5 And that's about that. That's about all.

6 But I can't tell whether or not there's a
7 technical correction because I do not have
8 sufficient data. I can read that stuff, that's
9 my problem. If I couldn't, I might not have a
10 question.

11 CHAIRMAN SCHMITT: When this meeting is
12 over, if you would like to go with the clerk to
13 the clerk's office, he will show you the map and
14 any questions you have on where you are will be
15 answered.

16 MS. BAUM: Okay. The clerk is?

17 CHAIRMAN SCHMITT: Mr. Muller, right
18 there.

19 MS. BAUM: Okay. Thank you.

20 CHAIRMAN SCHMITT: You're welcome.

21 Dennis Jones of the New Hempstead
22 Democratic Club.

23 MR. JONES: Good afternoon.

24 CHAIRMAN SCHMITT: Good afternoon.

25 MR. JONES: I'm still have trouble trying

2 to figure out is there a map at all?

3 CHAIRMAN SCHMITT: Of course there's a
4 map. It was adopted by the legislature. It was
5 signed by the county executive.

6 MR. JONES: The map that was adopted,
7 was that correct?

8 CHAIRMAN SCHMITT: Except for these
9 technical corrections, yes.

10 MR. JONES: Okay. Now, are those
11 technical questions made on that particular map
12 and is that map anywhere?

13 CHAIRMAN SCHMITT: The map, Mr. Jones,
14 does not change. The map is exactly the same.
15 What's being corrected is the verbal description,
16 technical corrections, scrivener's errors.

17 MR. JONES: Can you explain that
18 particular -- how could the map be the same if
19 you're making some corrections? That's one thing
20 that --

21 CHAIRMAN SCHMITT: For example, in my
22 district, my district goes -- the new district --
23 the dividing line is the Hempstead town line
24 between my western most border. So if some
25 scrivener, for lack of a better description,

2 wrote down the name of the wrong street and it
3 appears in the metes and bounds as the wrong
4 street, instead of being the street here, it's
5 the street here because they looked at the wrong
6 street, by making a technical correction and
7 changing the name of that street to this street,
8 the map does not change. It still runs down the
9 Hempstead town line. That's what a technical
10 correction is and that's what we're doing. The
11 map does not change.

12 MR. BROWN: Now, who prepared those
13 particular --

14 CHAIRMAN SCHMITT: The county attorney's
15 office.

16 MR. BROWN: So the county attorney's
17 office that was up here saying to you that they
18 made corrections --

19 CHAIRMAN SCHMITT: Technical
20 corrections.

21 MR. BROWN: they are the ones that made
22 the incorrect preparation first?

23 CHAIRMAN SCHMITT: Not on the map, on
24 the description of the metes and bounds.

25 MR. BROWN: They descriptions of the

2 street. They described --

3 CHAIRMAN SCHMITT: Scrivener's errors.

4 MR. BROWN: Okay. Now, as we know,
5 these cases -- we're in federal court and we're
6 also in the state court with this. It was said
7 earlier in this hearing that the maps could not
8 be drawn by the Board of Elections.

9 CHAIRMAN SCHMITT: Mr. Ciampoli, would
10 you --

11 MR. BROWN: I'm not finished.

12 CHAIRMAN SCHMITT: Well, you just made
13 an incorrect comment. See, that's the problem
14 here. You have to listen to what the testimony
15 is.

16 MR. BROWN: Well, I was sitting and I
17 was listening.

18 CHAIRMAN SCHMITT: The Board of
19 Elections is comprised of two sides -- republican
20 and democrat. There's a republican commissioner
21 and there's a democratic commissioner. The
22 democrat commissioner --

23 MR. BROWN: Let me change my question.

24 CHAIRMAN SCHMITT: as the county
25 attorney has testified to --

2 MR. BROWN: Let me change my question.

3 CHAIRMAN SCHMITT: used outdated --

4 MR. BROWN: Let me change my question.

5 CHAIRMAN SCHMITT: computer software.

6 Go ahead, change your question.

7 MR. BROWN: My question has changed. It
8 was stated that the map could not be prepared by
9 the Board of Elections.

10 CHAIRMAN SCHMITT: No, sir, it was not.
11 It was stated by Commissioner Biamonte that he
12 did not think that the map could be implemented.
13 And Commissioner -

14 MR. BROWN: Is that the same --

15 CHAIRMAN SCHMITT: Savanti said it
16 could.

17 MR. BROWN: Where is he from?

18 CHAIRMAN SCHMITT: Where is who from?

19 MR. BROWN: Commissioner Biamonte.

20 CHAIRMAN SCHMITT: He's from the
21 democratic side. I have no idea where he's from.

22 MR. BROWN: Okay. Well, it was stated.

23 CHAIRMAN SCHMITT: No, no, no, no.

24 MR. BROWN: It was also --

25 CHAIRMAN SCHMITT: No, no, no, sir.

2 You're incorrect. It's not stated --

3 MR. BROWN: It was also testified --

4 CHAIRMAN SCHMITT: by the Board of
5 Elections.

6 MR. BROWN: It was also testified in
7 federal court that the map could not be prepared.
8 And if you read the transcript from that and if
9 your attorney wants to read the transcripts from
10 the federal court. It was testified that the map
11 could not be prepared.

12 CHAIRMAN SCHMITT: Mr. Jones, my
13 attorneys -- our attorneys were in federal court,
14 so I don't have to tell them --

15 MR. BROWN: And I'm sure that they can
16 tell you --

17 CHAIRMAN SCHMITT: what was said.

18 MR. BROWN: what was said.

19 CHAIRMAN SCHMITT: That's correct.

20 MR. BROWN: It was testified that the map
21 could not be prepared from what was given.

22 CHAIRMAN SCHMITT: I don't understand
23 where you're going. I don't understand what
24 you're saying.

25 MR. BROWN: I'm asking a question.

2 That's part of my question. You are not allowing
3 me --

4 CHAIRMAN SCHMITT: Why don't you ask me
5 if there's life on Mars? How the hell do I know?

6 MR. BROWN: Is there life on Mars?

7 CHAIRMAN SCHMITT: No.

8 MR. BROWN: Okay.

9 LEGISLATOR ABRAHAMS: If I may.

10 MR. BROWN: We asked that question and
11 it's done. Yes.

12 LEGISLATOR ABRAHAMS: I don't know why
13 you're continuing to jump on Mr. Jones, Mr.
14 Schmitt. I really don't understand it.

15 MR. BROWN: Mr. Jones is from the
16 Hempstead Democratic Club.

17 LEGISLATOR ABRAHAMS: What difference
18 does it make?

19 CHAIRMAN SCHMITT: The difference is --

20 LEGISLATOR ABRAHAMS: Mr. Schmitt, Mr.
21 Schmitt --

22 CHAIRMAN SCHMITT: he's here with an
23 agenda.

24 LEGISLATOR ABRAHAMS: There are
25 democrats, there are republicans, there are

2 independents, there are conservatives that all
3 lives in this County. I don't see why you would
4 just assume or jump on Mr. Jones because he
5 happens to be democrat.

6 CHAIRMAN SCHMITT: I'm not jumping on
7 him. What I'm --

8 LEGISLATOR ABRAHAMS: Yeah, you are.
9 You're cutting him off and saying he doesn't
10 listen.

11 CHAIRMAN SCHMITT: doing is -- no, no,
12 Mr. Abrahams.

13 LEGISLATOR ABRAHAMS: What is that
14 about?

15 CHAIRMAN SCHMITT: What I'm doing is I'm
16 not allowing him to put up straw men. He has
17 questions, that's fine. He is asking questions
18 that are incorrect.

19 LEGISLATOR ABRAHAMS: Mr. Schmitt, maybe
20 you should try to -- what Mr. Jones is talking
21 about, Fred Hagerman from the Board of Elections
22 gave undisputable testimony that he could not
23 implement the -- the lines as per the metes and
24 boundaries.

25 CHAIRMAN SCHMITT: The testimony has

2 been disputed.

3 LEGISLATOR ABRAHAMS: It's been disputed

4 --

5 CHAIRMAN SCHMITT: Well, thank you very
6 much.

7 LEGISLATOR ABRAHAMS: But the --

8 CHAIRMAN SCHMITT: So let the judge
9 decide.

10 LEGISLATOR ABRAHAMS: But to discount
11 what Mr. Jones is saying -- you don't know what
12 you're talking about, you're not listening --

13 CHAIRMAN SCHMITT: No, no.

14 LEGISLATOR ABRAHAMS: You're making it
15 sound like the testimony --

16 CHAIRMAN SCHMITT: What I'm saying --

17 LEGISLATOR ABRAHAMS: wasn't even given.

18 CHAIRMAN SCHMITT: and you've agreed
19 with me, there was testimony that was challenged.
20 He stands before us and says the Board of
21 Elections has testified; no they have not.

22 LEGISLATOR ABRAHAMS: You're getting
23 caught up in technicalities. Fred Hagerman's
24 from the Board of Elections.

25 CHAIRMAN SCHMITT: And so are the

2 republican side employees who testified to the
3 contrary.

4 LEGISLATOR ABRAHAMS: But you're making
5 it sound like the testimony wasn't even given,
6 Mr. Schmitt --

7 CHAIRMAN SCHMITT: No, I'm not.

8 LEGISLATOR ABRAHAMS: Fred Hagerman was
9 in federal court and he gave this testimony.
10 That's what Mr. Jones is talking about.

11 CHAIRMAN SCHMITT: No, that's not what
12 he said.

13 LEGISLATOR ABRAHAMS: That's exactly
14 what he said.

15 MR. JONES: If you let me complete it --

16 LEGISLATOR ABRAHAMS: And to cast his
17 testimony as he's not listening or he's a
18 democrat from the Hempstead Democratic Club is
19 unconscionable. It doesn't make any sense.

20 MR. JONES: And Mr. Schmitt, let me
21 state for the record here that there was no
22 testimony disputing the testimony from the
23 democratic side from the Board of Elections.
24 There was no testimony.

25 CHAIRMAN SCHMITT: In an ongoing case,

2 sir, if there wasn't --

3 MR. JONES: There was no testimony.

4 CHAIRMAN SCHMITT: there will be.

5 MR. JONES: So let me just state that.

6 Okay. There was no dispute of his testimony.

7 CHAIRMAN SCHMITT: Mr. Ciampoli, do you
8 want to address this question?

9 MR. JONES: I didn't ask my question, so
10 I don't know what he's coming to say.

11 CHAIRMAN SCHMITT: Because you're making
12 statements that aren't true, so we'll go to the
13 source and find out if they're true.

14 MR. JONES: I know that they're true.
15 I'm the one making the statement. Now --

16 CHAIRMAN SCHMITT: And what is your
17 statement?

18 MR. JONES: I said that there were no
19 testimonies from anyone from the Board of
20 Elections disputing Mr. Hagerman's testimony, not
21 in the federal court.

22 COUNTY ATTORNEY CIAMPOLI: The
23 gentleman's correct because the defense has yet
24 to put in their case.

25 MR. JONES: And that's correct.

2 CHAIRMAN SCHMITT: Go ahead. Into the
3 microphone, please.

4 COUNTY ATTORNEY CIAMPOLI: What I'm
5 going to ask is --

6 CHAIRMAN SCHMITT: Into the microphone,
7 please.

8 COUNTY ATTORNEY CIAMPOLI: What I'm
9 going to ask is that the legislators refrain from
10 discussing the matter itself that's before the
11 federal court. We don't want to prejudice that
12 matter, either the federal or the state matter --

13 CHAIRMAN SCHMITT: But for the record
14 would you put down --

15 COUNTY ATTORNEY CIAMPOLI: which is
16 before a judge in each court, by what we do here
17 today.

18 CHAIRMAN SCHMITT: Mr. Ciampoli, for the
19 record would you put down what you said at the
20 beginning about the defense?

21 COUNTY ATTORNEY CIAMPOLI: The gentleman
22 is correct that there has been no dispute of that
23 testimony yet in the courtroom because the
24 defense has yet to put on its case.

25 CHAIRMAN SCHMITT: Thank you.

2 MR. JONES: While I proceed. As we
3 were discussing Mr. Hagerman's testimony, he did
4 state that -- it was stated that what happens
5 when they receive these metes and bounds that
6 they do not use software to draw the maps and
7 then if they do have a problem they go out in the
8 street and they look for the actual streets
9 without use of software. So I don't know where
10 the software of April's expiration date comes
11 into play here today about how these metes and
12 bounds got out of whack. I don't see how that
13 was a problem. So that's my question. What
14 makes old software that expired three months ago
15 something that would change how maps can be drawn
16 in the Board of Elections? If they can't be
17 drawn, they can't be drawn. Something is
18 definitely wrong.

19 CHAIRMAN SCHMITT: Okay. Thank you.

20 MR. JONES: No, I'm looking for an
21 answer.

22 CHAIRMAN SCHMITT: You heard the county
23 attorney ask us to refrain because the matter is
24 in front of a judge this afternoon.

25 MR. JONES: But this is something that

2 he testified this morning to. What are you
3 talking about?

4 CHAIRMAN SCHMITT: Did he not answer
5 your question in his testimony?

6 MR. JONES: No, he didn't answer my
7 question.

8 CHAIRMAN SCHMITT: Mr. Ciampoli, unless
9 this is out of line -- Mr. Ciampoli. Mr.
10 Ciampoli. Can you explain once again how Mr.
11 Biamonte's outdated software affects his
12 judgment?

13 COUNTY ATTORNEY CIAMPOLI: According to
14 the manufacturer of the software, we produced the
15 district lines using Maptitude for
16 Reapportionment, which is a program produced by
17 Caliper Corporation in Massachusetts. That
18 software incorporates the TIGER/Lines, which are
19 the Census lines and the Census files that are
20 provided by the United States Bureau of the
21 Census for the 2010 Census. At the Board of
22 Elections, the Board is using and has not updated
23 its software. They use another Caliper produce,
24 which is called Maptitude P&E, or Precinct and
25 Election. Maptitude P&E, the version that the

2 board has, uses the 2000 Census lines and Census
3 blocks and districts. Therefore, it is not 100
4 percent compatible with a plan developed on the
5 up-to-date information and is likely to produce
6 erroneous responses when you try and put a 2010
7 plan into 2000 information.

8 The people at Caliper were very emphatic
9 and very clear to me that they didn't even have
10 to look at what the supposed errors were to know
11 what was causing them. That that didn't mean
12 that there was not an error out there that was
13 not legitimate but that a large number of errors
14 would be caused if you used outdated software.
15 There is extensive correspondence between
16 Commissioner Savanety and Commissioner Biamonte.
17 Commissioner Savanety has requested that the
18 Board updated its software. There really has not
19 been an affirmative response from the other side.

20 CHAIRMAN SCHMITT: Thank you.

21 MR. JONES: Are you saying that that is
22 exactly what took place?

23 CHAIRMAN SCHMITT: This is not a --

24 MR. JONES: Are you saying that that is
25 exactly what took place --

2 CHAIRMAN SCHMITT: Sir, sir --

3 MR. JONES: and why these lines were not
4 drawn correctly.

5 CHAIRMAN SCHMITT: That's it. Questions
6 and comments are addressed to the legislators.

7 MR. JONES: Okay. Mr. Schmitt, are you
8 saying that that is --

9 CHAIRMAN SCHMITT: I'm not saying
10 anything.

11 MR. JONES: exactly --

12 CHAIRMAN SCHMITT: I'm relying on the
13 testimony of the county attorney.

14 MR. JONES: Well, I just asked him that
15 question. You're telling me that a computer
16 glitch, a computer software is what screwed up
17 all of these lines and all of these metes and
18 bounds. Is that exactly what took place or is
19 that a proposed --

20 CHAIRMAN SCHMITT: I'm telling you that
21 this is an item --

22 MR. JONES: idea that could happen.

23 CHAIRMAN SCHMITT: I'm telling you that
24 this is an --

25 COUNTY ATTORNEY CIAMPOLI: If I can

2 clarify for the gentleman.

3 CHAIRMAN SCHMITT: Go ahead.

4 COUNTY ATTORNEY CIAMPOLI: Okay. He's
5 saying that the computer glitch or computer
6 software messed up the metes and bounds. The
7 answer to that is no. The fact is that the Board
8 of Elections, in applying outdated software to
9 current information, could not come up with a
10 correct list of errors. So the errors are
11 imaginary, if you will. The errors are a product
12 of outdated software being applied to current
13 information. They're not compatible. And trying
14 to cross the two will result in erroneous errors,
15 if you will.

16 MR. JONES: Again, I'm asking the
17 question of when -- of how you came up with these
18 errors. How were the errors derived? Were they
19 derived from the Board of Elections using
20 inappropriate software or old software? Do we
21 have that as a definitive answer that that took
22 place?

23 CHAIRMAN SCHMITT: Look. You're not
24 gonna be happy with the answer. This debate is
25 over.

2 Legislator Jacobs has a question for you.
3 Mrs. Jacobs.

4 LEGISLATOR JACOBS: Mr. Ciampoli, a
5 question.

6 CHAIRMAN SCHMITT: Or for Mr. Ciampoli.

7 LEGISLATOR JACOBS: You're saying that
8 what created the problems was the democratic side
9 in the Board of Elections using outdated software
10 of eight years ago to try to make the right moves
11 in this map, in gearing this map up for the
12 election. Let me ask you this. Are you now
13 telling me -- can I infer from that that the
14 republican side of the Board of Elections had the
15 updated software and didn't share it with the
16 democratic side?

17 CHAIRMAN SCHMITT: Mrs. Jacobs, that was
18 all covered under the public hearing.

19 LEGISLATOR JACOBS: It was not.

20 CHAIRMAN SCHMITT: Yes, it was. And you
21 can go back in the transcripts and you can see
22 it.

23 LEGISLATOR JACOBS: Come on. Let him
24 just answer me. It's a simple question.

25 CHAIRMAN SCHMITT: No, because it's the

2 republican majority that purchased the software.
3 We've covered that. Mr. Denenberg questioned it
4 extensively. We purchased the software.

5 LEGISLATOR JACOBS: Do you know Mr.
6 Schmitt, until two years ago, believe it or not,
7 the Board of Elections was run as a bipartisan
8 place? Amazingly so. And what one had, the
9 other had. And what one side didn't have, the
10 other side didn't have.

11 CHAIRMAN SCHMITT: And that's still
12 true, isn't it Mr. Ciampoli?

13 COUNTY ATTORNEY CIAMPOLI: That is true.
14 Because what is --

15 CHAIRMAN SCHMITT: What my side has in
16 the legislature may not be the same as what your
17 side had. We've spent our budget on things like
18 that. You've spent your budget on whatever.
19 That's the point, it's your budget to spend as
20 your minority leader delineates and it's our
21 budget to spend as I delineate.

22 LEGISLATOR JACOBS: We're talking about
23 the Board of Elections. We're talking about a
24 budget for an office of the county that is a
25 bipartisan office, that even has matching hires

2 on each particular employee line.

3 CHAIRMAN SCHMITT: No, matching budgets.

4 LEGISLATOR JACOBS: I don't know if they
5 have matching budgets. I don't know their budget
6 well enough.

7 But I'm saying to you that you're now
8 going to tell me that both sides of the aisle are
9 working from "different software" one up to date
10 and one from the last redistricting?

11 CHAIRMAN SCHMITT: No. He has already
12 testified to the fact that we have an item in
13 front of us of technical amendments to the metes
14 and bounds because he is dealing with a
15 recalcitrant commissioner to allow for the
16 implementation --

17 LEGISLATOR JACOBS: I'm not going to
18 that.

19 CHAIRMAN SCHMITT: I'm sorry. That was
20 his answer.

21 LEGISLATOR JACOBS: That was not his
22 answer. He just said that the reason this
23 occurred was outdated software when they were
24 trying to meet the metes and bounds and what they
25 were working on. But if the republicans have no

2 problem, then how did they work on outdated
3 software?

4 COUNTY ATTORNEY CIAMPOLI: I believe
5 Legislator Schmitt's explained that.

6 LEGISLATOR JACOBS: Really?

7 CHAIRMAN SCHMITT: Three times.

8 COUNTY ATTORNEY CIAMPOLI: There are two
9 different programs that are at play here. The
10 program that was used to develop the lines was
11 Maptitude for Reapportionment. We produced what
12 is called the shape file. The shape file, a set
13 of maps, and all the necessary data were
14 transferred to the Board of Elections. What I
15 have been told by the manufacturer of the
16 software is that if you do not have the up-to-
17 date geographic files, when you overlay that
18 shape file on the out-of-date geography, you will
19 come up with errors. It will not match up
20 properly. At the Board of Elections they use a
21 different program. They do not use a
22 reapportionment program. They use Maptitude P&E,
23 Precinct and Election. That software, that both
24 sides have in the board computers, is out of
25 date. Applying the new lines to that software

2 will give you errors. As Legislator Schmitt has
3 told you, the majority in the legislature
4 purchased and made available to the republican
5 side, in the face of the refusal democratic side
6 to act to update the software at the board, they
7 made available to the republicans so they could
8 develop and implement the plan. And what was
9 offered to the democratic side at the board, as I
10 am told, was a completed plan reflecting the
11 legislative plan adopted here overlaid over
12 election districts and making the required splits
13 of any election districts that had to be split.

14 LEGISLATOR JACOBS: Mr. Ciampoli, do you
15 agree with me that whether it's the majority side
16 or the minority side, when we spend money and
17 we're part of a legislature, we are not spending
18 our money, we're spending their money?

19 CHAIRMAN SCHMITT: That's correct.

20 LEGISLATOR JACOBS: And do you honestly
21 believe that the general public -- I don't care
22 if they're republican or democrat -- would buy
23 the fact that anyone of us bought with "our
24 money" updated software that we decided not to
25 share with anybody? I find this whole thing

2 amazing.

3 COUNTY ATTORNEY CIAMPOLI: The question
4 isn't whether or not is to share the software.

5 CHAIRMAN SCHMITT: That's totally out of
6 line.

7 LEGISLATOR JACOBS: I just think that
8 this is politics going --

9 CHAIRMAN SCHMITT: This is now delving
10 into the legislative budget. And I'm going to
11 state for the record, for those of you who would
12 care about the facts, that when the budget of the
13 County is done, a separate budget is prepared for
14 the County Legislature. When that budget is
15 adopted, the monies in that budget are divided
16 according to the number of legislators on each
17 side. In other words, if the legislative budget
18 was a million dollars and there are eight members
19 of the minority, they get 8/19 of that. And if
20 there are 11 members over here, we get 11/19 of
21 that. That is what I mean when I refer to our
22 budget. Our budget is the 11/19 of the county
23 legislative budget, which is of course the
24 people's money. We understand that. But we are
25 empowered, the minority leader and the majority

2 leader, to administer that budget in a manner and
3 fashion that services our constituents. I've
4 done that. And I might add for the record that I
5 have handed back money each and every year that I
6 was the minority leader and will do it again when
7 -- at the end of my first year as Presiding
8 Officer. I also cut our budget five percent this
9 year and am still living within budget. But I
10 chose and my delegation chose to spend the funds
11 necessary to purchase the software to enable us
12 to adhere to the County Charter. What your side
13 did or didn't do is something that you should
14 take up with your minority leader, and it is not
15 the subject of what is in front of us today.

16 That was done at the public hearing.

17 MR. JONES: Mr. Schmitt --

18 LEGISLATOR JACOBS: Excuse me one sec.

19 MR. JONES: Sure.

20 LEGISLATOR JACOBS: Mr. Schmitt, just in
21 answer to that, may I tell you that if you had
22 gone with redistricting every ten years as we
23 would have expected, our minority leader would
24 definitively have purchased the same.

25 CHAIRMAN SCHMITT: Judge, please.

2 LEGISLATOR JACOBS: No, I don't want to
3 hear it Peter.

4 CHAIRMAN SCHMITT: I know you don't want
5 to hear it.

6 LEGISLATOR JACOBS: You circumvented the
7 entire process.

8 CHAIRMAN SCHMITT: No, we caught you
9 asleep, that's what we did.

10 LEGISLATOR JACOBS: You didn't catch us
11 asleep.

12 CHAIRMAN SCHMITT: You didn't do your
13 job.

14 LEGISLATOR JACOBS: You did it in the
15 basement of this building. You did it
16 undercover.

17 CHAIRMAN SCHMITT: You didn't do your
18 job. You didn't read the Charter. You didn't do
19 it according to the Charter.

20 LEGISLATOR JACOBS: We did our job the
21 right way.

22 CHAIRMAN SCHMITT: And the former county
23 attorney did not do her job by not notifying the
24 presiding officer at the time that the 2000
25 Census figures should have triggered 112. And

2 now your whole case rests on the premise that
3 because it was done wrong ten years ago, it
4 should be done wrong now. And that's not gonna
5 happen and that's why the matter's in court and
6 to be adjudicated.

7 We took oaths to uphold the Constitution.
8 The constitutional law is clear, that our maps
9 must be adjusted according to the Census figures
10 and they must honor one person, one vote. That's
11 what we're doing.

12 Now you can go around, and round, and
13 round --

14 LEGISLATOR JACOBS: No, I'm not going
15 to. I'm fed up enough today.

16 CHAIRMAN SCHMITT: That's right. And
17 we're gonna move forward.

18 MR. JONES: Mr. Schmitt, sir --

19 CHAIRMAN SCHMITT: Excuse me, sir. You
20 haven't got a slip filed. If you want to speak -
21 -

22 MR. PHILLIPS: I actually am Aubrey
23 Phillips.

24 CHAIRMAN SCHMITT: I'm sorry. I had my
25 reading glasses on and you looked --

2 MR. PHILLIPS: I'm Aubrey Phillips who
3 did not get a chance to really spend all of his
4 time.

5 CHAIRMAN SCHMITT: Yes, I agree with
6 that.

7 MR. PHILLIPS: And so I'm back.

8 CHAIRMAN SCHMITT: Would you people
9 please let me hear the gentleman?

10 MR. PHILLIPS: I have a very simple
11 question.

12 CHAIRMAN SCHMITT: If you're not
13 interested, at least let me hear him.

14 MR. PHILLIPS: Yes. And my simple
15 question, since this seems to be a hyper-
16 technical discussion, it is my understanding that
17 the Board of Elections, in a bipartisan fashion,
18 when they are unable to reconcile what is
19 submitted to them on paper -- for instance, I
20 believe it was the 19th District where some part
21 of it say if you were to proceed to a particular
22 intersection and then make a right turn onto a
23 particular street and they were unable to do
24 using electronic technology. So what they did
25 was they literally got in their car and drove to

2 that intersection and attempted to make the turn
3 as was described in the documents, and that
4 particular street just did not exist. So my
5 question now, since we're being hyper-technical,
6 I would like to know if in fact the version of
7 the software affected the physical reality that
8 was faced when attempting to draw that map.
9 That's my question.

10 CHAIRMAN SCHMITT: Mr. Ciampoli, can you
11 address that question please?

12 COUNTY ATTORNEY CIAMPOLI: Yeah. This
13 is sort of hyper-technical. But what we got
14 with, and at the time we got the reapportionment
15 software, were a series of files called TIGER
16 files from the United States Bureau of the
17 Census. Those files were organized on the basis
18 of voter tabulation districts. They also have
19 what are called --

20 MR. PHILLIPS: That was not my question.
21 My question was --

22 COUNTY ATTORNEY CIAMPOLI: They also
23 have what are called Census designated places,
24 and they also have in the software --

25 MR. PHILLIPS: That was not my question.

2 COUNTY ATTORNEY CIAMPOLI: geography.

3 And that geography is what the lines were based
4 on.

5 If, in fact, the Census says that a
6 street exists and a place exists, then for the
7 purposes of the Census and for the purposes of a
8 reapportionment drawn on the Census, that place
9 exists.

10 We are drawing lines. Whether the street
11 has been closed and may have been shut down or
12 does not exist on the map anymore, that is not a
13 question that determines where you draw the line.
14 It may affect the description ultimately. Those
15 are the sort of things that we did here. Where
16 we had village lines, school district lines that
17 were redundant to the Census data, we went and
18 clarified that.

19 CHAIRMAN SCHMITT: Okay. Dottie Rhoads.

20 MS. COADS: Scottie.

21 CHAIRMAN SCHMITT: Scottie Rhoads of --

22 MS. COADS: I'm not Rhoads, I'm Coads.

23 CHAIRMAN SCHMITT: Coads. Scottie

24 Coads.

25 MS. COADS: Thank you.

2 CHAIRMAN SCHMITT: You're on.

3 MS. COADS: Good afternoon. You know,
4 if it were not for the conscientious elected
5 officials on the other side of the aisle, NAACP
6 and community organizers, other community
7 organizers, I don't know where we would be today.
8 I shudder to think what would happen. But I'm
9 not going to go into that. I have a few
10 questions.

11 As a taxpayer, how much did you pay the
12 attorneys representing and the experts in state
13 and federal court, and can you show proof of
14 that?

15 CHAIRMAN SCHMITT: That's an ongoing
16 matter that's in front of the judiciary and I'm
17 not commenting on it.

18 MS. COADS: The cost. You have a right
19 to say what you're paying and who the experts
20 are. You have a right to show us what contracts
21 you have --

22 CHAIRMAN SCHMITT: When the matter is
23 concluded and the lawyers submit their bills, it
24 will all be public, there's no question about
25 that. But you're in the middle of a process

2 here.

3 MS. COADS: I heard it mentioned about
4 the -- you talked a lot about the Board of
5 Elections that the democrats on one side, they
6 had different resources. And the testimony was
7 given that it was done in all of the map drawing
8 or any of the initiatives at the Board of
9 Elections was done in a nonpartisan way. So, are
10 you telling us now that you'd separate how you
11 answer the questions of these two gentlemen, that
12 it was only done in a partisan way?

13 CHAIRMAN SCHMITT: I'm sorry. I'm not
14 understanding your question.

15 MS. COADS: I mean, the determination of
16 the maps and how the lines were drawn wrong was
17 all done by one party?

18 CHAIRMAN SCHMITT: The lines were not
19 drawn wrong.

20 MS. COADS: Yes, they were.

21 CHAIRMAN SCHMITT: No, they weren't.
22 The metes and bounds have some technical errors
23 in them. The map, I'll say it again. The map
24 does not change. The map that was adopted by the
25 legislature in a 10 to 9 vote that was signed by

2 the county executive back when we did it -- the
3 date escapes me -- does not change. There are
4 scrivener's errors and we are correcting those.
5 The map does not change. It was not drawn in
6 error. It was drawn in a manner and fashion that
7 the other side doesn't like. We get that. But
8 it was drawn to make equal population districts,
9 and that's what it has done.

10 MS. COADS: But the metes and bounds that
11 -- you are saying that one side did it
12 differently, and I don't understand that, when
13 it's a nonpartisan Board of Elections.

14 CHAIRMAN SCHMITT: There's no sides
15 here. The metes and bounds were adopted by the
16 legislature. There's one set of metes and bounds
17 that describes the map. There are technical
18 corrections to be made in the metes and bounds,
19 but the map does not change.

20 MS. COADS: Again, I shudder to think if
21 we had not made noise, if we had not spoken to
22 the issue, if we had just gone along and our
23 elected officials had just gone along with you,
24 can you imagine what we would have? Wrong lines.

25 CHAIRMAN SCHMITT: We'd have exactly

2 what we have right now.

3 MS. COADS: Wrong metes and bounds.
4 Wrong everything. And then we come before you
5 and we ask questions and then you get excited.
6 We have a right to know.

7 CHAIRMAN SCHMITT: I'm not excited. I'm
8 not excited at all.

9 MS. COADS: You're insulting.

10 CHAIRMAN SCHMITT: I'm sorry?

11 MS. COADS: You're insulting.

12 CHAIRMAN SCHMITT: Well that's a matter
13 of opinion. I would suggest to you that there
14 was insulting comments made during that public
15 hearing on both sides and a review of the
16 transcript would show it.

17 MS. COADS: The other side of the aisle
18 is supposed to act on, vote on, or approve the
19 amendment and we can't see anything? We can't
20 see anything. We know nothing. You can't show
21 us anything?

22 CHAIRMAN SCHMITT: The map does not
23 change. The description of the metes and bounds,
24 the item is public. It's been in the clerk's
25 office. All the legislators have it. There's no

2 secrets here. It's available to the public. And
3 the other side doesn't have to approve it. The
4 other side has a vote. The Legislature has to
5 approve it. The process is that this committee,
6 if we see fit to put it forward and approve it,
7 it will go to the Full Legislature on July 25 and
8 there will be a public hearing, where I'm sure
9 we'll hear all of this again.

10 MS. COADS: Also, you're telling me --
11 I'm going to ask this question again. We cannot
12 know how much you're paying experts? It's our
13 tax dollars. Whether you like it or not, it's
14 our tax dollars.

15 CHAIRMAN SCHMITT: I like it.

16 MS. COADS: And we have a right to know.

17 CHAIRMAN SCHMITT: Yes, you do. And as
18 soon as we know, you'll know. It's ongoing. I
19 have no idea what the final outcome is going to
20 me. I have no idea what the attorneys are
21 charging -- I know what they're charging per
22 hour, but I don't know how many hours they're
23 putting in. I don't know what's going on on that
24 side of the aisle.

25 MS. COADS: Is that something that's

2 available at the clerk's office?

3 CHAIRMAN SCHMITT: That will be
4 available when we have it. It's ongoing.

5 MS. COADS: You gave some figures before
6 to Mr. Ciampoli that he was charging, I don't
7 know, to draw some map that was wrong, some 20-
8 something thousand that we heard later was
9 600,000. The numbers are crazy.

10 CHAIRMAN SCHMITT: Ma'am, the map is not
11 wrong. The map is not wrong. And your comments
12 now are not even on the subject that's in front
13 of us.

14 MS. COADS: Why isn't it?

15 CHAIRMAN SCHMITT: Because we're on the
16 technical amendments. We're not on the map.

17 MS. COADS: That's alright, it all comes
18 together. It all is part of the same topic.

19 CHAIRMAN SCHMITT: Thank you.

20 I'm going to call the question.

21 LEGISLATOR JACOBS: Mr. Schmitt, before
22 you do that, can I just ask you one thing?

23 CHAIRMAN SCHMITT: Certainly.

24 LEGISLATOR JACOBS: There's a gentleman
25 by the name of Mr. Lewis that recently joined the

2 federal case this past week by the County. Is he
3 being paid along with Peter Bee or is this
4 somebody else that has been brought in? I was
5 wondering if someone could clarify that.

6 CHAIRMAN SCHMITT: Mr. Ciampoli -- it's
7 really not on the subject. We'll address that in
8 a minute. I'll get the answer and give it to you
9 as soon as we're finished. It's not on the
10 subject.

11 I'm going to call the question.

12 Do you want a roll call vote?

13 All those in favor of Item 292 please say
14 aye.

15 (Aye.)

16 Those opposed?

17 (Nay.)

18 Let the record show that the item passes
19 by a vote of 4 to 3.

20 Mr. Ciampoli, could you send to my office
21 an answer to Mrs. Jacobs' questions or send it to
22 the Minority Leader, in answer to Mrs. Jacobs'
23 question. Or do you want to answer it now? I
24 don't care.

25 COUNTY ATTORNEY CIAMPOLI: At best, it

2 be a matter for executive session. I don't want
3 to discuss litigation strategy.

4 CHAIRMAN SCHMITT: Alright. That's
5 fine. We are going to take a recess of this
6 meeting. I'm sorry, Mr. Smith. We're going to
7 take a recess of this meeting because the
8 legislative meeting starts in nine minutes. We
9 stand in recess.

10 (Whereupon, the Rules Committee recessed
11 at 12:50 p.m.)

12 (Whereupon, the Rules Committee
13 reconvened at 4:05 p.m.)

14 CHAIRMAN SCHMITT: We've reconvened.
15 I'm going to call the remaining item on the
16 calendar, which is Item Number E-118, a
17 resolution authorizing the county executive to
18 execute a personal service agreement between the
19 County of Nassau acting on behalf of the county
20 attorney and Smith Valuation Services.

21 May I have a motion, please?

22 LEGISLATOR CIOTTI: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN SCHMITT: Motion by Legislator
25 Ciotti, seconded by Legislator Walker.

1 Mr. May, would you please have Mr. Walker
2
3 come up?

4 Mr. Walker, before the county attorney
5 actually goes into the meat of the item, it's my
6 understanding that this contract started in
7 January, or what is now this contract started in
8 January. And my office was told by you and your
9 office that Mr. Smith was being paid for out of
10 existing contracts. So my question to you is
11 what happened and when did it happen?

12 MR. WALKER: Thank you for the question.

13 CHAIRMAN SCHMITT: Vacation is over.

14 MR. WALKER: It's always great to be
15 back.

16 Unfortunately, going back about January,
17 there was some concern from those in the
18 administration concerning roughly where we stood
19 with about 60,000 or so cases that were going to
20 be either sent for settlements or were going to
21 be offered. In some cases, we were going to
22 accept the assessor's valuation. At that time we
23 had meetings with many people, including those
24 that represented many residents of Nassau County,
25 residents themselves, that were just going to go

2 down the path of a SCAR proceeding. And as we
3 all know, you get to that point of liability to
4 the County. We met with the county attorney's
5 office and we wanted to utilize contracts that
6 currently exist. It was our understanding, the
7 administration's understanding that we can use
8 those contracts.

9 Subsequent to going down that path, the
10 county attorney advised us that you cannot be
11 using those contracts, after careful review, that
12 a new contract would have to come to the
13 Legislature. As we do sometimes with even our
14 own staff, we went back and forth, had some
15 dialogue and discussion and said why can't we use
16 those contracts? We believe you can. Again, it
17 was determined by the county attorney's office --
18 I am not an attorney -- that you cannot use those
19 contracts, and for that reason we had to send a
20 contract to the Legislature.

21 CHAIRMAN SCHMITT: After it was
22 ascertained that you couldn't use the existing
23 contracts somebody came to the clerk with the
24 contract and tried to have the contract signed
25 off by the clerk because it was the position of

2 the county attorney that this was going to fall
3 under the expert witness category, and the clerk
4 smartly denied the request and we asked for a
5 contract to be sent to the Legislature.

6 I understand your reasoning. But I gotta
7 tell you, January to July is just unacceptable.
8 Now, I don't know -- I don't really know how to
9 handle this. This has been an ongoing problem.
10 I'm going to be open to suggestions from both
11 sides, as well as counsel for both sides. Maybe
12 it takes an amendment to the Charter.
13 Something's gotta be done, that contracts that
14 are supposed to be reviewed and approved by this
15 Committee come here before work of this magnitude
16 is done.

17 I understand what Mr. Smith's done, and
18 we'll hear a lot of testimony on that. I
19 understand that we're saving a lot of money, and
20 I have no problem with any of that. And I have
21 no problem with any of that. And I have no
22 problem with the contract, as I've had it
23 reviewed, if it was sent here in a timely manner.
24 But this is July. It's a \$2.4 million contract.
25 This is not chump change. And it's July. And

2 Mr. Smith has completed a lot of the work. And
3 I'm interested in hearing what he's going to do
4 for the balance of the year. But it's late.
5 It's unacceptably late. And I think we,
6 collectively, have to do better.

7 MR. WALKER: I would agree with you.
8 And now with the advent of NIFA having to approve
9 \$50,000 contracts or above, there's really no
10 argument. Every contract can be sent to the
11 Legislature. We take the advice of the county
12 attorney's office. I know you're going to hear
13 from the county attorney. He does provide great
14 wisdom. We don't always agree with him as well,
15 and I know you don't either. But working
16 together, I would agree that there is no reason
17 why we can't move forward. If he gives you some
18 bad information, we'll deal with him on the side.
19 But I do agree.

20 CHAIRMAN SCHMITT: Does anybody have any
21 questions for Mr. Walker? Because I know we're
22 all on tight schedules here.

23 Legislator Jacobs.

24 LEGISLATOR JACOBS: Rob, I just want to
25 ask you a question. I know that this contract

2 was approved by NIFA.

3 MR. WALKER: Correct.

4 LEGISLATOR JACOBS: It went to NIFA. I
5 don't want to assume anything. Just explain that
6 process to me. Was that during the time that you
7 didn't think legislative approval was necessary?

8 MR. WALKER: Yes, it was the advice of
9 the county attorney's office -- and I should say
10 portions probably of the contract, they believed
11 that it would be as an expert in light of
12 potential litigation, that that did not have to
13 go to the Legislature. It therefore went to
14 NIFA. As you know, any contracts over \$50,000
15 have to be approved by NIFA prior to payment. So
16 it went to NIFA, again, for approval at that
17 point.

18 LEGISLATOR JACOBS: Prior to payment and
19 following the legislative approval route and then
20 the county executive signing off.

21 MR. WALKER: Correct.

22 LEGISLATOR JACOBS: So the missing
23 ingredient here was the legislative approval
24 route.

25 I agree with Mr. Schmitt, what he just

2 said. This is really -- it's just something that
3 can't be the way we do things. The truth of the
4 matter is it seems to me that on page three of
5 the contract it says that -- don't get me wrong.
6 I'm not saying yes or no, that this is going to
7 save money or not. I know it did cost some jobs,
8 obviously, in the assessment division. But it
9 says he's going to get \$30 a case. A letter that
10 he sent subsequent to that says he's already
11 reviewed 59,000-some-odd cases. In truth, that
12 means more than \$600,000 has been paid already;
13 it's over a million two. That's a lot of money
14 out there that never came before -- the checks
15 and balances part of government is us and you and
16 obviously the comptroller, NIFA now and
17 everything else. But there was a big missing
18 ingredient there because we should be one of the
19 first steps.

20 MR. WALKER: I'll make it very easy.
21 I'm not going to argue with you. We know.
22 That's why we are here, to work together. Very
23 simply put, that's why the matter's before you.
24 And we're going to work together to make sure it
25 doesn't happen again.

2 To have openness and transparency, that's
3 what government's all about.

4 LEGISLATOR JACOBS: Absolutely.

5 MR. WALKER: And we'll continue -- the
6 administration will continue to, again, as I
7 mentioned, having NIFA having to approve
8 contracts at \$50,000 or above, you know, every
9 contract has to go to them. You can't have any
10 more of a transparent process than that. Even
11 contracts that potentially do not have to come
12 before this Legislature, if they are going to go
13 to NIFA, there's no reason why we can't have
14 extra eyes look at it with the Legislature.

15 LEGISLATOR JACOBS: Rob, just hear me
16 out for a minute. But if this started in January
17 and you went to NIFA at the end of March, that
18 means that for three months there was no
19 legislative review, which should have come first
20 anyway. But then there was no NIFA review when
21 the actual contract began.

22 MR. WALKER: All I could say is we can't
23 go backwards. We can only go forward. We take
24 everything you say with the fullest bit of
25 appreciation and knowing that we move forward the

2 right way.

3 LEGISLATOR JACOBS: Alright, because
4 it's a big concern.

5 MR. WALKER: I understand.

6 CHAIRMAN SCHMITT: Anybody else?

7 (No verbal response.)

8 Thank you, Mr. Walker.

9 Mr. Ciampoli and I guess Mr. Smith.

10 COUNTY ATTORNEY CIAMPOLI: Good
11 afternoon, Legislators.

12 What we're putting before you today is a
13 contract for services that were provided by the
14 real estate appraisal firm of SVS, Standard
15 Valuation Services. The contract was for expert
16 testimony and consultation with the county
17 attorney's office on residential tax assessment
18 challenges for the year 2010/2011 and the tax
19 year 2011/2012. These services were required
20 because in December and January as we began to
21 look at what had transpired the year before and
22 what would lie ahead for the County, was that
23 there was a small tsunami of SCAR hearings, as
24 they are called, Small Claims Assessment
25 Residential tax hearings, coming to the county.

2 Not only was there a large number -- were there a
3 large number of cases unresolved from the prior
4 year, but another large number, even larger
5 number of cases were likely to enter the court
6 system looking for judicial review in the year
7 ahead.

8 In 2010/11 there were 40,681 SCAR
9 lawsuits filed by taxpayers. In 2010 we also had
10 a lawsuit filed against the County, *Halpern v.*
11 *Board of Assessors*, which challenged the ratio,
12 which is major part of setting the taxes for any
13 residential owner. While the lawsuit in *Halpern*
14 moved forward, SCAR cases were processed in the
15 courts on a parallel track. By November of 2010,
16 approximately one-third of the cases were heard
17 at SCAR hearings resulted in a court
18 determination, reducing the assessed values based
19 on a lower ratio. By 2011, winning court cases
20 based on a lower ratio increased to about 45
21 percent. If the taxpayer received a reduction in
22 assessment it was more than likely based on lower
23 ratio. That interwove ordinary wave of cases
24 that would come into the process with the cases
25 that remained behind.

2 As of January 11, there were about 23,400
3 cases that had been addressed by the court and
4 the county was facing liability on those for
5 2010/11 challenges. In addition to fighting in
6 court the 2010/11 challenges and the *Halpern*
7 lawsuit, the county was now, after January,
8 facing 63,824 unresolved residential tax
9 grievance for the 2011/2012 tax year. ARC
10 settled 23,370 cases. Unresolved here 63,824.
11 Those challenges go onto the courthouse. Each
12 one of those challenges is treated as a separate
13 case before hearing officers at the courthouse.

14 What we saw at that juncture in time was
15 both a problem and an opportunity. The County
16 faced a substantial financial risk and
17 substantial liability because court
18 determinations against Nassau County and the cost
19 for defending challenges one at a time, both in
20 personnel and the cost in generating the
21 evidence, the expert reports that were required
22 and other evidentiary proof required for the
23 court. What we saw from 2009 to 2010 and 2010/11
24 year was a 45 percent increase in the number of
25 cases. If we had a 45 percent increase in the

2 previous year's tax challenges, we were looking
3 at potentially 54 to 59,000 residential tax
4 challenges.

5 The tax challenges in the past had
6 resulted in high payouts for the County. And at
7 this point what we did was we worked with ARC,
8 assessment, with the county executive's office to
9 devise a litigation strategy. That strategy was
10 to attack the 2010/11 SCAR lawsuits and the
11 2011/2012 grievances, okay, in a single new,
12 never done before, settlement program. That
13 created a time pressure on the county. With the
14 2011/12 tax roll to become final on April 1,
15 there was an extremely limited period of time to
16 correct the 11/12 tax roll before it became final
17 and before the county -- before we began to move
18 the county towards a liability on those cases.
19 Our office had to work quickly, strategically and
20 precisely to create a -- to engage in litigation
21 that would assist us in prevailing in the
22 courthouse in 2010/11 tax year and 2011/12
23 residential challenges.

24 We evaluated the real estate appraisal
25 firms that the county had on pre-approved

2 contracts. We determined that SVS, because of
3 its size, being larger by double, at least, than
4 its nearest competitor, was the only firm
5 available that had the expertise, the experience
6 and the capacity to handle the large volume of
7 cases that approached us.

8 What we did was we took an approach that
9 no one had taken before in the County. We were
10 going to work to resolve the 2011/12 cases before
11 the tax roll went final. We would engage the
12 taxpayers to discontinue or settle their cases
13 through an act of one-on-one settlement
14 discussion with each of them for repeat cases,
15 okay, that had also filed in the previous year.
16 The county would again engage the taxpayers in an
17 act of settlement discussion to resolve both of
18 those cases at one time. We would also, on a
19 parallel track, so as to defend the county's
20 position, prepare a file on each case that would
21 establish the evidentiary proof that we could use
22 in negotiations, at first, and later to have them
23 admitted in court to further the county's case.

24 Who did what in this program? The county
25 attorney's office negotiated and resolved the

2 cases with taxpayer representatives and pro se
3 litigants. Our office worked daily with our
4 consultants to assess, analyze, and model the
5 cases as high risk, low risk, or no risk, and to
6 determine the potential risk that the county
7 would have trial. Assessment employees
8 specifically worked with the county attorney's
9 office to resolve all the pro se litigants, so
10 that they were not neglected due to the fact that
11 we happen to have a few firms that represent the
12 vast majority of the claimants.

13 ARC personnel worked in correlating data
14 on 63,000-plus cases, to provide information,
15 ensure consistency in settlement offers, and to
16 assist in the resolution of residential cases
17 that would not go necessarily to SCAR hearings
18 but possibly could still end up at the
19 courthouse. The county attorney's office or
20 current assessment personnel are prepared to go
21 to court on the remaining 2,483 SCAR matters,
22 instead of 55,000 cases.

23 It's been said publicly by some people
24 that the store was given away. No, the truck
25 never got to back up, to paraphrase someone's

2 claim. The average reduction in the county
3 attorney's settlement program on cases that are
4 settled was a 6.42 percent reduction. ARC
5 settled 23,370 cases for the 2011/12 tax year,
6 and that's a 7.07 percent reduction.

7 The vast majority of the ARC cases were
8 pro se litigants. So it's fair to say that the
9 pro se litigants received equal treatment to
10 those who had representatives and they fared as
11 well.

12 As the county enters cyclic assessment
13 this year, the determination will be reflected on
14 the final tax roll, just as it is in every other
15 jurisdiction in New York. Every settlement was
16 based upon what we perceived the ultimate outcome
17 would be at trial. We know that either the
18 county employees who were working with the pro se
19 or the deputy county attorneys who were working
20 with SVS in negotiating with representatives and
21 some pro se, worked to maximize the best possible
22 result for the County, and they achieved a large
23 number of withdrawal cases or fair settlements in
24 an overwhelming number of cases that were filed.

25 What we need to take a look at is the

2 benefit to the County and that's the bottom line.
3 By settling cases now we have no liability going
4 forward, unlike 2009/2010 tax year cases that
5 went to SCAR and received refunds. The average
6 refund on SCARs for the past eight years has been
7 \$9 million a year, our estimated refund this year
8 will be \$1.8 million, saving the county some \$7.2
9 million.

10 Rather than take questions now for me,
11 who has a bird's eye view of this, I have my
12 chief deputy, Lisa LoCurto, who personally
13 oversaw the program, and we have Matt Smith, who
14 was the consultant working with my deputies on
15 Saturdays, Sundays, into the evenings, all kinds
16 of hours to get this job done and to get it done
17 before April 1 when the tax roll would go final.
18 Long term, with cyclic assessment in place, we've
19 now assured that the roll's in place and will
20 assure this savings in the years going forward.
21 We hopefully will cut the volume of cases that
22 hit the system.

23 The other benefit that we've achieved
24 here is for the taxpayers themselves because
25 their cases now have been resolved far more

2 quickly. And in a great number of cases we have
3 had comments that have come back on how pleased
4 people are that they were treated fairly, they
5 were treated with respect, and that they were
6 treated efficiently and quickly in terms of
7 getting a resolution of their grievance.

8 Thank you.

9 CHAIRMAN SCHMITT: Before we proceed
10 further, I just want to review the numbers again,
11 please. You said it saved \$8 million?

12 COUNTY ATTORNEY CIAMPOLI: Our annual
13 payouts over the past eight years the average
14 refund is approximately \$9 million a year. The
15 estimated refund for this year on these cases
16 will be \$1.8 million, that's a savings of 7.2
17 million.

18 CHAIRMAN SCHMITT: But then you gotta
19 take the cost of the contract off of that.

20 COUNTY ATTORNEY CIAMPOLI: That's
21 correct.

22 CHAIRMAN SCHMITT: So what does that
23 bring us to?

24 COUNTY ATTORNEY CIAMPOLI: Hopefully
25 that will keep us still over about five million.

2 CHAIRMAN SCHMITT: Five million?

3 COUNTY ATTORNEY CIAMPOLI: Yep.

4 CHAIRMAN SCHMITT: Okay. Ms. Locurto.

5 Mr. Smith.

6 MS. LOCURTO: Good afternoon.

7 CHAIRMAN SCHMITT: Good afternoon.

8 Identify yourself for the record please, Mr.
9 Smith.

10 MS. LOCURTO: Sure. Lisa Locurto,
11 county attorney's office.

12 MR. SMITH: Matthew Smith, Standard
13 Valuation Services. Good evening.

14 CHAIRMAN SCHMITT: Good evening. We got
15 the overview from Mr. Ciampoli. Could you tell
16 us, one of you, exactly what you did for us that
17 enabled us to settle up the way that it did?

18 MS. LOCURTO: Certainly. I may have
19 Matt jump in and provide some background
20 information or charts to help you understand how
21 the settlement program worked.

22 Our office, as you know, county
23 attorney's office is always concerned with cases
24 that are out the courthouse. And we used that
25 eye to look at cases, particularly in the 11/12

2 tax year, which was not yet in the courthouse but
3 potentially could be in the courthouse. And we
4 said why don't we take our eye to look at those
5 cases to see how we can resolve them and why they
6 weren't resolved in the past.

7 What was different in both the 10/11 tax
8 years that were pending in the courthouse and the
9 cases -- the 11/12 cases that were not yet in the
10 courthouse is the issue of ratio, which is one of
11 the grounds for challenging your tax assessment.
12 This ratio issue, because the county and
13 petitioners had not reached any agreement on
14 ratio, had created the *Halpern* lawsuit that was
15 pending, and we are facing a similar lawsuit with
16 11/12. That dominated the review of cases and
17 whether or not a case had merit or a case should
18 be dismissed.

19 We said in the past we have not actively
20 engaged in one-on-one negotiations. We had to
21 develop a strategy and model to look at the cases
22 to see where they fell in terms of their risk.
23 Were they high risk, low risk, or cases that were
24 right for discussion before a judge? Looking at
25 those cases we were able to assess what our best

2 possible defense would be of the issue of ratio
3 and then specifically looking at each individual
4 case, based on that overall parameter, where the
5 cases fell in those high risk, low risk, no risk
6 categories. Once we made those determinations we
7 were able to call in the representatives, the pro
8 se litigants, set up a schedule, and review the
9 cases on a bulk or mass basis.

10 CHAIRMAN SCHMITT: So -- I'm sorry. Go
11 ahead.

12 MS. LOCURTO: As we began to have
13 success in our results, we maximized the
14 discussion, accelerated them, and, as was
15 indicate, we had daily meetings, daily
16 discussions with our expert to shape the legal
17 issues that we knew we were facing when we sat
18 down and negotiated one-on-one with each of the
19 representatives of the taxpayer. I will tell you
20 anecdotally, when we specifically worked with the
21 pro se litigants what was most gratifying to the
22 county attorney's office was many times the pro
23 se litigant would walk away with no reduction in
24 assessment but was greatly satisfied that their
25 assessment was fair, that they understood why

2 their assessment was what it was, and that they
3 were willing to not proceed with any further
4 litigation.

5 CHAIRMAN SCHMITT: So Mr. Smith served
6 as a -- the county attorney or the county
7 attorneys in the county attorney's office
8 actually settled these cases not Mr. Smith.

9 MS. LOCURTO: Oh, no, absolutely. A
10 deputy county attorney was --

11 CHAIRMAN SCHMITT: Deputy county
12 attorney.

13 MS. LOCURTO: A deputy county attorney
14 was looking at the evidentiary proof that we had
15 developed over a course of time to see which
16 cases, after we had decided which ones were high
17 risk, low risk, what was the evidentiary proof
18 that we could present to the hearing officers to
19 argue back and forth with them. Believe me,
20 there was a lot of fist pounding, arguing back
21 and forth trying to get the representative or the
22 homeowner -- not so much fist banging with the
23 homeowners, we try not to do that. But to
24 explain to them this is the evidentiary proof
25 that we believe establishes that the assessment

2 is either fair and you should discontinue your
3 case or if we believe we had to decide the better
4 course of do we go to trial and what our best
5 evidentiary proof was indicating.

6 CHAIRMAN SCHMITT: So how many -- prior
7 to Mr. Smith's arrival, based on past years, how
8 many cases were going to SCAR? 50 percent?

9 MS. LOCURTO: Mr. Smith is going to
10 actually bring up --

11 MR. SMITH: I can talk to some of these
12 numbers if you don't mind.

13 CHAIRMAN SCHMITT: That's fine.

14 MR. SMITH: I know at the June 28
15 meeting there were some questions on statistics,
16 so statistics you will have.

17 CHAIRMAN SCHMITT: I don't want a whole
18 PowerPoint presentation at this time.

19 MR. SMITH: I have to go through it to
20 get to them.

21 CHAIRMAN SCHMITT: I just want to know
22 how many cases went to SCAR prior to -

23 MR. SMITH: Here we are. It's up on the
24 screen right now. You should have it on your
25 screen.

2 The red bars -- actually we're start with
3 the blue. The blue bars are the cases that are
4 settled by ARC in any given year, and that runs
5 from 2002/03 --

6 CHAIRMAN SCHMITT: Hold on, hold on.
7 What are we doing here? Where is it? There.
8 Okay.

9 MR. SMITH: Does everyone have it in
10 front of them?

11 CHAIRMAN SCHMITT: Go ahead.

12 MR. SMITH: Okay.

13 MS. LOCURTO: If you look at 2009/2010,
14 28,267 cases went to SCAR. In 2010/2011 --

15 CHAIRMAN SCHMITT: We can read. 40,681.

16 MS. LOCURTO: If you look at our
17 settlement program, in 2011/2012 we had resolved
18 the 23,370 cases that ARC had some type of
19 settlement or discontinuance; the county attorney
20 settled 56,753, that's combined.

21 CHAIRMAN SCHMITT: Hold on, please.
22 Hold on. I'm a simple person.

23 MS. LOCURTO: Sure.

24 CHAIRMAN SCHMITT: I'm trying to get an
25 overview here, because I know all of the members

2 or a lot of the members have questions. And I
3 have a destination in mind and I have a follow-up
4 question in mind. Last year 40,000, roughly
5 speaking, cases were going to ARC. This year,
6 without this settlement program you anticipated
7 50 percent, if I remember Mr. Ciampoli's
8 testimony, of the grievances going to SCAR.
9 Fifty percent of how many grievances did we have
10 this year?

11 MS. LOCURTO: This year we are only
12 going to have 2,4 --

13 CHAIRMAN SCHMITT: No, no. How many
14 residential grievances were filed this year?

15 MS. LOCURTO: You mean for 11/12 or
16 12/13?

17 CHAIRMAN SCHMITT: For 11/12.

18 MS. LOCURTO: For 11/12.

19 CHAIRMAN SCHMITT: It should be -- if
20 I'm reading this right -- In other words, 56,000
21 cases were settled. You expect, roughly
22 speaking, 2500 cases to go to SCAR.

23 MS. LOCURTO: Correct.

24 CHAIRMAN SCHMITT: Had this not been
25 done, you expected 50 percent to go to SCAR.

2 Correct?

3 MR. SMITH: That's not correct.

4 CHAIRMAN SCHMITT: That's not correct.

5 Tell me without a PowerPoint presentation.

6 MR. SMITH: I'm going to try to help
7 here. In 10/11, the 10/11 roll, you had a
8 situation with *Halpern v. The Board of Assessors*.
9 This is the first time we had a ratio lawsuit.
10 That slowed down the inner working in the County.
11 And what happened was by the time we came in as
12 consultants with the county attorney's office we
13 had about 17,000 cases in January that were still
14 in the system that were in a full refund
15 position. That's problem number one.

16 CHAIRMAN SCHMITT: You had 17,000 cases
17 from 10/11?

18 MS. LOCURTO: 10/11.

19 MR. SMITH: Yep.

20 CHAIRMAN SCHMITT: Okay. Go ahead.

21 MR. SMITH: They're still in your
22 system by the end of January.

23 CHAIRMAN SCHMITT: Okay.

24 MR. SMITH: So then the next problem was
25 that in looking at what was coming in the pipe

2 possibly for SCAR proceedings --

3 CHAIRMAN SCHMITT: that's the number I
4 want.

5 XX You had a disgruntled group of
6 representatives that now had a lawsuit filed in
7 10/11 and there, at the time, were about 70,000
8 grievances still pending. The representative of
9 the residents of Nassau County were saying they
10 were bringing 50 to 55,000 forward. That was the
11 main problem.

12 CHAIRMAN SCHMITT: I'm not -- and
13 neither is anybody else up here, I don't think.
14 I'm not an assessment expert.

15 MR. SMITH: I'm sorry.

16 CHAIRMAN SCHMITT: When you say the
17 residential representatives you are referring to?

18 MR. SMITH: In Nassau County a lot of
19 cases are represented by individuals and firms,
20 representatives of those residents -

21 CHAIRMAN SCHMITT: The tax cert bar.

22 MR. SMITH: The tax cert people. It's
23 not the bar. It's the residential component.

24 CHAIRMAN SCHMITT: Right. The Fred
25 Perry's.

2 MR. SMITH: There was roughly that we
3 handled, different reps this year.

4 MS. LOCURTO: In SCAR you do not have to
5 be an attorney to enter into a SCAR proceeding.
6 So they're not all represented by lawyers.

7 CHAIRMAN SCHMITT: I'm just looking on
8 the surface. In doing nothing, which appeared to
9 be what was done in the past. In doing nothing
10 you expected, roughly speaking, a certain number
11 of cases to end up in SCAR. And I think if I'm
12 following this correctly it's between 35 and
13 40,000.

14 MR. SMITH: It would probably be higher.

15 MS. LOCURTO: Higher than that. We were
16 expecting about 55,000 to go to SCAR.

17 CHAIRMAN SCHMITT: Okay. 55,000 cases.
18 Now because of this settlement program that
19 55,000 number has fallen to 2,483, correct?

20 MS. LOCURTO: Correct, sir.

21 CHAIRMAN SCHMITT: And it is because
22 that number has been reduced. And you project
23 that number to be the same or less as next year
24 because if my grievance was settled this year and
25 the roll was frozen and I file a claim next year,

2 in all probability I'm going to lose unless
3 there's a major shift in property values because
4 my assessment is accurate. Correct?

5 MS. LOCURTO: With the beginning of the
6 cyclic assessment in 12/13.

7 CHAIRMAN SCHMITT: Right. That's what
8 I'm referring to.

9 MS. LOCURTO: Can I guarantee that --

10 CHAIRMAN SCHMITT: I didn't ask you to
11 guarantee. I said you expect, absent some major
12 shift in property values, that if my assessment
13 is settled this year and entered into this frozen
14 roll that with the start of the cyclical
15 assessment, my assessment is correct and
16 therefore if I do file a grievance I will lose.

17 MS. LOCURTO: Yes. I think we've
18 strengthened the potential that less lawsuits
19 will be filed next year.

20 CHAIRMAN SCHMITT: Here's where I was
21 going. Because I know there's a lot of interest.
22 You know that we laid off -- the county executive
23 laid off two weeks ago or we approved a July 1
24 layoff of several of the employees in the SCAR
25 division. The rationale that we were given for

2 that, which unfortunately is the facts, is that
3 with the reduced workload there really is nothing
4 -- no job for them to do. Mr. Laricchuita has
5 appeared in front of us and said that Mr. Smith
6 is going to now embark on doing CSEA work. I
7 would like you to address that question. What is
8 he going to do?

9 I understand what he's done up to this
10 point. Now tell me what is he going to do from
11 this point until the end of the year, and explain
12 to me how you come to the conclusion that it is
13 not CSEA work.

14 MS. LOCURTO: Well, Mr. Smith's
15 continuation of his services is going to be to
16 assist the county attorney's office in the 2,483
17 cases that are going to go to SCAR, if they do go
18 to SCAR and we have to defend them. So his
19 function, his role is to be an expert witness.
20 Will he provide us possibly with guidance on our
21 10/11 lawsuit and the *Halpern* lawsuit if that
22 goes forward? He will provide us assistance on
23 that. Internally, though, the Department -- the
24 county attorney's office, if we continue, based
25 on the success of this settlement program, we

2 help to replicate this settlement program again
3 next year. However, we anticipate --
4 unfortunately, as Mr. Ciampoli indicated, because
5 we had such a small timeframe, small window, less
6 than four months before the roll was closing, to
7 engage in the settlement program, we had to be
8 rushed. We still have a 15 month lag, between
9 the tentative roll and when the roll goes final.
10 So we now have a much longer period of time,
11 approximately another ten months, to correct any
12 corrections, the need to be made for 12/13 before
13 the roll goes final. And 12/13 is the beginning
14 of the cyclic assessment.

15 The number of filings hopefully will be
16 reduced. We have a stipulated ratio that we
17 believe is imminent. And once we engage again in
18 a one-on-one settlement negotiation process with
19 the remaining employees that we have, we believe
20 we will aggressively attack, similar to what we
21 did in the program for 11/12. And we have enough
22 of the resources available to do that job.

23 CHAIRMAN SCHMITT: So what is Mr. Smith
24 going to be doing for the county from this point
25 forward?

2 MS. LOCURTO: If Mr. Smith is -- his
3 function is for the 10/11 and the 11/12 program.
4 That's all we have at this time.

5 CHAIRMAN SCHMITT: 10/11 and 11/12.

6 MS. LOCURTO: Right. Which is the
7 current settlement program that's ongoing and
8 should be concluding relatively shortly.

9 CHAIRMAN SCHMITT: So he's going to be
10 working on advising the county attorney's office
11 on settlements of the 10/11 backlog or on --

12 MS. LOCURTO: 10/11 and 11/12.

13 CHAIRMAN SCHMITT: The commercial or the
14 residential?

15 MS. LOCURTO: For residential. This is
16 all for residential.

17 CHAIRMAN SCHMITT: 12 is done.

18 MS. LOCURTO: Yes. We've concluded, in
19 terms of the settlement program. We still have
20 the 2400 that are in the courthouse. So we still
21 have to defend those.

22 CHAIRMAN SCHMITT: That's right.

23 MS. LOCURTO: And then there are still
24 remaining -- there were 16,000 cases of the 10/11
25 that we're still -- we're almost finished. We're

2 almost there in wrapping up. We believe we're
3 only going to have a final count of about 577
4 continue in the court system on those.

5 CHAIRMAN SCHMITT: And Mr. Smith you can
6 jump in at any time here. Just explain to me how
7 this is not doing CSEA work. Whose work is it?

8 MR. SMITH: First of all, this whole
9 program, the 11/12 and 10/11 program was a
10 special and unique program that we've never done,
11 as far as I know, with the county before. So the
12 work that they asked me to do is work that is
13 unique to actually the SCAR situation and the
14 *Halpern v. Board of Assessors* lawsuit that was in
15 place. Hopefully, today we might have that
16 settled or very close to being settled, which was
17 another one of the goals. It depends whatever my
18 client would like me to do with the remaining
19 cases and how they would like me to handle them.

20 There are a lot of very odd situations.
21 For example, in the 10/11 year there were still
22 about 1,000 Article 78s outstanding. And it will
23 be my client's choice at that point whether to
24 see if our firm handles them in a court
25 environment or not. But I would leave that up to

2 my client.

3 I've worked for Nassau County now for
4 about 20 years, under three different
5 administrations. I'm always there to do any work
6 that they want us to do. But that is definitely
7 your choice.

8 CHAIRMAN SCHMITT: Is he going to
9 function as an expert witness for the rest of
10 this year or is he going to function as an
11 appraiser?

12 COUNTY ATTORNEY CIAMPOLI: The answer is
13 there is an outstanding contract that he has for
14 appraisal services. But there obviously are SCAR
15 cases moving forward in which he'd be involved,
16 perhaps to testify, perhaps to furnish an expert
17 report for the court.

18 CHAIRMAN SCHMITT: That's the 2500?

19 COUNTY ATTORNEY CIAMPOLI: Yeah.

20 CHAIRMAN SCHMITT: Okay.

21 COUNTY ATTORNEY CIAMPOLI: One of the
22 things that I want to address, in terms of anyone
23 who has the concern that this is taking union
24 work or will take union work in the days ahead,
25 that should not be a concern. This was a one-

2 time project. It was to get the county ahead of
3 the curve. What we are doing now is we are
4 attempting to put this back into ARC over a 15
5 month period to do what we did in the period of
6 about a month and a half.

7 What happened here, county employees were
8 part of the program. Assessment and ARC
9 employees were gathering information and showing
10 the information that needed to be used. But
11 also, county employees were dedicated to dealing
12 with the pro se's. Like it or not, a pro se case
13 takes you much more time and frankly requires, to
14 some degree, much more care than you could do or
15 have to do when you're dealing with an attorney
16 or a professional representative. When you have
17 a pro se case, really it becomes -- and we're
18 negotiating, you have an obligation to educate
19 and inform the pro se litigant, as well as to
20 negotiate with them. So the time consuming
21 stuff, the stuff that was required was work
22 intensive in that sense of the word, okay, was
23 done by county employees. We're hopeful as we go
24 forward that given time the ordinary apparatus
25 will be able to pick up this task and won't --

2 frankly, we would have just overwhelmed the
3 county employees if we tried to settle all these
4 cases at one time.

5 One of the things that's markedly
6 different from this program, okay, is we were
7 able to attack over 60,000 cases, categorize them
8 in various ways, and work settlements out of
9 that. What this program did, in a short order --
10 again, we're looking to send back the county
11 employees to handle with the benefit of time.

12 The other thing that's important to note
13 here is that there was an attorney present at
14 each of these things, so this wasn't Matt Smith
15 sitting there and negotiating for the county,
16 okay. He was certainly part of the team that
17 negotiated for the county. And it was done to
18 move a lot of cases in a little time and to save
19 a lot of money.

20 This was not a project which we believed
21 was workable in the current structure in the time
22 available. That's why we went outside.

23 MR. SMITH: If I could clarify one thing
24 --

25 CHAIRMAN SCHMITT: Yes, please do.

2 MR. SMITH: which I think is important.
3 It's not a Matt Smith one-man show. I do have 31
4 real estate professionals there that really put a
5 lot of effort forward on behalf of the county to
6 do this work. But, more importantly, also, I
7 think you have to be careful because, Presiding
8 Officer Schmitt, you mentioned this. What was
9 the real exposure? Well, in easy math, if 60,000
10 cases went forward into SCAR and if only half
11 were actually winners, because that's basically
12 historically what has been 50 percent, and if the
13 payout on those 30,000 cases was \$500, which is
14 extremely low, and most likely with the cases we
15 saw going to SCAR they'd be higher, and you had
16 that backlog, you're looking at at least \$30
17 million. And if you do that successfully each
18 year and you get rid of this backlog before it
19 goes into a refund position, you'll save
20 tremendous money also with the court system
21 because it takes a lot of hearing officers and
22 court dollars to have all the SCAR proceedings go
23 forward.

24 Again, it would be a large savings.

25 CHAIRMAN SCHMITT: I understand you. I

2 follow that. But now explain to me -- you say,
3 and I tend to agree with you, that if the cases
4 went forward and the average payout was as low as
5 \$500 it would be an exposure of \$30 million. But
6 he county attorney says that it's \$9 million.
7 Which is it and why?

8 MR. SMITH: Well, I actually have grids
9 where I can show you the payout dollars for each
10 one of the years from 03 to present, and I can
11 show you how it goes from about \$450 to 700 to
12 \$800 in a given year, when there's a backlog.
13 That would be on this screen.

14 This is from the treasurer's office.
15 It's small to read. It starts in 03. You'll
16 notice that at the bottom here, in the first year
17 in 03 the average payout was roughly a little
18 over \$400, \$440 per case. It went up to 472.
19 Then as more and more cases got in the backlog,
20 it ended up jumping to 725 in 2005. In 2006, it
21 also remained at 784, an average case.

22 CHAIRMAN SCHMITT: \$784 for an average
23 case.

24 MR. SMITH: Yep, for an average case.

25 CHAIRMAN SCHMITT: Okay.

2 MR. SMITH: So my number of 500, I'm
3 going to argue, is very low. If I go to the
4 final year, on the third screen, and this is the
5 one that has much of a backlog going into this
6 year, and sitting around \$500 per case. The
7 first month, February, it was over \$800 a case in
8 payout and the average was 750. That was the
9 tsunami --

10 CHAIRMAN SCHMITT: Where are you?

11 MR. SMITH: I'm sorry. I'm on the
12 screen right now. I'm in 2011, and I'm showing
13 you the payout for February through to June, the
14 average being 751. But you can obviously see the
15 jump from the year prior, 532.

16 CHAIRMAN SCHMITT: Okay.

17 MR. SMITH: Like it or not, I am tied to
18 statistics. I live or die by the sword with
19 them, with any municipality.

20 CHAIRMAN SCHMITT: I follow you, Mr.
21 Smith, and I understand what you're saying.

22 MR. SMITH: Okay.

23 CHAIRMAN SCHMITT: What I'm trying to
24 get at now is you've done this job -- and I have
25 to say I think you've done a very good job based

2 on what I know, what I see, and how the backlog
3 of -- the residential backlog for the current
4 year has been -- how the cases have been settled
5 prior to payment of taxes, overpayment of taxes,
6 which is going to obviate the need for a refund.
7 I get that. What I want you to explain to me and
8 to the panel now is that's done, and you're going
9 to get paid whatever you're owed under the terms
10 of this contract; I think it's \$600,000.

11 MR. SMITH: That's not correct.

12 CHAIRMAN SCHMITT: What is it?

13 MR. SMITH: On the first portion, on the
14 11/12 there were roughly 60,000 cases, times 25.
15 I think we billed \$1,450,000.

16 CHAIRMAN SCHMITT: Right. I just was
17 corrected. Okay.

18 MR. SMITH: And on the second portion,
19 which is the 10/11 year, there were 16,300, let's
20 say, and again that was at \$25. So another
21 400,000. So we're somewhere right around a
22 million nine. But our budget was 2.4. We're on
23 time and under budget.

24 CHAIRMAN SCHMITT: I'm trying to get an
25 explanation from somebody.

2 MR. SMITH: Sure.

3 CHAIRMAN SCHMITT: We owe you, if I'm
4 following you correctly, a million nine.

5 MR. SMITH: Correct. Around there.

6 CHAIRMAN SCHMITT: They give us a
7 contract for 2.4.

8 MR. SMITH: Right.

9 CHAIRMAN SCHMITT: That means there's
10 another half a million dollars in that contract.
11 What are you going to do for that half million
12 dollars?

13 MR. SMITH: What we ended up doing was,
14 when we first put the contract together there was
15 a certain number of cases which we thought would
16 be a success if we got to maybe 15,000 or 10,000
17 going into SCAR. If we did better than that, we
18 actually got paid less but we did a better job.
19 And instead of having 15,000 or 10,000, what we
20 budgeted for, we only had 2400 go into SCAR. So
21 there were less cases to be paid on the back end.
22 So there's very little left for me to be paid on
23 in the back end of either years. I have 575,
24 which is \$35 a case if they go, and I have 2400
25 of which the 2400 that went forward I do not

2 think my office with the county attorney's office
3 were involved in a lot of them, maybe only 1,000
4 or 1200. So, again, it's a small amount of
5 money.

6 CHAIRMAN SCHMITT: So on these cases
7 that are going to go to SCAR and possibly the
8 court, your function will be as an expert witness
9 on an as-needed basis.

10 MR. SMITH: It depends on the population
11 of those cases going forward. If I didn't handle
12 them, my client will have to tell me if they want
13 me to handle them for whatever reason. Some
14 situations I will not be handling them. And if
15 it's a case that I was in the process of
16 handling, they might choose to utilize me or not.

17 CHAIRMAN SCHMITT: You were shaking your
18 head yes; he's giving me a different answer. I
19 don't like that.

20 MS. LOCURTO: If the case proceeds to
21 trial, no, I'm sorry, Legislator Schmitt. What I
22 was saying is I'm nodding my head in agreement
23 with Mr. Smith, with his characterization, which
24 is cases that he worked on, that he developed an
25 individual appraisal report that would be

2 evidentiary proof that we would submit at the
3 SCAR hearing, he will be there and be available
4 to testify and present that report to provide the
5 evidentiary proof that we need to win our case.

6 CHAIRMAN SCHMITT: I understand that.

7 MS. LOCURTO: He's acting as an expert
8 witness.

9 CHAIRMAN SCHMITT: So my final question
10 --

11 MS. LOCURTO: There are cases that were
12 pro se litigants that we developed maybe a
13 different analysis.

14 CHAIRMAN SCHMITT: I understand. My
15 final question I think is this. I'm zeroing in.
16 I get the \$1.9 million. I get it. I'm zeroing
17 in on the remaining half a million dollars. Will
18 it or will it not be spent? If he's not called
19 in on these cases, that half million dollars will
20 be there at the end of the year, correct?

21 MS. LOCURTO: Possibly, yes.

22 CHAIRMAN SCHMITT: I don't like that
23 possibly. What do you mean by possibly? If he's
24 called in on these cases, obviously he's going to
25 be paid and should be paid. But if he's not

2 called in on these cases -- that's how we get to
3 this contract coming here six months after the
4 fact. There can't be a possibly on this. This
5 money is either for this or it is not. That's
6 what my question is; is that half million dollars
7 that remains in this contract to be used solely
8 for expert advice on these cases or is there
9 other things planned?

10 MS. LOCURTO: It would be used as expert
11 testimony.

12 CHAIRMAN SCHMITT: On these cases?

13 MS. LOCURTO: On these cases.

14 CHAIRMAN SCHMITT: Mr. Smith, do you
15 agree with that?

16 MR. SMITH: If the county needs me for
17 an expert witness, I would be there. Right not
18 there are not many cases, so I wouldn't see the
19 billing being that high.

20 CHAIRMAN SCHMITT: I fully understand.
21 And it's not any hostility toward the county
22 attorney or yourself. I'm just looking to get an
23 understanding. And I don't want to hear -- just
24 for everybody's public consumption. I do not
25 want to hear in four or five months that, oh,

2 \$500,000 has been spent on something else and we
3 need another 250,000 to pay the man for his
4 expert testimony in these cases. I don't want to
5 see that. I'm just making it clear.

6 MS. LOCURTO: No, absolutely,
7 Legislator. We had budgeted. As Matt had said,
8 we looked at what our potential risk was, how
9 many cases we had hoped to be successful -

10 CHAIRMAN SCHMITT: I understand.

11 MS. LOCURTO: and that's why we had
12 settled on 2.4 is what we believed we would need
13 if every case went to a full blown hearing.

14 CHAIRMAN SCHMITT: I fully --

15 MS. LOCURTO: We are now under budget
16 and we're successful --

17 CHAIRMAN SCHMITT: I appreciate it.

18 MS. LOCURTO: in not having that result.

19 CHAIRMAN SCHMITT: I want to compliment
20 -- a little sloppy on getting it here to the
21 Legislature. But I want to compliment the
22 administration and Mr. Smith in saving us a lot
23 of money and getting this program done. However,
24 Mr. Smith is now a contractor with this County.
25 And as with other contracting rules and

2 regulations that exist, if he goes beyond what is
3 authorized, he does so at his own risk. And I
4 want it on the record that that risk is great.
5 Somebody better manage this and watch it that he
6 stays within what is approved, assuming it is
7 approved.

8 Legislator Ciotti.

9 LEGISLATOR CIOTTI: Mr. Smith, you said
10 you had 31 employees. So when they talk about
11 experts, you have 31 experts that you're
12 utilizing?

13 MR. SMITH: It doesn't work that way.
14 I have 31 full-time employees.

15 LEGISLATOR CIOTTI: Doing what?

16 MR. SMITH: As far as experts,
17 negotiating, I probably used about a dozen people
18 in that capacity.

19 LEGISLATOR CIOTTI: So in all the cases
20 that you've consulted on to date you've only used
21 12 of your 31 employees?

22 MR. SMITH: That's not exactly true.
23 But I used 12 probably to negotiate. There's a
24 certain skill set.

25 LEGISLATOR CIOTTI: So out of the 31 --

2 forgetting about what they did, how many of those
3 31 people were actually actively engaged with
4 anything to do with the county's projects,
5 regarding these projects?

6 MR. SMITH: Yes. I had teams of other
7 people working on sales. Am I not answering the
8 question?

9 LEGISLATOR CIOTTI: No, you're not.

10 MR. SMITH: I'm sorry.

11 LEGISLATOR CIOTTI: I'm asking a simple
12 question.

13 MR. SMITH: Sure.

14 LEGISLATOR CIOTTI: You stated you had
15 31 people.

16 MR. SMITH: Correct.

17 LEGISLATOR CIOTTI: Of those 31 people,
18 how many of those people did anything related to
19 the county, to what we're discussing today?

20 MR. SMITH: Probably almost all of them
21 at one point.

22 LEGISLATOR CIOTTI: That's what I'm
23 getting to.

24 MR. SMITH: Okay.

25 LEGISLATOR CIOTTI: And of the 31

2 people, do they do different jobs or they all do
3 the same job?

4 MR. SMITH: Different jobs.

5 LEGISLATOR CIOTTI: Okay. Lisa, have
6 you looked at the job titles that were laid off
7 to discern whether any of those 31 people working
8 for Mr. Smith are now doing any of the job titles
9 that were laid off? Yes or no?

10 MS. LOCURTO: No, I was not in the
11 Department of Assessment, so I'm not aware of the
12 titles of the people in the Department of
13 Assessment.

14 LEGISLATOR CIOTTI: I'm sorry. You said
15 no?

16 MS. LOCURTO: I said no. I don't know
17 the titles of the people who were laid off. But
18 the jobs that --

19 LEGISLATOR CIOTTI: How do you know
20 you're not violating CSEA rules then?

21 MS. LOCURTO: Because I believe the work
22 that Mr. Smith did --

23 LEGISLATOR CIOTTI: I'm not asking what
24 you believe. I'm asking how do you know you're
25 not violating CSEA rules? We were in a hearing

2 recently. Mr. Laricchuita stated that, as Peter
3 Schmitt stated earlier, that there were titles
4 that were laid off that the concern was it's
5 going to be duplicated by the contractor or the
6 vendee here, in this case Mr. Smith. That was
7 laid out very clearly by their CSEA president and
8 subsequently today by Peter Schmitt. How do you
9 know you're not going to violate that? That's
10 what I want to know.

11 MS. LOCURTO: I don't believe we did
12 violate. I believe the county attorney's office
13 was asked to develop a litigation strategy that
14 was going to enable us to win 2010/11 lawsuits
15 and 2011/2012 lawsuits. We were going into court
16 and being slaughtered, not winning at 2011 --
17 2010/2011 cases. We were having difficulty
18 winning on the issue of ratio. We needed to come
19 up with something to strengthen our arguments in
20 the 2010/2011 cases which were in a refund
21 situation. We did not want to repeat 2011/2012
22 with no agreement on ratio and not have in place
23 a litigation strategy that would help us win and
24 be successful in winning those cases.

25 LEGISLATOR CIOTTI: Okay. So you

2 developed a strategy. It was obviously very
3 successful. And I think everybody's on board and
4 I agree with the Majority Leader that you did a
5 great job. But now we're going forward and I'm
6 asking --

7 MS. LOCURTO: Going forward, the county
8 believes, now that we have seen the success of
9 our program, we believe we can replicate that
10 success using in-house personnel, in-house
11 appraisers, in-house statisticians who are
12 currently employed in the Department of
13 Assessment and the Assessment Review Commission.
14 We can pool the resources that we currently have
15 with a reduced number of cases and an extended
16 period of time, rather than trying to do it, as
17 indicated, in less than a two month period,
18 total, tops, of negotiation, we now have several
19 months to strategically go over these cases and
20 have an engaged and more productive program to
21 address the 12/13 cases.

22 LEGISLATOR CIOTTI: So it's your opinion
23 then that you're not going to violate any union
24 rules, in terms of getting outside help or
25 continuing with this contractor in a sense of

2 doing the work or violating the CSEA?

3 MS. LOCURTO: I do not believe so.

4 LEGISLATOR CIOTTI: And that's the
5 opinion of the county attorney's office, correct?

6 MS. LOCURTO: Yes.

7 LEGISLATOR CIOTTI: Alright. Thank you.

8 CHAIRMAN SCHMITT: Legislator Jacobs.

9 LEGISLATOR JACOBS: First place, I want
10 to just deviate for one moment. I want to
11 congratulate Mr. Muller for realizing, when this
12 was filed in the clerk's office, that it needed
13 legislative approval. Second place, I just want
14 to talk about process for a moment before I get
15 to another question I have.

16 This proposal -- and Mr. Smith I know you
17 a long time and I know you have a very large firm
18 and I respect your firm very, very much.
19 However, the fact of the RFP, it appears that the
20 RFP was put out but the two people that you were
21 up against were two sort of mom and pop
22 operations. I don't believe that you were up
23 against someone like Haberman. Now, maybe Lisa
24 Locurto could answer that better.

25 MS. LOCURTO: If you don't mind my

2 jumping in, Legislator.

3 LEGISLATOR JACOBS: No, I don't.

4 MS. LOCURTO: I think that's more a
5 question for the procurement process and why we
6 felt it was important.

7 We looked at -- when we decided on what
8 we wanted the program to accomplish, we said how
9 are we going to accomplish and what resources
10 would we need to put on it? As part of the
11 current real estate appraisal panel, which was
12 already preapproved and put into place, it was
13 preapproved in 2009, prior to us even being here.
14 Matthew Smith was on the panel, his firm. Many
15 other firms were also on the panel.

16 In terms of -- we looked at which
17 preapproved appraisers on the panel had expertise
18 in residential properties, as Matt has
19 residential and commercial, but which primarily
20 was residential. Those appraisers that were on
21 the panel were, as you said, mom and pop, smaller
22 shops. They did not have the breadth or scope to
23 go into 60,000 cases.

24 In looking at the firms and why we
25 decided we wanted to go with a bigger firm rather

2 than break it up amongst -- we could have done
3 many different things. We could have broken it
4 up amongst several different firms. We could all
5 go with one firm. We wanted to keep consistency
6 with our position and we felt it was better to go
7 with one firm and one firm that had the depth and
8 the breadth of experience and to offer us the
9 services that would assist our DCAs in the
10 negotiation process and to develop the appraisal
11 reports that we needed.

12 Yes, Mike Haberman's firm was also a firm
13 that was preapproved on the panel, but this
14 Legislature has not approved his contract. If we
15 were going to move expeditiously, we needed a
16 firm or whose contracts had been approved and
17 that we couldn't -- as this Legislature has
18 indicated, we didn't necessarily want to enter
19 into work with a firm when we couldn't guarantee
20 whether or not a contract would ultimately be
21 approved.

22 LEGISLATOR JACOBS: But in all fairness,
23 let me ask you something. We may not have
24 approved a contract or contracts for Michael
25 Haberman or for Matt Smith, for that matter, in

2 the past at any given time. But does that
3 actually mean that both of them should not have
4 been bidding, after an RFP is posted, on
5 something like this? I'm trying to get to the
6 bottom line of fairness, as far as this part of
7 it goes. I have something else to ask you but
8 that's on a different matter.

9 As far as fairness goes, if you're basing
10 some firm like this, which is such a large, you
11 know, well known and certainly intelligent firm
12 when it comes to this against very small firms --
13 and I don't blame you for being concerned, could
14 they carry a backlog of 60,000. How do you
15 reconcile the fact that a firm that is as big,
16 most likely, were they given an opportunity to
17 bid on this or was this a decision made based on
18 who was on the panel?

19 MS. LOCURTO: This was a decision based
20 on who was currently on the panel and approved to
21 do work.

22 LEGISLATOR JACOBS: That's a big jump.
23 That's a big jump there.

24 MS. LOCURTO: We reviewed this contract
25 really as expert witness testimony. In fairness,

2 experts are not -- when you're engaged in a trial
3 and you're picking an expert, you don't usually
4 go to an RFP process for an expert witness.

5 LEGISLATOR JACOBS: Absolutely.

6 MS. LOCURTO: You want to get the best
7 witness that you believe can give you the best
8 arguments and develop the best strategy to be
9 successful in court.

10 LEGISLATOR JACOBS: But here you were
11 coming to us for a multi-million dollar price tag
12 that you knew you were going to -- well, it
13 should have been known it was going to come
14 before the Legislature. And a very obvious
15 question we always ask is about the RFPs and was
16 it a level playing field. Sometimes it isn't
17 always at the top one or lowest one gets it
18 because sometimes you go obviously with
19 expertise. It seems to me that there were a
20 couple of glitches here in process from the
21 beginning, from the very beginning of not
22 realizing it had to come to the Legislature, to
23 even the RFP process and that's a very big
24 concern.

25 MS. LOCURTO: I don't think -- because

2 we believed or we looked at this as an expert
3 witness, we looked at this as an expert witness
4 and evaluated who we had available as expert
5 witnesses.

6 LEGISLATOR JACOBS: Was this advertised?
7 Was this advertised anywhere?

8 MS. LOCURTO: This was not through an
9 RFQ process, so no, it was not.

10 LEGISLATOR JACOBS: It was through the
11 county attorney deciding who should be their
12 expert witness.

13 MS. LOCURTO: Correct. The county
14 attorney's office basically was taking over the
15 litigation of the 2010 and anticipating what was
16 going to happen with 11/12. So, our office said
17 we're in litigation mode and what can we utilize
18 to assist us in developing our litigation
19 strategy.

20 LEGISLATOR JACOBS: I may not agree, but
21 that's neither here nor there. Let me get to
22 another point now.

23 So we sat here two weeks ago devastated
24 that over 100 people lost their jobs and were
25 excessed. I don't want to ask -- I don't want to

2 put Mr. Smith on the spot, but Lisa let me ask
3 you a question. Obviously, during this time,
4 from January till now, because that termination
5 took place only two weeks ago, didn't help come
6 for the people that were working in the
7 department?

8 MS. LOCURTO: Some of the help did come
9 -- I think you're asking a question of going
10 forward and what we anticipate going forward.

11 LEGISLATOR JACOBS: Actually, no.
12 Excuse me one minute. I'm really talking about
13 going back. Because in the last few months is
14 when all of this success really took place. And
15 during those last six months you had all those
16 employees in the department. Going forward, I
17 have no idea how it's going to work with less
18 employees in the department since Mr. Smith is
19 going to be an expert witness. So my question to
20 you really does concern the last few months.
21 Would you have had this success if you didn't
22 have the backup of all the people in the
23 department? That's really my question. I don't
24 know if we may have put ourselves --

25 MS. LOCURTO: I understand your

1 question. My understanding is that there are
2 many employees in the SCAR division within the
3 Department of Assessment that will remain there.
4 It was unfortunate that some of them are -- that
5 the number is reduced. But we hope with the
6 beginning of the cyclic assessment that we're
7 going to see a reduced number of cases going into
8 the SCAR proceeding. The key is going to be and
9 has always been, my believe, and I think we've
10 seen that here, is that making corrections to the
11 roll before the roll goes final saves the county
12 money, and we were not doing that. We were
13 forcing all the cases into the courtroom, and
14 once they're in the courtroom it's a 50/50 deal.
15 You're running a great risk. Here we've
16 quantified our risk. We were able to secure true
17 withdrawals of the cases. And by securing a
18 withdrawal of the case before the roll goes final
19 and that case not appearing in a courthouse, you
20 have saved the county money. You've saved the
21 taxpayer grief because he knows what his
22 assessment is. He pays based on the assessment,
23 whether it's been reduced or not. And we've
24 afforded them the opportunity, through a one-on-

2 one negotiation process, that has been more
3 involved. We believe we have the resources in
4 the Assessment Review Commission and the
5 Department of Assessment to do that.

6 We would love to keep every single person
7 in the county working here. It is unfortunately
8 the financial strains on the county. At the
9 state level, at the local level, and even at the
10 federal level, it has been constantly being
11 pushed down onto the municipalities.

12 No one feels sicker than anyone losing
13 their job, and no one wants to see that happen.
14 But I don't believe we're going to do that. We
15 believe that we can continue to successfully, if
16 we are aggressive at the tentative stage, reduce
17 assessments if warranted and/or get cases
18 withdrawn at the tentative stage before the roll
19 goes final so that when we do go into our cyclic
20 assessment that the taxpayer has certainty as to
21 what their assessment is going to be and less
22 challenges will result.

23 LEGISLATOR JACOBS: My last question to
24 close the circle in my mind anyway is Legislator
25 Abrahams and I were just talking. Lisa, let me

2 ask you. Have you started hiring temporary help
3 to come in to help out in the assessment
4 division?

5 MS. LOCURTO: I'm not in the assessment
6 division. I'm in the county attorney's office.
7 I can forward that question to the acting
8 assessor, Mr. Davis, and get that answer to you.

9 LEGISLATOR JACOBS: I guess Mr. Davis
10 should have been here also because that's
11 important too.

12 Thank you for your testimony.

13 CHAIRMAN SCHMITT: Legislator Williams.
14 I did it again. I can't believe it. I did it
15 right once.

16 Legislator Abrahams.

17 LEGISLATOR ABRAHAMS: You have to laugh.
18 How are you, Mr. Smith. Ms. Locurto, how
19 are you?

20 MR. SMITH: I'm good, thank you.

21 LEGISLATOR ABRAHAMS: Not to repeat
22 anything that's been said, I guess asked by
23 Presiding Officer Schmitt and Deputy Presiding
24 Officer Ciotti and Legislator Jacobs. I'm just
25 trying to make sure I have a clear understanding

2 on how this process actually took place. I know
3 Chief Deputy County Executive Walker came down
4 and gave the synopsis on why we needed to take
5 the action that we have taken. I'm more
6 concerned -- and I don't know if this a question
7 that you can answer, Ms. Locurto or Mr. Davis has
8 to be able to answer. I'm more concerned with
9 the process and how transparent it was to some of
10 the folks that were actually doing the work to
11 help facilitate us to get to the point where we
12 are today. How well or if it was conveyed at
13 all. Obviously, if this was to materialize the
14 way it's materializing, do we know full well that
15 we were going to need less employees when we
16 engage with Mr. Smith whenever the county
17 executive did that? And I don't know if that's a
18 question that you could answer or Mr. Davis,
19 maybe you could bring that back to him. The
20 clear way to say it is basically, did we know
21 months ago, when we engaged in this process with
22 Mr. Smith or Smith and Salerno, that we were
23 going to need less employees?

24 MS. LOCURTO: I can't say that we
25 envisioned that we would need less employees. We

2 had no idea when we embarked on the settlement
3 program, if it would be a big fat goose egg and a
4 flop or it was going to be a success. So I can't
5 say we went in with any intention other than to
6 come up with the best strategy to win cases.
7 That was our sole focus and our sole goal.

8 LEGISLATOR ABRAHAMS: I'm sorry. Hold
9 on one second.

10 I actually have a question for Mr. Smith.
11 I'm looking at settlements that were done
12 for the 2011/2012 season. And I hate to give you
13 parcel IDs and expect you to know exactly what
14 was done. But you did say you were a
15 mathematician, so maybe you might have the stuff
16 -- like a Beautiful Mind, you may have the stuff
17 in your head. But some of the parcels that I'm
18 looking at, based off what the assessor's value
19 versus the value that you imposed, versus what
20 sale price is, they vary quite a bit. And maybe
21 I'll share a couple with you and then you could
22 go back or maybe you could call somebody and take
23 a look.

24 MR. SMITH: Sure.

25 LEGISLATOR ABRAHAMS: The first one is

2 actually parcel ID 10240 00510.

3 MR. SMITH: I'm not that good.

4 LEGISLATOR ABRAHAMS: I don't know where
5 it's at. But I'll give you the numbers and he
6 might have it.

7 MR. SMITH: What is it?

8 LEGISLATOR ABRAHAMS: Parcel ID 10240
9 00510.

10 MR. SMITH: I don't have either of
11 those. Sorry about that. Go ahead.

12 LEGISLATOR ABRAHAMS: I'm sorry?

13 MR. SMITH: Can you tell me what the
14 problem is?

15 LEGISLATOR ABRAHAMS: Sure. The
16 2011/2012 assessor's value was 318,400. You had
17 imposed a value of 192. The sale price on 2-12-
18 2010 was 347,000. Why would your value be so
19 much lower? The sale price.

20 MR. SMITH: I don't have the specific
21 information on that property in front of me. But
22 I do not know that --

23 LEGISLATOR ABRAHAMS: Before you start,
24 Mr. Smith.

25 CHAIRMAN SCHMITT: Let him finish.

2 LEGISLATOR ABRAHAMS: I'm not
3 highlighting just one example. Based on what I
4 have there's dozens and dozens of them.

5 MR. SMITH: Again, this was a very
6 unique process. For example, there were two
7 properties that were mentioned on June 28. And
8 because they were mentioned, I did look into both
9 of those.

10 One property was a house that was listing
11 for about \$17 million. It wasn't listing at the
12 time we did our analysis. In the time we were
13 giving our analysis we had county data that said
14 it was a 10,000 square foot house. In our model
15 when we processed that it showed a slight
16 reduction. After it was brought to light, we
17 then saw that the house had doubled, at 20,000
18 square feet. And when the listing sheet came out
19 it showed, if you looked at the listing on the
20 home, exorbitant furniture and fixtures that came
21 with the house, which was in multi millions of
22 levels. So that was another oddball case that
23 came out that, again, unless I do these on a one-
24 by-one basis I really can't justify them.

25 Another house came up and it was

2 questioned why this house, I believe, was valued
3 by my firm at a reduction, somewhere around \$3.2
4 million. And it sold for \$5.3 million. This
5 case actually was what I've called a rejected
6 case. We rejected it. But when we got to the
7 end of this project, we worked with the county
8 attorney's office to look at collateral damage,
9 if you will. And this house had a 12/13
10 assessment that was again lower. And we thought
11 with the exposure, with the two open rolls, it
12 would be wise to go to the unilateral adjustment
13 and that was a policy decided upon by the county
14 attorney's office and assessment. So
15 unfortunately, I'd love to answer every question,
16 but unless I have it in advance I really can't
17 bring you the answer because I wouldn't even have
18 known how that would have come out unless I heard
19 it come up as an address the other night.

20 There's a lot of cases like that that will occur.

21 Now, one thing did come up also that I
22 think Mr. Wink might have brought up. And I put
23 something on your screen, if you have a second to
24 look at it.

25 On the screen, for the 11/12 year, this

2 is actually a raid settled cases. What does that
3 mean? That means that takes our reduction and
4 we're going to look at it from zero to over 25
5 percent reductions. We had 12,000 cases out of
6 60,000 or so that received zero reduction. So
7 that's 22 percent. We then add zero to -5, which
8 were another 18,000 cases. So now basically 55
9 percent of our case loading is sitting with zero
10 to five percent reductions, very minimal
11 reductions. Now, if you go to the other end of
12 the coin, which people are flabbergasted. How
13 could you possibly have 1,000 cases with over a
14 25 percent reduction? All I can say is they are
15 out there. And there are two main categories.

16 In the one category, where there are
17 some larger, multi-million dollar homes that are
18 hard to reach and hard to value. Moreover, those
19 houses represent depressed areas where you had a
20 lot of foreclosures in the marketplace, and for
21 whatever reason they had an assessment of maybe
22 550, 600,000 and they might have only been worth
23 300, 350,000. So there's quite a few in that
24 area.

25 Even if you look at those thousand that

2 received at 25 percent reduction or more, if you
3 go to the column far to the right, it only
4 represents a quarter, or 27 percent of a
5 percentile, in the whole population of Nassau
6 County. So when the question was, well, did he
7 give away the store, did he demean the roll, or
8 did Standard Valuation make decisions with the
9 county attorney's office that had a major
10 negative impact on the roll, my answer
11 statistically would be no. And that's why I
12 brought the array screen for you, to look at
13 that.

14 LEGISLATOR ABRAHAMS: Thank you, Mr.
15 Smith.

16 CHAIRMAN SCHMITT: Legislator Yatauro?

17 LEGISLATOR YATAURO: I don't have any
18 questions.

19 CHAIRMAN SCHMITT: We're going to go to
20 -- hang, obviously, around in case there's
21 questions raised on public comment.

22 Catherine Carpentieri.

23 MS. CARPENTEIERI: Hello. Thank you for
24 seeing me on such short notice. I appreciate it.
25 My name is Cathy. I'm one of the employees that

2 was let go. I used to work for the SCAR
3 Department.

4 My question is -- you guys did a great
5 job asking questions. I appreciate your
6 diligence. However, I'm curious as to if we did
7 such a good job with the pro se's, that we were
8 the experts elected to handle these touchy cases,
9 which Ms. Locurto herself said those people left
10 satisfied whether they got a reduction or not,
11 their questions were answered, they were
12 educated, they had a good, positive feeling about
13 the county. That was thanks to the people in
14 SCAR that you have chosen to let go.

15 My question is if those were the more
16 difficult cases and SVS is the be all to end all,
17 why were they not give those cases and the people
18 in SCAR given the ones to process faster? Our
19 numbers would be down, because we were given the
20 more difficult cases, as both of them stated.
21 The pro se's take longer to process.

22 CHAIRMAN SCHMITT: It's my understanding
23 -- and Ms. Locurto or Mr. Smith could correct me
24 if I'm wrong -- that all of these cases and all
25 of the "education" and all of the people who were

2 denied or settled, leaving happy, all happened
3 prior to them getting to SCAR. Correct?

4 MS. CARPENTIERI: No, no, no. I'm part
5 of the assessment department, the SCAR division.
6 We were part of the settlement process in March.
7 We did negotiations for the pro se, working for
8 the County. There was a county attorney that
9 signed off, but we did the actual one-on-one
10 negotiations.

11 CHAIRMAN SCHMITT: Wait a minute. All
12 of those cases are settled. And there are only
13 2500 remaining, correct?

14 MS. LOCURTO: Correct.

15 CHAIRMAN SCHMITT: And you anticipate,
16 as we covered in the questioning, a similar
17 number next year. Correct?

18 MS. LOCURTO: Yes.

19 CHAIRMAN SCHMITT: And I think that's
20 unfortunately why. There no longer is the need
21 for the number of employees in the division
22 because the workload has been reduced
23 tremendously. And it's a four-year cycle. It's
24 not going to change that much over the next four
25 years, barring some kind of catastrophe. Ms.

2 Locurto, am I right?

3 MS. CARPENTIERI: Also, the fact that we
4 were elected to negotiate for pro se's, we were
5 not given the option nor asked to negotiate for
6 the rep firms. But if we were among the elite
7 that could handle the more difficult pro se
8 cases, why were we not given the opportunity to
9 do the easier ones that went faster? That is my
10 question. What was the need for Matt Smith?

11 Speculation from someone that has
12 admittedly said they don't know exactly what we
13 did because they weren't part of the assessment
14 department, so how could they make the call on
15 whether or not our job was outsourced?

16 CHAIRMAN SCHMITT: I'm not going to
17 pretend to answer a question that should be
18 answered by somebody, either from the
19 administration or from assessment. But had I
20 know that these questions were coming up, I would
21 have had them here. The fact of the matter is to
22 me this represents a tremendous change in the way
23 the administration is viewing the tax certiorari
24 system and problem and how to approach it. And I
25 think -- and I can't speak for them. But I

2 think, based on all that I've read, that they
3 approached it from the angle that what we're
4 doing is not working. What they were doing
5 before we got here is not working and it's
6 putting the County \$150 million or I think it's
7 between 100 and \$150 million in debt per year.
8 So they have changed the way they do things.
9 Correct, Ms. Locurto? If you can. I don't know
10 if you can.

11 MS. LOCURTO: Yes, Legislator. The
12 policies and practice in the past was to treat
13 the taxpayer as an enemy, to treat them with
14 disrespect and to not look at the assessment roll
15 as an assessment roll that could be defended in
16 court and that really is the difference. We're
17 looking at two prongs.

18 First and foremost, you have to make an
19 assessment roll that's defensible, that you can
20 go into the courthouse and defend the assessment.
21 It's not always going -- litigation is
22 litigation. But you want to make an assessment
23 roll as strong as possible to withstand scrutiny.

24 Second, when I did receive -- the county
25 attorney's office was asked to intervene. I

1 received numerous letters from taxpayers, from
2 taxpayer representative firms who said that they
3 were not treated with respect, that they went to
4 the hearings and were, quite frankly, the County
5 representation at the hearings, they should be
6 embarrassed. That made me feel very bad because
7 I think the county workers and the county
8 representation should never be one that is less
9 than one that is respectful to our residents and
10 responsive to our citizens.
11

12 We, in this settlement program, the
13 majority of the cases, there are about -- of the
14 63,000 that were unresolved, no resolution,
15 potentially 63,000 could go into the court
16 system. About 3,000 were pro se, but even less
17 than that responded in the settlement program. I
18 believe there were 1200 that actually engaged in
19 the settlement program.

20 The majority of cases were on commercial
21 -- I'm sorry, residential representatives. Those
22 majority of those cases, when you look at the
23 percentage of which ones are actually going to
24 end up in the courthouse, are the
25 representatives. So our focus was to be

2 primarily on the ones that we knew the
3 residential representatives would be going to the
4 courthouse. We had to develop a stronger
5 appraisal analysis for each individual case that
6 we could walk into the courthouse and be assured
7 that when we presented the case we would have a
8 much stronger case to argue. Or if we didn't
9 have a case that looking at the evidence and
10 taking into fact the factor of the issue --
11 because you're not just looking at the
12 assessment, assessed valued, market value, you're
13 also looking at ratio and you have to argue that
14 as well, which is time consuming, costly to the
15 county. The prior administration did not have --

16 And one of the problems we faced going
17 into SCAR hearings beginning in September 2010,
18 there was no uniform, evidentiary proof that we
19 could present at the SCAR hearings for 2010/2011,
20 and that did have an effect with the hearing
21 officers. Because if you can't argue the ratio
22 it becomes much difficulter to win your case.

23 I acknowledge the work that was faced by
24 those county workers who were involved in the
25 settlement program. We also have to look at the

2 broader scope of the project. The project was
3 not just limited to pro se. The majority of our
4 potential liability was those residential
5 representatives that were most likely going to go
6 forward and bring court challenges.

7 CHAIRMAN SCHMITT: Okay.

8 MS. CARPENTIERI: And my response to
9 that is why --

10 CHAIRMAN SCHMITT: Ma'am, this isn't a
11 debate. You had a question. I think she's
12 answered it.

13 MS. CARPENTIERI: Okay. But I just want
14 you to be aware that we were never given the
15 opportunity to get with the new program. The
16 people in our division, we have paralegals, we
17 have appraisers. We have people that could have
18 done the job. They did not ask or offer the new
19 program. They didn't utilize resources that they
20 already had at their disposal. And that's my
21 question.

22 As an ex-worker and as a taxpayer, why
23 did you not utilize resources that you had
24 readily available with this new program?

25 CHAIRMAN SCHMITT: Your question has --

1 I understand your question. I can't begin to
2 answer it because your question goes into details
3 on the running of the county on a daily basis,
4 which is solely within the hands of the
5 executive. All we do is attempt to deal. He
6 proposes, we dispose one way or another. So when
7 the decision -- and I can speak for the
8 administration. But based on the backup and the
9 material that we received and the briefings that
10 we received, the existing assessment review --
11 the existing assessment department, I guess
12 laboring for far too long under that boob of an
13 assessor that was here, was not getting the job
14 done. I'm not saying it was you or any of the
15 people in the audience. The department was not
16 getting the job done. And it was costing the
17 County \$150 million a year. The administration
18 turned around and decided to embark on a
19 different road and to begin this modeling and
20 settlement of these cases. And it has been such
21 a success that the number of employees who were
22 in place to do it are no longer needed. That's
23 harsh. That's a harsh -- it's like saying your
24 company has been taken over and you're no longer

needed. It's very tough but it's what it is.

MS. CARPENTIERI: I just want to know why they paid him to do what could have been done by us?

CHAIRMAN SCHMITT: As far as I know it wasn't being done.

MS. CARPENTIERI: They didn't give us the opportunity to try to do the new program.

CHAIRMAN SCHMITT: He was assisting the county attorney's office. He was not doing what you could have done. He was assisting the county attorney's office. The cases have been settled. We have had all of the information presented. The cases have been settled. Instead of 35,000 cases coming to your former division, there's 2500. That's it. You don't need 40 people or whatever the number of people that were there to handle 35,000 cases when you're only getting 2500.

MS. CARPENTIERI: The SCAR division did not only go to court. We kept a lot of them out of court as well.

CHAIRMAN SCHMITT: I understand what you're saying. I'm not in a position to tell you

2 it's right or it's wrong. I don't know because
3 it's with the county executive and the
4 administration.

5 Believe me. I know you're not going to
6 believe it. But I sympathize with the position
7 everybody's been put in. But I have to tell you
8 that this is a result of the failure between the
9 administration and the CSEA to reach the
10 concessions that would enable these layoffs to be
11 avoided. Not saying it's the CSEA's fault. I'm
12 not saying it's the administration's fault.
13 Again, we deal with what is. And what is -- is
14 that there was a failure to achieve an agreement.
15 Now the very painful, in some cases, bloody
16 procedure of extracting those savings goes on.
17 And that's where we are.

18 MS. CARPENTIERI: And on a backhanded
19 contract that was done without your approval.

20 CHAIRMAN SCHMITT: With what?

21 MS. CARPENTIERI: On a backhanded
22 contract that was done without Leg approval.

23 CHAIRMAN SCHMITT: We've covered that as
24 well.

25 MS. CARPENTIERI: And now they say,

2 oops, my bad, I'm sorry.

3 CHAIRMAN SCHMITT: Yes, you're right.
4 I'm not arguing with you on that. You're
5 absolutely right. That contract should have been
6 here and it wasn't.

7 LEGISLATOR YATAURO: I think --

8 CHAIRMAN SCHMITT: Legislator Yatauro.

9 LEGISLATOR YATAURO: Thank you. I think
10 what you're saying, I think what's my comment is
11 at this point. The fact that maybe this contract
12 is so late is that maybe we would have found out
13 that you guys could have done the work and we
14 wouldn't need that company. But now, of course,
15 you're going to say that you did all the work.
16 Obviously you folks are from that department. By
17 a show of hands, how many worked on the situation
18 that he just spoke about that was so successful?
19 Okay. Obviously, now you know the program and
20 now you know what they want to do. But you're
21 deemed not good enough to do it at this point.
22 I'm really have a hard time paying another
23 company.

24 Ms. Locurto, you identified that this was
25 probably legal. But are you a labor lawyer? Did

2 you look into the labor law of this? Because
3 have you put us in harm's way of being sued by
4 hiring a company and, in fact, getting rid of the
5 people that could have done the job? If you
6 didn't like the way they did it, why didn't you
7 replace them?

8 MS. LOCURTO: The work that was done was
9 done by the county attorney's office. I think --

10 LEGISLATOR YATAURO: Are you telling me
11 you have the staff to actually do it?

12 Don't bang that thing at me.

13 CHAIRMAN SCHMITT: I will. You have
14 asked a question. You will let her answer -

15 LEGISLATOR YATAURO: Are you telling me
16 you have the -

17 CHAIRMAN SCHMITT: You asked her a
18 question. Have enough respect and courtesy to
19 allow her to answer. Everybody else has.

20 LEGISLATOR YATAURO: It was done by the
21 county attorney's office. So you have staff to
22 do assessment, is that what you're telling me?

23 CHAIRMAN SCHMITT: I'll call a recess.
24 I'll call a recess for a half an hour if you're
25 not going to observe public decorum.

2 Now, a question's been asked; she's gonna
3 answer. There's gonna be order here or the
4 meeting stops.

5 Ms. Locurto, go ahead, answer the
6 question.

7 MS. LOCURTO: We developed litigation
8 strategy that we believed would yield hopefully
9 successful results. It was not just a hope. We
10 could continue to do what we were doing in the
11 past; just hope for the best and let thousands of
12 cases go into SCAR hearings.

13 LEGISLATOR YATAURO: Who's we?

14 MS. LOCURTO: SCAR results in refunds,
15 it's a reality. And to put our heads in the sand
16 and not recognize --

17 LEGISLATOR YATAURO: You're not
18 answering my question.

19 MS. LOCURTO: that is going to -- I'm
20 trying to answer your question --

21 LEGISLATOR YATAURO: You're not.

22 MS. LOCURTO: as best as I can.

23 LEGISLATOR YATAURO: Who did it?

24 CHAIRMAN SCHMITT: She's trying to
25 answer the question as best as she can. Let her

2 finish.

3 LEGISLATOR YATAURO: I don't want to
4 hear about the head in the sand. Answer me. How
5 many employees --

6 CHAIRMAN SCHMITT: I know you don't want
7 to hear about --

8 LEGISLATOR YATAURO: actually did it.

9 CHAIRMAN SCHMITT: the history, Mrs.
10 Yatauro. I know you don't want to hear about
11 what they're trying to deal with and where it
12 came from. But you opened the door. You asked
13 her the question. Let her finish. You want to
14 disagree with her, that's fine. But let her
15 finish.

16 LEGISLATOR YATAURO: I can't disagree if
17 she hasn't answered.

18 CHAIRMAN SCHMITT: Are you finished Ms.
19 Locurto?

20 MS. LOCURTO: I don't want to be impolite
21 and speak over someone.

22 CHAIRMAN SCHMITT: I agree with you
23 completely.

24 MS. LOCURTO: I just want to make sure
25 Ms. Yatauro is finished with her question before

2 I answer.

3 LEGISLATOR YATAURO: So who were we?
4 You said that you had the attorney's office do
5 it, with none of the help from the assessment
6 department.

7 MS. LOCURTO: No. We absolutely utilized
8 the Department of Assessment. They were not only
9 the individuals who were sitting here, there were
10 other people in the Department of Assessment. We
11 utilized -- we had to work in conjunction with
12 the Assessment Review Commission as well. We had
13 to make sure that the offers that the Assessment
14 Review Commission were sending out, that the
15 county attorney's office was consistent with the
16 offers that were going out. We had to look at
17 the population and assess the risk of those
18 cases. We had to look at the 2010/11 cases that
19 had already been adjudicated up to that point and
20 what were the results of those cases, determine
21 how many were resolved based on ratio, in favor
22 of the taxpayer, in favor of the county. What
23 were the wins? What were the losses? And then
24 looking at what was the ratio? What we could
25 sustain the ratio. What evidentiary proof we

2 had. And then to look at it as a whole of
3 breaking it up amongst the different
4 representatives, how many were pro se? How many
5 were single? How many cases -- one
6 representative, if they had 15,000 cases, 18,000
7 cases. What was the risk of those case? What
8 was the litigation position we were going to
9 take, and what was the litigation argument we
10 were going to make to be successful?

11 No person does it alone. We did it as a
12 group. We had deputy county attorneys,
13 assessment people, Assessment Review Commission
14 working in conjunction and working in concert.
15 Can we do this again? We're going to try to do
16 it again. Absolutely. I do not believe we
17 violated any labor restrictions. The work that
18 we were doing was work that an expert witness who
19 was retained to testify at trial, to develop and
20 give us strategies, to help us figure out how
21 best to win the court's attention and have a
22 successful argument, intelligent, literate
23 argument that can win the day, not just for the
24 individual case that we're talking about but that
25 affects every single taxpayer in this County.

2 LEGISLATOR YATAURO: So if you're
3 telling me in fact that these folks are no longer
4 needed because there's a company that has come in
5 and corrected the system and corrected the way
6 this has happened, how is it then that they're no
7 longer needed if he did something that they
8 didn't do? You're spinning your own tale. First
9 you're telling me the fact that he's an expert
10 witness, and that's the only way that you need
11 his company. So if that's the only way you
12 needed his company, how is it we can forego all
13 of those jobs? They go us to this success.

14 MS. LOCURTO: They were a part of the
15 success. They were not the sole factor of the
16 success. It was more an effort of many people --
17 the county attorney's office working to come up
18 with an overall strategy, to lead each county
19 agency in coming to a strategy and a plan that
20 could be effective.

21 LEGISLATOR YATAURO: Did you, in fact,
22 consult a labor attorney before making a decision
23 to hire someone that would replace these people?

24 MS. LOCURTO: I do not believe we did
25 that.

2 LEGISLATOR YATAURO: Do you consider
3 yourself an expert in labor, so that you're
4 comfortable to stand here before us and say --

5 MS. LOCURTO: I do not consider myself
6 an expert in labor. But I have deputy county
7 attorneys in the office who are experts in labor,
8 who deal daily with labor issues, and I think we
9 would prevail that we did not violate anything
10 that would violate collective bargaining or our
11 agreements.

12 LEGISLATOR YATAURO: So they gave you
13 the advice that this is legal?

14 MS. LOCURTO: I did not discuss in depth
15 with them this particular issue because I don't
16 believe we did that. And when a lawsuit is filed
17 --

18 LEGISLATOR YATAURO: When my daughter
19 was a little girl she believed in the tooth
20 fairy, but we know that's not the case at this
21 point. The fact is either you know it or you
22 don't. You're a lawyer. It's not about being in
23 belief. Either you checked out your sources and
24 you know that it's legal or you're costing the
25 county more money because this union is going to

2 take us to court.

3 MS. LOCURTO: No one can predict
4 litigation. But, I believe we would be -- we
5 would prevail.

6 LEGISLATOR YATAURO: So when we
7 redistrict, we do it in the case there might be
8 litigation. But when we fire people, we don't
9 figure they're going to sue us so we don't worry
10 about it and you're pretty sure you're going to
11 prevail.

12 You're here to protect the county. If
13 you hired this gentleman to do a job to clean up
14 and fix that's one thing. But you didn't do your
15 homework before you went into it and now these
16 people are without a job and he's looking to get
17 paid for services that he rendered without asking
18 permission from the people that pass it. Because
19 maybe had you come before us when you were
20 looking at the contract, maybe you would have
21 been forced at that point to answer the fact that
22 these people and your office could have gotten
23 the job done. Or maybe you could have used some
24 outside help for a short period of time to do the
25 proposed clean up instead of having them laid

2 off.

3 I have a major problem with you coming to
4 me and saying it's completed and it's a success.
5 And, by the way, the people that were helpful in
6 that success, whatever the magnitude, we no
7 longer need them and we're going to pay an
8 outsider, not our own. I have a real problem
9 with that.

10 The fact that you didn't do your homework
11 as a lawyer, someone that protects me, the
12 legislator, I turn to you to answer whether or
13 not it's legal. I have union people sitting in
14 the back. You know as well as I do, they are
15 going to take us to court. So you want to go to
16 court? Is this how we administrate, by
17 litigation?

18 CHAIRMAN SCHMITT: Is that a question?

19 LEGISLATOR YATAURO: Yeah.

20 MS. LOCURTO: No, we do not. I do not
21 believe we violated -- I'll repeat myself again.
22 I do not believe we violated any collective
23 bargaining agreement. If we're sued, we will
24 defend. I believe we will win.

25 LEGISLATOR YATAURO: Well, I can tell

2 you that -- and I have to say, Mr. Smith, this is
3 a snafu and I apologize for you being in the
4 middle of it. I know as a business owner you've
5 come forward to help us, and I know that you have
6 in the past and I respect that you have during
7 this time. But I really have a hard time with
8 displacing our own. And I'm not here to stand on
9 a pedestal and I'm not here for the applause. The
10 fact of the matter is you displaced many, whether
11 you want to know it or not.

12 This was a hard way to go to get a
13 contract. You've done your service, and
14 certainly we have to look at how we should pay
15 you. But legally you didn't come before us, as
16 every other contractor has to and that's not
17 fair. Every other contractor over a certain
18 threshold has to come before us and explain why
19 we need their service. And we fought many a
20 contract here. Believe me, the assessment is
21 something we really want fixed, every one of us.
22 Anyone of us that has grieved -- I'm someone that
23 has and will continue to grieve. The fact is
24 that I know you've come in good faith, and it's
25 unfortunate that we have to be so tough today.

2 But I have tell you, I have no intentions of
3 voting for your contract because you didn't come
4 to be before, you didn't ask properly. It's one
5 thing to say that it was late. We've had
6 contracts -- and Peter knows and Judy too -- that
7 we fought for them and angered with the
8 administration, the previous administration and
9 this administration, before me and I'm sure the
10 administration before them.

11 The fact is that we didn't get a chance
12 to do our homework, and I have a real problem
13 with that. If there was a possibility that these
14 jobs could have been saved and they weren't
15 because all of this was done in a vacuum, I'm
16 angry, as you can hear. And I'm going to be very
17 sad because I listened to their stories. These
18 are your neighbors and my neighbors. And after
19 I'm gone as a legislator, they still won't have a
20 job. And I got a problem with that.

21 So while I am a legislator, you have to
22 do it the way we promised we were gonna do it,
23 where you came in and you explained why we needed
24 you. Maybe we would have done some of your
25 contract. Maybe we would have done a portion of

2 it and salvaged some of the jobs. But we didn't
3 get a chance to look at that and I have a problem
4 with that. And I apologize to you, sir.

5 CHAIRMAN SCHMITT: Okay.

6 Richard Dopkin.

7 MR. DOPKIN: Good evening everyone.

8 CHAIRMAN SCHMITT: Good evening.

9 MR. DOPKIN: Ten of you voted for
10 layoffs. For the 59 out of the 128, it just
11 burns in me. It's un-American. But to get back
12 to the Matt Smith issues.

13 First of all, I want to thank Deputy
14 Walker for allowing us to meet with him on three
15 occasions, because we definitely wanted to try to
16 come up with our own solution because we see that
17 it's a huge issue when it comes to assessment and
18 how it affects the employees on the back end. I
19 just have a couple of questions as far as a
20 backlog on the residential side. We never had a
21 backlog for anything.

22 When it comes to problems with assessment
23 -- and I don't mean to pick back and forth, but
24 the real problem is in the commercial end, and I
25 don't know what's really being done about that

2 yet.

3 But anybody that knows anything about
4 assessment, it's a pizza pie. And if settlements
5 are made that are accurate and the people that
6 don't file for grievances, they're picking up the
7 slack. So if there's 2,000, 10,000, 15,000 -- I
8 know Mr. Abrahams gave some examples -- that's a
9 problem for people that didn't file and that
10 pie's getting thrown in their face.

11 Now, Mr. Smith said he had 31 people
12 working for him on different capacities. Is that
13 accurate?

14 MR. SMITH: Yes.

15 MR. DOPKIN: Were they all appraisers,
16 to some extent?

17 MR. SMITH: Not all of them.

18 MR. DOPKIN: How many? Approximately.

19 CHAIRMAN SCHMITT: You're going to have
20 to direct your questions to the panel. We'll
21 call him up if we need to.

22 MR. DOPKIN: I'm assuming -- I think I
23 talked to Rob Walker. He said this process took
24 about six to seven weeks. So if you say all 31
25 of his employees looked at these appraisals,

2 because they were done individually, that would
3 give about 45 to appraisals a day. Now, that's
4 about three minutes per appraisal, if you do the
5 math based on the numbers. Unless you want to
6 better answer the question on how actually this
7 was done.

8 So, we have people here, state licensed
9 behind me, in the Assessment Review Commission
10 and in SCAR that were basically laid off to do a
11 job that they could easily have done. There was
12 no communication that we were even going to do
13 this. And as far as the settlement program, that
14 was actually initiated by someone in the SCAR
15 division in August 2009. So I don't know if this
16 new settlement program was new or whatever. I
17 can give you guys a copy. It's basically a
18 replica of what's been going on this past year.
19 So I just want to give credit where credit is
20 due.

21 As far as communication, the Assessment
22 Review Commission, which as of Thursday still
23 hasn't given any direction on how to go forward.
24 Change is great but it's nice if everybody knows
25 about it and exactly how they want to perform.

2 I'm getting accusations that our reps
3 were unprofessional. No one has ever been
4 disciplined for it. In fact, what our reps do on
5 the SCAR and the ARC side is that if there's
6 mistakes with inventory, we know about it and we
7 get it corrected. I don't know of any
8 correspondence from Matt Smith's office on
9 anything that was incorrect on anyone's
10 inventory. I don't know if that was part of your
11 scope of employment.

12 But as far as the contract itself, if you
13 look at page four and five, A, B, C, D, E, F, and
14 G, those are all duties within our department.
15 So to say that they were doing work of CSEA
16 workers is a joke. It's in the contract.

17 CHAIRMAN SCHMITT: When you say
18 contract, which contract are you referring to?

19 MR. DOPKIN: The one that you gave.

20 CHAIRMAN SCHMITT: Okay.

21 MR. DOPKIN: Page four and five.

22 LEGISLATOR YATAURO: What were the
23 subsections?

24 CHAIRMAN SCHMITT: A, B, C, D, and E.

25 MR. DOPKIN: A, B, C, D, E, F, and G.

2 CHAIRMAN SCHMITT: A, B, C, D, E, F, and
3 G.

4 MR. DOPKIN: I'm sorry. It's contract
5 for services. Actually my page has rubbed off.
6 It's in here. I can give you a copy of mine if
7 you want to look at it.

8 LEGISLATOR YATAURO: Thank you.

9 MR. DOPKIN: That's pretty much it. If
10 you could answer any of those questions on how
11 the actual appraisals were done in that quick of
12 time, I'm all ears.

13 CHAIRMAN SCHMITT: Ms. Locurto.

14 MR. SMITH: I can answer the modeling,
15 if that's alright.

16 CHAIRMAN SCHMITT: That's fine.

17 MR. SMITH: Not only --

18 CHAIRMAN SCHMITT: You can have a seat,
19 Mr. Dopkin. It's not a debate. Please, sit
20 down.

21 MR. SMITH: I'm sorry?

22 CHAIRMAN SCHMITT: Not you, him. Go
23 ahead.

24 MR. SMITH: Not only does my company,
25 like typical appraisal companies, appraise

2 individual properties, handle SCAR and assessment
3 and commercial properties, we're also experts
4 when it comes to math valuation. We're one of
5 the leaders on the Island dealing with all the
6 villages, doing their SCARs, doing Mineola.
7 Right now we're doing Williston Park.

8 We model in mass and then mold our values
9 and keep on looking at them, like through
10 iterations, until we are satisfied that we've
11 picked up all of our outliers.

12 CHAIRMAN SCHMITT: What's an outlier?

13 MR. SMITH: An outlier is one of the
14 cases you would put through your system of
15 modeling, and when you'd look at it you'd see
16 that something's wrong and someone would then
17 have to go hands on and take a look at this.

18 This process, which I happen to be very
19 proud of and I think we did a good job with. We
20 were asked to do a task in conjunction with
21 county attorney's office on a piece of
22 litigation. We did such. We were monitored by
23 the Assessment Department and the county
24 attorney's office all the time. We worked seven
25 days a week, 18 hour days. Otherwise, you

2 couldn't get this task done. And at the end of
3 the day, today, as a matter of fact, it looks
4 like the *Halpern v. The Board of Assessment*
5 lawsuit is near dropped.

6 We have a taxpayer Bill of Right now that
7 was moved forward. These were all components
8 that were going on while you had the possibility
9 of all these large SCARs going in on 11/12 and on
10 10/11 you had all these cases on a refund basis.
11 So, I know statistically, and I tried to show Mr.
12 Abrahams with our array, where we are on values.
13 I can go through exactly how we model. But
14 again, our modeling was on mass valuation and
15 culled down from outliers. That process took
16 weeks to make sure that we were confident with
17 the numbers to go forward and negotiation with
18 the deputy county attorneys, who were in our
19 office all the time, even on Saturdays and
20 Sundays.

21 As a firm out here, I certainly didn't
22 take this on to get rid of their jobs. That's
23 not what we sought to do.

24 This was a one-shot deal where they had a
25 backup with two different lawsuits pending. And

2 I think we got it done when the county needed us.
3 And I will reiterate, we've been helping Nassau
4 County, our firm, for over 20 years -- through
5 the Gulotta Administration, through the Suozzi
6 Administration. And now people might say, boy,
7 is it odd that you don't have a contract in your
8 hand before you do work. And I know that the
9 county just moves so slow. And this was such an
10 overwhelming task, to work with the county
11 attorney's office, that I do apologize. If
12 anyone asked me to come here I certainly would
13 have. But it was for litigation purposes.

14 I have never been involved with regards
15 to a ratio case litigation, nor have we in the
16 last ten years with Nassau County. So the fact
17 that they said to me this is confidentiality, it
18 goes through the Leg for informational purposes
19 only, and it's crawling through the system,
20 through February, March and April, that's not
21 uncommon. But I head a deadline with the deputy
22 county attorney -- with the county attorney's
23 office to get valuations done by April 1. So I
24 really couldn't even look at anything without
25 blinders on to make sure that all these people

2 were coordinated, getting things done. People in
3 my staff -- the clerical staff, moving 60,000
4 cases back and forth through the DCAs, getting
5 signatures, dealing with 100 different reps.

6 CHAIRMAN SCHMITT: What's a DCA?

7 MR. SMITH: Deputy county attorney.

8 CHAIRMAN SCHMITT: Deputy county
9 attorney, okay.

10 MR. SMITH: Per my contract, I had to
11 have a deputy county attorney present in my
12 office when we were negotiating cases, because
13 they wanted to make sure that the residents of
14 Nassau County were being treated fairly because
15 they had an issue with the representatives and
16 they wanted to get this lawsuit settled. So we
17 actually had like four moving components of
18 issues going on at one time -- between the two
19 rolls, the lawsuit, and the development of a
20 ratio policy.

21 I am sorry for all the people here that
22 lost their job. But I do believe that my firm
23 did exactly what Nassau County asked me to do on
24 budget, on time, and in a timely fashion.

25 CHAIRMAN SCHMITT: Mr. Smith, I

2 understand -- I have to agree -- I agree with
3 what you're saying. I understand this. And I
4 want to go back to, which I should have done
5 right away, my apologies to all concerned.

6 After Minority Leader Yatauro finished
7 with what she had to say, there's an attempt
8 going on that -- I know the employees, the former
9 employees are not going to want to hear it. But
10 there is an attempt here to link the economic
11 situation in the County that resulted in these
12 layoffs to the success that the county attorney's
13 office had with this new way of looking at how to
14 handle this assessment backlog. And Ms. Locurto
15 took a beating just now about how you laid people
16 off and you caused these people to lose their
17 jobs, and that's not fair and it's not true.

18 LEGISLATOR YATAURO: And that's not what
19 I said, if you're accusing me of saying it. I
20 said you didn't protect us.

21 CHAIRMAN SCHMITT: I'm not accusing you
22 of anything. What I'm suggesting and what I'm
23 saying, just to keep the record straight, is that
24 the county attorney's office -- there was a
25 mistake made here, and this contract not getting

2 here in time -- and I'm not happy about it and
3 I've made my feelings known privately and
4 publicly. But that doesn't change the fact that
5 this gentleman has done \$1.9 million worth of
6 work and has done it well, and has saved this
7 County a lot of money. And it doesn't change the
8 fact the county attorney's office made, I assume
9 with the approval of the county executive, made a
10 strategic decision to approach these backlogs in
11 a -- not a backlog -- to approach these pending
12 grievances in a different way than it has been
13 done in the past, and it was successful. And
14 colliding with that was the failure to achieve
15 the necessary savings to keep this budget
16 balanced and to get us to September 15, next
17 year's budget, with a budget that is balanced and
18 does not contain a tax increase. So a different
19 branch of the administration started to review to
20 figure out how was, from what I understand, the
21 first wave to be excessed or laid off, in which
22 you folks were included. You were included
23 because we were a victim of our own success here.
24 You're a victim of our own success here.

25 2500 cases going to your division instead

2 of 35,000; that's why they made a determination
3 that the assessment department can get by, and
4 that's what we're doing and we're doing it
5 everywhere. We're getting by with less. But
6 it's not Ms. Locurto's doing and it's not Mr.
7 Smith's doing.

8 The County Executive, Ed Mangano, made a
9 recommendation to this Legislature and this
10 Legislature approved it. And I would suggest to
11 you -- believe me. I have a lot of respect and
12 sympathy for the jobs that you do. But you
13 really have to go and look back at the failure of
14 the administration and the CSEA to reach an
15 agreement. That's all. I'm not saying it's
16 Mangano's fault. I'm not saying it's
17 Laricchuita's fault. I'm saying that there was a
18 failure to reach an agreement and that that has
19 put us in the position of having layoffs, which I
20 think is a very regrettable thing. But, anyway.

21 If we have -- Mr. Laricchuita, you're
22 next.

23 MR. LARICCHUITA: Good evening.

24 CHAIRMAN SCHMITT: Good evening.

25 This is many, many stories tonight. It's

1 not just about a contract with a company that did
2 some work for assessment. It's not just about
3 legislation. It's not just about layoffs. It's
4 not just about the fact that we are sitting here,
5 the old adage that close the barn door after the
6 horse is out, which is really I think the main
7 story. Because as correctly stated by a few
8 legislators prior -- and I can use specific
9 instances to backup what I'm about to say. Had
10 we known and had this been brought before this
11 Legislature on time like you're supposed to do
12 when you need money to spend, when you need
13 approval for money to spend, there certainly
14 could've been and would've been testimony here,
15 not just by our union activists but by our
16 assessment people, like we've done in the past in
17 Parks, in DPW, when there were contracts that
18 came before this board and we say, hey, wait a
19 minute. Don't approve this contract because this
20 administration has to sit down with this union,
21 because that's the first violation, that they
22 didn't sit down with the union. And then the
23 second violation, and if Ms. Locurto was a labor
24 lawyer she would know that in Section 32.6 of our
25

2 contract, you would know that it says -- and it's
3 very simple. You don't really need to a lawyer
4 to understand it. No CSEA bargaining unit can be
5 laid off if someone outside the bargaining unit
6 does their work, period end of story.

7 We had testimony here just a little while
8 ago by the unit president, Rich Dopkin, who read
9 -- and very quickly, by the way, because it's a
10 lot more involved than that -- five or six things
11 right off the contract that you are going to try
12 to approve tonight, that you would've had to have
13 approved back in February, I believe, which shows
14 it's our work. Aside from the fact that we win
15 over 80 percent of our cases, I think this is
16 going to be one of our easiest ones to win. And,
17 in fact, on the record I'm going to advise the
18 legislators that I'm going to ask our attorneys
19 to subpoena the transcripts because I think some
20 of the best testimony moving forward for our case
21 is going to come from tonight.

22 CHAIRMAN SCHMITT: You don't have to
23 subpoena the transcripts. We'll happily make it
24 available to you, Mr. Laricchuita.

25 MR. LARICCHUITA: As soon as you can

2 have it ready Mr. Schmitt, I'll have somebody
3 pick it up.

4 CHAIRMAN SCHMITT: How can we have a
5 couple of transcripts?

6 MR. LARICCHUITA: I think he has to
7 transcribe it.

8 CHAIRMAN SCHMITT: Three days.

9 MR. LARICCHUITA: Three days, there you
10 go.

11 That being said. I think that there's
12 been a lot of errors made in this case in
13 general.

14 Now, number one. We have a company, such
15 as Matt Smith's company, Standard Valuation,
16 that's given a whole different set of parameters.
17 Now, I'm not an expert in assessment, so I'm not
18 going to pretend to be. You need to get that
19 information from those that do this for a living.
20 But I have had many conversations and have taken
21 many notes on this, and I know one thing. The
22 parameters that these folks were working under
23 were not the same parameters and guidelines that
24 Mr. Smith's company was working under. Had they
25 been, we could have accomplished the same amount

2 of settlements as they did, and that's what
3 you're forgetting. You're all being played here.
4 This is all about syntax. This is all about --
5 I'm sorry. This is all about semantics and about
6 misplacing our own language in front of us.
7 Believe me. These qualified, highly qualified
8 people would have had no problem leaving you with
9 only 2400 cases going forward to SCAR had they
10 been told to settle the cases at the best value
11 for the complainant, and that's what happened
12 here. And we paid a high figure for that.

13 What I'm a little confused at -- and if
14 somebody could please just answer this because I
15 heard three or four different versions of this.
16 Did it only cost us 1.2 million? I heard there
17 was an average settlement of \$500. There were
18 30,000 cases. I'm doing the math. It's a lot
19 more than 1.2. Mr. Schmitt, you asked Mr. Smith.
20 Was it nine million? Was it two million? What
21 is four million? I don't get it. As far as I'm
22 concerned, it seems like we spent an awful lot of
23 money on these settlements.

24 CHAIRMAN SCHMITT: No. He testified to
25 and Ms. Locurto testified to and he gave us the

2 figures on the television screens and in this
3 book. And if you don't have one of these books,
4 I'll happily give you one. The exposure last
5 year, I believe it was last year, was how much
6 again? As high as \$30 million. Just run through
7 it again real quick, please.

8 MR. SMITH: The 11/12 year, which was
9 the year that most of the cases were settled
10 before April 1, only 2400 cases are going
11 forward.

12 CHAIRMAN SCHMITT: Correct.

13 MR. SMITH: Which I believe Ms. Locurto
14 said had a million and a half worth of exposure.
15 Opposed to if they weren't disposed of, \$30
16 million plus and exposure.

17 Now, with regards to the 10/11, the ones
18 that were in a refund position, we knew going
19 into the case, that was the 16,282, that our
20 exposure was going to be somewhere between 8 to
21 \$10 million on past exposures, and we ended up at
22 currently 8.8 million, so we're pretty much on
23 target with that.

24 CHAIRMAN SCHMITT: And that's in
25 exchange for 1.9 -- you've done \$1.9 million

2 worth of work.

3 MR. SMITH: Correct.

4 MR. LARICCHUITA: Right. You're asking
5 for \$1.9 million. For tonight it's actually \$2.4
6 million, correct?

7 CHAIRMAN SCHMITT: I covered that too.

8 MR. SMITH: The contract is written with
9 a cap of \$2.4 million. We've billed I think just
10 below \$1.5 million, and we have like another
11 \$400,000 to bill but we haven't billed that yet
12 because we just completed the 2010/11. We
13 haven't gotten the billing process done yet.

14 CHAIRMAN SCHMITT: Understood.

15 Ms. Locurto testified, Mr. Laricchuita,
16 to the fact that there are 2483 cases going to
17 SCAR, and that if Mr. Smith is needed as an
18 expert witness, he will be called in on those
19 cases and that's where the extra money is.

20 MR. LARICCHUITA: Let me just reiterate
21 -- because I'm not going to get into the very,
22 very detailed assessment language because that's
23 for the experts and that's where I would get
24 tripped up.

25 Coming to this podium, facing this

2 Committee and dealing with this issue here, to
3 me, it seems like what we really have here is a
4 man that's an expert in his field, who happens to
5 also have a much better relationship with these
6 tax cert lawyers that are out there, and I
7 believe we lost about \$29 million to them,
8 someone was telling me, in fees. So maybe the
9 talent that the Smith Company has that maybe we
10 didn't have on this side of the ledger was the
11 fact that we can get along better with the tax
12 cert lawyers, therefore we don't have
13 complainants, people that are saying that our
14 employees are rude. They're not rude. They're
15 not giving up the ship. They were told not to
16 give up the ship.

17 If I go to pay a traffic ticket and I
18 don't want to see the judge so I go to the clerk
19 and one clerk says \$50 and the other clerk says
20 \$100, I'm going to give the \$100 guy a little bit
21 of an attitude compared to the \$50 person.
22 That's about as basic as I can get. That's what
23 you had here. These people were not given those
24 parameters and it cost them their jobs.

25 Based on that bad type of government, bad

2 type of business, and certainly when I hear you
3 say, Mr. Schmitt, that they got laid off because
4 Ed Mangano -- well, not Ed Mangano -- the County
5 and the CSEA couldn't come to an agreement -

6 CHAIRMAN SCHMITT: That's correct.

7 MR. LARICCHUITA: to save these 100 jobs
8 -- no, I think it's because you and your
9 republican people on this side need to learn to
10 govern and raise some taxes and revenue here and
11 stop blaming the unions for your problems because
12 we did not cause these problems.

13 CHAIRMAN SCHMITT: I'm going to say this
14 again, Mr. Laricchuita.

15 MR. LARICCHUITA: You can say it all you
16 want.

17 CHAIRMAN SCHMITT: No one is blaming the
18 union. No one is blaming the workforce. We are
19 not raising taxes.

20 MR. LARICCHUITA: I know you're not.
21 You're laying people off. We got that. We see
22 them. Here they are.

23 CHAIRMAN SCHMITT: And I'm looking at
24 you too. We are not raising taxes. It's very
25 nice. You stand up here and you make your

2 comments, most of which are conclusions of law.
3 Well, this is not the place for a conclusion of
4 law. You say one thing; the county attorney says
5 another thing. That's what courts are for and
6 that's what judges are for. The only thing I'm
7 saying is they better be right.

8 We're following recommendations here as
9 best as we can. I'm going to say it again for
10 you. This is not like in the past. He proposes,
11 we dispose. I got testimony on different issues.
12 I know people like to link them together.
13 They're not linked together. They're separate.

14 MR. LARICCHUITA: But you did hear
15 testimony.

16 CHAIRMAN SCHMITT: You've heard me.
17 I've had my questions and my complaints about
18 that assessment department for the last eight
19 years. It's costing this County -- we're
20 bleeding because of it. I'm not saying it's
21 their fault. We're bleeding because of it. And
22 this administration that you like to say just
23 raise taxes and this Legislature, at least some
24 of us, have tackled that problem. And we're
25 going to solve it. And we're going to solve it

2 without raising taxes and it's going to be
3 painful and it's going to be difficult. That's
4 what we're here -- some of us are here for.
5 We're going to make these tough decisions and get
6 it done without raising taxes.

7 I'll say it to you. I'll say it to
8 anybody that wants to listen. \$2.6 billion a
9 year for this County government is enough. And
10 we've got to make it work, all of us. And if you
11 guys -- I mean collectively you guys, the
12 municipal unions, are not going to sit down, even
13 though it's not your fault, and make some
14 concessions here that will allow us to move
15 forward, then we're going to do what we have to
16 do to get us to where we're going to go. And
17 we're not raising taxes. That's it. I'm sorry.
18 You want to hate me, hate me. We're not raising
19 taxes.

20 MR. LARICCHUITA: No, no. Peter, I know
21 you too long to hate you. But I'm just going to
22 tell you this much. I disagree with you
23 profoundly. And I think that to just continue to
24 say the same thing over and over again, no matter
25 what happens in this County, we're not going to

2 try to raise revenue. We are going to have a
3 vote on August 1, however, to raise revenue, but
4 we're not going to call it a tax increase because
5 the few people that come out are going to be the
6 --

7 CHAIRMAN SCHMITT: I know it's an
8 inconvenient fact and as somebody once said,
9 facts are stubborn things. But if the people of
10 this County want to approve that referendum,
11 which is a separate issue, that Coliseum, which
12 is a separate issue, then so be it. The people
13 speak.

14 The people also spoke when we promised
15 not to raise taxes and they elected us. I'm not
16 an idiot. I understand what was in that vote.
17 Excuse me. I'm sorry. I don't mean to be
18 stubborn. You know me long enough to know I'm
19 nothing but plain spoken and I'm honest. I told
20 those people out there that if they voted for me
21 I would not vote to raise their taxes in the
22 middle of a recession. I said it and I meant it.
23 And we said we'd take the energy tax off. We
24 said it and we meant it. And we said that we
25 would have a budget for next year that's balanced

2 and not raising taxes; and we said it and we
3 meant it.

4 MR. LARICCHUITA: And we're going down
5 the tubes as fast as you're saying it.

6 CHAIRMAN SCHMITT: That's one man's
7 opinion.

8 MR. LARICCHUITA: And as you speak we're
9 getting worse and worse. Because government's
10 more and more dysfunctional and things are
11 happening less and less, services are being cut.
12 Yet, one thing I'll give you credit for, you're
13 keeping your word as far as raising the taxes and
14 raising the revenue, but you forgot to tell
15 everybody that we'll still remain the second
16 highest taxed county in American with possibly
17 the worst services in America. Also, we're
18 taking care of some people that seem to have the
19 ability to get into county contracts despite the
20 fact that we didn't even get an approval for this
21 one. We're going to approve this one after the
22 fact.

23 All our arguments -- it's like if I had a
24 crystal ball five months ago, I would tell you
25 what I'm telling you today. I would say wait a

2 minute. Don't agree to this contract yet. Let's
3 see if we can work this out because we could lose
4 members on this. Instead, I'm talking to you
5 after the fact. We have lost members. They've
6 clearly done our jobs. Yet, you want to -- I
7 think you should table this vote until at least
8 you have someone from the assessment division
9 here that could answer some of the questions that
10 were raised, as far as who is going to do this
11 work in the future because I don't know.

12 CHAIRMAN SCHMITT: Mr. Smith's firm did
13 that work while these people and other people,
14 who I assume are not here tonight, were there.

15 MR. LARICCHUITA: I know.

16 CHAIRMAN SCHMITT: So these people did
17 not get laid off because of the work that he did.

18 MR. LARICCHUITA: No, in fact they
19 helped him. Now that they did it, they got laid
20 off.

21 CHAIRMAN SCHMITT: I said unfortunately
22 because of the failure of the CSEA and the
23 administration to reach an agreement this is
24 where we are.

25 MR. LARICCHUITA: Mr. Schmitt, I'm just

2 going to leave it like this. It's funny. It's
3 funny how times can change. I guess things are
4 different when you're in the minority, I don't
5 know.

6 I got a press release here from you that
7 speaks about Nassau County Legislators -- Peter
8 Schmitt, Ed Mangano, John Ciotti, and Dennis
9 Dunne -- took the Suozzi administration to task
10 at a meeting of the Rules Committee Monday night.
11 And one of the reasons why you were so objective
12 that night was a contract for \$515,000 to Smith
13 Standard Valuation Services, right here, because
14 he contributed \$18,000 to Tom Suozzi. And you
15 ended that with a remark that said, Once again --
16 I'm not going to even use the adjectives. "Once
17 again, the democrats simply rubberstamp pay-to-
18 play contracts without any consideration of the
19 needs of this County." Yet, I sit here today --

20 CHAIRMAN SCHMITT: What was the date of
21 that press release?

22 MR. LARICCHUITA: 2009.

23 CHAIRMAN SCHMITT: And what was the
24 vote?

25 MR. LARICCHUITA: I don't have that.

2 This was a press release before the vote, so I
3 don't think the results were here. However, what
4 I'd like to know is how did you -- how did this
5 Legislature and you, as the Presiding Officer,
6 change yourself 180 degrees and decide that this
7 I the best thing that's ever happened to us since
8 sliced bread? That's exactly what you did.

9 CHAIRMAN SCHMITT: Let's be honest here
10 and let's talk facts.

11 MR. LARICCHUITA: Blame me.

12 CHAIRMAN SCHMITT: It's not a change.
13 It's outrageous, and I've said so, that that
14 contract was not delivered here for legislative
15 review. I have said on the record that I am open
16 to suggestions from anybody on how we correct
17 this situation because it's gone on for too long,
18 up to and including amending the Charter. I've
19 said that.

20 MR. LARICCHUITA: We commend you for
21 that.

22 CHAIRMAN SCHMITT: That doesn't change
23 the fact that this man is owed \$1.9 million. We
24 should put him out of business to make a point?
25 We should take his 31 people and add them to the

2 unemployment rolls too? Because some bureaucrat
3 upstairs failed to send a contract to us.
4 Because the county attorney and the chief deputy
5 county attorney were having a policy
6 disagreement, that's his fault?

7 MR. LARICCHUITA: But I did like what
8 you had to say. Where's the other 5 or \$600,000
9 going to and are we planning to spend on that?
10 And I still haven't gotten a clear answer to
11 that. Because anything else they do with those
12 2400 cases will also be additional violations of
13 our collective bargaining agreement.

14 CHAIRMAN SCHMITT: That's what the
15 additional money is for, that he will be called
16 in as an expert witness. And that is another
17 conclusion of law.

18 MR. LARICCHUITA: Okay. Then I would
19 just ask -- and I'm sure you will get it to me in
20 three days, if you could. I would love to have
21 an official transcript.

22 With that, I feel very, very confident
23 that we will win this hands down in court. Thank
24 you.

25 CHAIRMAN SCHMITT: I will get you the

2 transcript. Frank, I'd like the transcript in
3 three days, and I will provide copies.

4 Bob Orosz - O-R-O-S-Z.

5 (No verbal response.)

6 That is the last slip on public comment
7 that I have.

8 Ms. Locurto.

9 MS. LOCURTO: I don't want to jump in if
10 you're still taking public comment. I just
11 wanted to be clear and state on the record that
12 no county employee lost their jobs because of
13 this contract with Matt Smith. That the county
14 employees, while Matt Smith was employed working
15 with the county attorney's office, those county
16 employees were working and working while Matt
17 Smith was working with the county attorney's
18 office to make this settlement program effective.
19 So I do not believe anybody -- the affect of the
20 layoffs is not linked to the contract with Mr.
21 Smith.

22 CHAIRMAN SCHMITT: I understand.

23 MS. LOCURTO: I just wanted that to be
24 clearly stated on the record.

25 CHAIRMAN SCHMITT: I tried to make the

2 same point. It's a very regrettable situation.

3 LEGISLATOR ABRAHAMS: If I may.

4 CHAIRMAN SCHMITT: Mr. Abrahams.

5 I'm going to be in the back room for a
6 couple of minutes, but there is a speaker back
7 there. I can hear everything that's going on.

8 LEGISLATOR ABRAHAMS: There's been a lot
9 of debate and discussion regarding what this
10 contract contains in terms of it having CSEA job
11 provisions within it or CSEA jobs are being
12 replaced by the doing of this contract. I would
13 like to propose an amendment that basically would
14 exclude any CSEA duties from this particular
15 contract as well, going forward.

16 I thought you were going in the back.

17 CHAIRMAN SCHMITT: I was. But if you're
18 going to propose an amendment, I've got to be
19 here to rule you out of order.

20 LEGISLATOR JACOBS: I second that.

21 CHAIRMAN SCHMITT: Counsel advises me
22 that -- wait a minute. You have to file an
23 amendment. It has to sit in the clerk's office
24 for seven days.

25 LEGISLATOR ABRAHAMS: Then maybe a

2 motion to table.

3 CHAIRMAN SCHMITT: He has to pay his
4 employees. That's not fair. He's \$1.9 million
5 in the hole.

6 LEGISLATOR ABRAHAMS: I'm just saying,
7 Peter, if this contract -- a gentleman came and
8 said that this contract contains items that
9 clearly are CSEA duties. Why would we vote on a
10 contract which could possibly put us in jeopardy?

11 CHAIRMAN SCHMITT: Because that's a
12 conclusion of law. The administration engaged
13 him to perform a service. They should have sent
14 the contract here. They did not. They attempted
15 to -- I don't know if it was intention or
16 unintentional. The county attorney wanted to use
17 him as an expert witness. The chief deputy
18 county attorney indicated, after repeated
19 inquiries from my office, because it was no
20 secret that he was here, that he was being paid
21 off of existing contracts. When the
22 determination was made by the county attorney
23 that those contracts were not appropriate to pay
24 him, somebody neglected to tell us that and then
25 that resulted in this contract coming here. But

2 the bottom line is that the man is owed \$1.9
3 million for services performed.

4 Now, if CSEA is going to take us to
5 court, I understand that and that's part of the
6 process and that will go forward. Do we really
7 want Matt Smith or Standard Valuation taking us
8 to court too? It is what it is. He's going to
9 get his money whether CSEA is successful in court
10 or not. So all we can do is by delaying this
11 vote is put him out of business. He's extended
12 himself as far as he can extend himself.

13 It is not his role to determine whether
14 or not his contract needs legislative approval.
15 It's upstairs' role and they failed. The clerk,
16 our clerk, much to his credit, caught them on it.
17 Now, we're going to find a way to fix that. And
18 I'm open to suggestions, you know, how we're
19 going to do this. But we're going to do it
20 because this nonsense has gone on for too long.
21 Mr. May, you can take that message back and give
22 it to Mr. Mangano personally because I will too.

23 LEGISLATOR ABRAHAMS: Before Mr. May
24 speaks, I just can't understand how this
25 Legislature can possibly take a vote on a

1 contract which we very well know -- and going
2 forward, if Mr. Smith's firm is going to bill us
3 again, very well know it conflicts with many of
4 the CSEA duties that have clearly been delineated
5 by the union.
6

7 MR. MAY: Legislator Abrahams, if I could
8 just speak to that point.

9 LEGISLATOR ABRAHAMS: One last thing I
10 was going to say, Mr. May.

11 MR. MAY: Sure.

12 LEGISLATOR ABRAHAMS: Apparently, not
13 having anybody here that has any expertise in
14 labor relations, it just seems to me like the
15 right vote would be to table.

16 MR. MAY: I just want to be clear here.
17 The future billing on this contract is for work
18 that was already done. This is not in conflict
19 with the CSEA's contract. This is for work that
20 was already completed. He's not going to bill us
21 again for work that he's going to be doing in the
22 future. The work is done. It's over. He'll
23 have to bill us for whatever was remaining under
24 the work that he has already done, but that there
25 is not work going forward that Matt Smith is

2 going to be doing. Any of the work that will be
3 done, will be done by county employees.

4 LEGISLATOR ABRAHAMS: It was our
5 understanding that there's possibly more work for
6 Mr. Smith. Is that the case?

7 MR. MAY: My understanding that is not
8 the case.

9 CHAIRMAN SCHMITT: As an expert witness.

10 LEGISLATOR ABRAHAMS: Only as an expert
11 witness?

12 CHAIRMAN SCHMITT: I have covered that
13 16 ways to Sunday with Ms. Locurto.

14 LEGISLATOR ABRAHAMS: Peter, I agree,
15 you've covered that. But the contract, does the
16 contract cover that? I don't think so. That's
17 not my understanding.

18 CHAIRMAN SCHMITT: Ms. Locurto?

19 MS. LOCURTO: If a case, Legislator
20 Abrahams, if a case proceeds to a SCAR hearing
21 and I need to present evidentiary proof at that
22 hearing, I may ask Mr. Smith to come to the
23 hearing, a county employee, the remaining county
24 employees in the SCAR division may be arguing the
25 case or a deputy county attorney may be arguing

2 the case. They may need to call Mr. Smith to the
3 hearing to present his report. I may not. I may
4 need to just present his report or I may need him
5 to not only present the report but to also maybe
6 give the work is already done. So that is the
7 only function that Mr. Smith will be doing. All
8 the reports that he has -- evidentiary proof that
9 he has provided has already been done. So there
10 is no further work that is going to be done.

11 LEGISLATOR ABRAHAMS: Thank you, Ms.
12 Locurto.

13 CHAIRMAN SCHMITT: There's been a motion
14 to table by Legislator Abrahams and it's been
15 seconded by Legislator Jacobs. It's not
16 debatable.

17 All those in favor of tabling this please
18 say aye.

19 (Aye.)

20 All those opposed?

21 (Nay.)

22 The motion to table fails by a vote of 4
23 to 3.

24 Lynn Lemeux, come on up. I will be back.
25 I'm listening in the back room.

2 MS. LEMEUX: I was one of the few people
3 that still remain at SCAR. I have my job.
4 There's about ten of us left. I lost all my
5 friends. I lost all my co-workers.

6 How Ms. Locurto says that Matt Smith did
7 not take my job, I don't quite understand. I
8 went to court in February. I had all my cases
9 prepared. I went into a hearing room and I was
10 told by the hearing office, why are you here,
11 Lynn? Your work has been outsourced. We went
12 back to the office. Our direct supervisor did
13 not know this. Work just stopped. We did not
14 know what to do. We sat there for two weeks
15 waiting for direction from the acting assessor.
16 Heard nothing. Then we were told we're going to
17 be given Matt Smith's difficult cases, over
18 3,000. We did them. We were given a crazy
19 deadline. We worked on these. We had all the
20 new records of the old homes and the new homes to
21 try and figure out, as he said, the physical
22 difficulties. We did them. The Matt Smith tells
23 us today he never got them. So we did 3,000 of
24 his cases; whether he used our work or not, we
25 don't know.

2 We wait then. That project is over. We
3 did the pro se cases. There was a DCA present
4 that signed the cases that we negotiated. We sat
5 down with those homeowners all day. We took
6 their -- we had to hear their sad stories. I'm
7 sure you have all heard them. We sat there. We
8 knew before we even spoke to them whether we
9 could offer them something or not. We had to sit
10 there and listen to people who we couldn't give a
11 dime to and make them feel happy. That's what we
12 were told to do. The DCA sat there and signed
13 the paperwork that we labored on, then she has
14 the nerve to take credit for it?

15 I just don't know how she says she didn't
16 take my job. Now, what am I doing? I am still
17 at the Department of Assessment, in a completely
18 different division, in a completely different
19 capacity. So how did he not take my job and my
20 friends' jobs? And for next year, there's ten of
21 us left. Who is going to do all these protests?
22 Are you going to be paying me overtime for the
23 50,000 cases? There are ten of us left.

24 For the 12/13 tax year, there are 133,000
25 protests. We're damn good, but ten of us can't

2 do it. So it went up. And why wouldn't it go up
3 when Matt Smith gave away every penny that he
4 could? He said that 25 percent reductions was
5 negligible. Were these the multi-million dollar
6 assessments or were these the little Uniondale
7 homes? Where did this 25 percent of the huge
8 number come from?

9 How Matt Smith didn't take my job and my
10 co-workers' jobs, I don't quite understand.

11 LEGISLATOR YATAURO: May I just say,
12 Lynn. Matt Smith and his company is not the
13 enemy.

14 MS. LEMEUX: I know he's not.

15 LEGISLATOR YATAURO: Just so we're
16 clear. He's not.

17 MS. LEMEUX: Just how Ms. Locurto can
18 say that.

19 LEGISLATOR YATAURO: He's doing his job.
20 That's the one we hired him to do, and I
21 understand that. But how this came about is
22 wrong.

23 MS. LEMEUX: And they said he didn't
24 take our jobs.

25 CHAIRMAN SCHMITT: Thank you.

2 Kathleen Leinz.

3 MS. LEINZ: To me, I'm just looking at
4 it as very simple. What I don't understand is
5 the contract came in March, right? The contract
6 to be signed was signed in March. And we had to
7 finish these cases by May. My basic premise,
8 which I think like it's going beyond, is just
9 very simple.

10 Ms. Locurto said she didn't even know
11 what our titles were. She was doing the
12 commercial cases. There's no backlog. And if
13 they wanted us to settle them, all they had to do
14 was authorize us to settle them. I don't
15 understand.

16 Matt Smith's office has a staff of 31
17 people; we had 36. We had the same staff. I
18 don't understand why you would want to give
19 somebody else a contract of \$2.4 million when our
20 employees had over 25 years of experience within
21 our department as appraisers to do the work. If
22 the county and NIFA right now is keeping
23 everybody frozen, frozen on wages, where did we
24 have the money to give somebody else 2.4 million
25 when you have the staff already in place to do

1 this work? Why weren't we authorized to settle
2 these cases? They haven't even finished the
3 10/11 cases, from what Matt Smith said to you.
4 Those cases are still being done. We would have
5 been slated to have them done by the first week
6 in May. What they did was they put those people
7 off to finish the 11/12 cases, then they went
8 back to 10/11 because they were in a refund
9 position. So, yeah, they wanted to do the 11/12
10 cases by the time it was on the roll. But what
11 happened is the reason that the filings went up
12 to 133,000 is because all my neighbors -- and
13 this is all people know. They keep reading in
14 the paper everybody who grieved, they didn't have
15 to file the correct procedure to go to small
16 claims court. This settlement program was done
17 between ARC -- and your next step after being
18 denied at the ARC level, you would go to the SCAR
19 level. So you would negotiate before a hearing
20 officer.

21
22 What I don't understand is when you
23 implemented that, basically these people showed
24 up without even having a cost market analysis.
25 These homeowners just showed up, told their

2 stories, and we were giving them whatever money
3 we could to keep them out of small claims court.
4 And that was good for those people. But what
5 about all the remaining Nassau County residents
6 that Mr. Mangano and our Department was
7 representing? That's why it went up, because
8 everybody who didn't grieve is saying all they
9 had to do was go to the county attorney's office.
10 They didn't have to file the proceedings. They
11 didn't have to take time off to go to small
12 claims court. They just showed up over there and
13 got all this money. So that's why the filings
14 went up, because all these people want the candy
15 shop. They want to also be offered these
16 settlements. To just go in there and give their
17 stories. That's why it went up. It's going to
18 be more of a budget problem in the future because
19 no you've exceeded the amount of people that were
20 filing.

21 We were bringing the numbers down. In
22 fact, Fred Perry's office was one of the ones who
23 had referred to us, under Harvey Levinson's
24 administration, that we were the county's secret
25 little army because we were doing what we were

2 told, defend. There's no reason why we couldn't
3 have settled.

4 My question is very simple. Why spend
5 outside money to have another company settle with
6 the same amount of staff you had within your own
7 assessment department? Very simple. Why spend
8 more money? The county doesn't have the money.
9 They don't have the money. So why would you want
10 to give them \$2.4 million when you had the staff
11 to do it and settle?

12 CHAIRMAN SCHMITT: Because the county
13 executive or the county attorney, I don't know
14 who, hired him to do this without our knowledge.
15 And the contract should have been sent here and
16 it was not.

17 Those questions should have been asked
18 and answered six months ago.

19 MS. LEINZ: Right.

20 CHAIRMAN SCHMITT: But it's after the
21 fact now. We're on the hook. We're on the hook
22 for \$1.9 million that we owe him and you've
23 already been excessed, laid off, or whatever you
24 want to call it.

25 MS. LEINZ: So the county executive

2 approved Mr. Smith to do this work?

3 CHAIRMAN SCHMITT: I don't know if it
4 was the county executive or the county attorney.
5 Somebody did, yes.

6 MS. LEINZ: No, your first statement you
7 said that this work was given by the county
8 executive.

9 CHAIRMAN SCHMITT: Under most -- yeah,
10 the administration executes contracts and after a
11 certain dollar threshold those contracts are
12 required to come here for approval. This
13 Legislature has had an ongoing problem, through
14 the Suozzi administration and unfortunately
15 through this administration, where contracts --
16 not all of them; big improvement, but,
17 nonetheless, it's unacceptable.

18 Contracts have been sent here far too
19 long after the work has begun.

20 MS. LEINZ: Okay.

21 CHAIRMAN SCHMITT: And now I'm going to
22 actively seek solutions to prevent that from
23 happening.

24 MS. LEINZ: Okay.

25 CHAIRMAN SCHMITT: I don't know if I

2 gotta take a full page ad in the newspapers and
3 tell contractors if they do work without an
4 approved legislative contract they're not going
5 to get paid. But when a man or a woman comes
6 here and stands before us and says or the backup
7 material that we receive says that his company
8 has done X amount of millions of dollars of work
9 or hundreds of thousands of dollars of work, this
10 County is obligated to pay him or her.

11 MS. LEINZ: Why are they obligated to
12 pay if they didn't go through the correct
13 procedures to have the Leg approve it first?

14 CHAIRMAN SCHMITT: Because he acted in
15 good faith and he accepted a good faith offer by
16 the county executive or county attorney, whoever
17 it was. And it has to be honored.

18 MS. LEINZ: Whoever it was --

19 CHAIRMAN SCHMITT: He would prevail in
20 court. He would prevail in court. Now we have
21 to find a way to stop that and to strengthen
22 these procedures. But that doesn't help us --

23 MS. LEINZ: Why can't you make a
24 statement today and say we're not willing to
25 spend -- the county doesn't have money. NIFA has

2 frozen everything. The county doesn't have the
3 money. So why should we be approving a contract
4 that didn't come before you first?

5 CHAIRMAN SCHMITT: Because if we do not
6 approve this contract, which NIFA has already
7 approved, the man will not get paid and he will
8 not be able to pay his employees. NIFA has
9 approved the contract. As we've gone over before
10 with the testimony, the county attorney was of
11 the opinion that he was going to serve as an
12 expert witness. There is an exception in the
13 Charter that contracts that are for expert
14 witnesses do not have to come to the Legislature
15 for review. Why? Because if it comes to the
16 Legislature for review, it might be necessary for
17 them to say what the expert testimony is going to
18 be. And if a split government, such as we always
19 have, one side or the other is going to "leak".
20 And then what happens is the county's case is
21 compromised. That's why the founders or the
22 drafters or whatever you want to call them put
23 that exception into the Charter.

24 This contract was apparently a dispute
25 between various factions in the administration

2 over whether or not it had to come to this
3 Legislature for approval. And I'm going to say
4 it again; they were wrong. And when the contract
5 came here, to the clerk of the legislature for
6 approval, as all contracts have to be approved --
7 once this Committee approves a contract, he has
8 to stamp it and send it on its way. So the clerk
9 of the legislature is the stopgap in all of this.
10 And he stopped it. He correctly stopped it.

11 A determination was made by the
12 administration that the contract had to come here
13 for legislative approval.

14 MS. LEINZ: Right. So why can't you not
15 approve it? Why can't you say that the county
16 executive wasted or -

17 CHAIRMAN SCHMITT: Ma'am.

18 MS. LEINZ: used expenditures in excess
19 of what he already had within --

20 CHAIRMAN SCHMITT: Because that's not
21 so. I know it's not -- it doesn't make your
22 situation any better.

23 The firm did the job and they did the job
24 well.

25 MS. LEINZ: But we could have done the

2 job well.

3 CHAIRMAN SCHMITT: Would've, could've,
4 should've. I'm not arguing with you. All I'm
5 saying to you is that his firm did the job. The
6 cases are disposed of. The savings to the county
7 in dollars is real. He deserves to be paid. Am
8 I happy that it's July and we're talking about
9 this? No, I am not. Am I going to put a private
10 firm out of business and put 31 more people on
11 the street unemployed?

12 MS. LEINZ: No, you should --

13 CHAIRMAN SCHMITT: No, I am not.

14 MS. LEINZ: put your own people, the
15 people in your own department that had the
16 ability to do the work on the streets and lose
17 their homes.

18 I live in Massapequa Park, Mr. Schmitt.

19 CHAIRMAN SCHMITT: I know that.

20 MS. LEINZ: And I am going to lose my
21 home because you are worried about him and his
22 staff, when he didn't even do the correct
23 procedures to come before this Board to get
24 approval. If he had, then possibly he would have
25 never gotten the contract and we would have done

2 the work within the department. We would have
3 saved the county just as much money, actually
4 more money because we would have saved you \$2.4
5 million just to give to him. And we could have
6 been still working, employed, staying in our home
7 and supporting our families. But, no, I'm facing
8 possibly moving out of the state. I have no
9 place to go because you have to make -- because
10 you have to allow what the county executive said?

11 Aren't there procedures that should be
12 followed correctly? You want to stop it? Don't
13 pay him. Don't pay him. You could've had us do
14 it.

15 CHAIRMAN SCHMITT: Let me walk you
16 through this. Believe me. I'm sympathetic and I
17 understand but it's not going to change. But let
18 me walk you through it.

19 You have been laid off. You're gone.

20 MS. LEINZ: Yes.

21 CHAIRMAN SCHMITT: He has done \$1.9
22 million worth of work. He's owed. But I want to
23 agree with you and we're going to vote this down
24 and we're going to tell him, you know what?
25 We're going to stand on our hind legs and say no

2 because somebody up in the upstairs, on the
3 second floor, screwed this up and they didn't
4 send the contract to the legislature for
5 approval. He's going to go back and have to lay
6 off his employees because he doesn't have the
7 money to pay them. He's then going to bring a
8 lawsuit against the county. And his lawsuit
9 against the county is going to be, I accepted a
10 good faith offer to do what I did. All the
11 testimony is that I did it well. They welched.
12 They didn't pay me. My business is destroyed.
13 I'm suing them for \$15 million, \$25 million. Why
14 not? And then he wins and guess what? You're
15 still unemployed, he's getting \$25 million --

16 MS. LEINZ: And why wouldn't you win
17 that he didn't follow the correct procedure?

18 CHAIRMAN SCHMITT: He followed the
19 correct procedure. Somebody upstairs did not.

20 MS. LEINZ: Then why even have the
21 legislature? Why even have these rules that a
22 contract has to come before you if the county
23 executive can override that?

24 CHAIRMAN SCHMITT: He can't override it.

25 MS. LEINZ: But he has. You just said he

2 has because you have to pay him because you're
3 worried about those lawsuits, but you're not
4 worried about the lawsuits from the department,
5 your own staff right in front of us.

6 CHAIRMAN SCHMITT: You heard the
7 testimony. There was -- I'm going to
8 characterize it as a mistake. The chief deputy
9 county executive stood here and told us, and told
10 you that he was under the impression when the
11 contract was first started that he was going to
12 be paid off of existing contracts that were
13 already approved. The county attorney testified
14 that he was of the opinion that this contract was
15 for expert witnesses and therefore did not have
16 to come to the legislature. When the county
17 attorney say that they were going to try and pay
18 him off of those existing contracts, the county
19 attorney told the county executive you can't do
20 that. That contract is for this and you're
21 trying to pay him for that. So then they drew up
22 a contract and they sent it to the clerk to have
23 him paid. And the clerk stopped it because it
24 needs this committee to approve it. And here we
25 are. He did nothing wrong.

2 MS. LEINZ: So you're telling me that the
3 attorneys initially made a mistake? They didn't
4 understand the contracts?

5 CHAIRMAN SCHMITT: I'm telling you that
6 there was a mistake made in the executive branch
7 on the contract working its way to this
8 Legislature. They made a mistake. Did that
9 mistake cost you your job? No. It did not.

10 MS. LEINZ: It did. It did because

11 CHAIRMAN SCHMITT: Nonetheless, they
12 made a mistake.

13 MS. LEINZ: if they went through the
14 correct procedures there was a very good chance
15 that we wouldn't have spent \$2.4 million on them
16 when you had the resources of the same amount of
17 staff, more of a staff that was in the Department
18 of Assessment who could've settled and made the
19 same, if not more -- cleared up the settlements -
20 - had the same amount of savings.

21 CHAIRMAN SCHMITT: I can't --

22 MS. LEINZ: And then you would've been
23 commending us for doing an excellent job.

24 CHAIRMAN SCHMITT: I can't disagree with
25 you and I can't agree with you because I don't

2 know. That's administration. I don't know what
3 your assessor was doing. I don't know what was
4 going on. That's not our job, ma'am.

5 Legislator Yatauro.

6 LEGISLATOR YATAURO: I just wanted to
7 say that you have to understand -- you feel that
8 you're a victim in this and, quite frankly, Mr.
9 Smith is a victim in it too. When you come to do
10 work with the county, anyone comes to do work
11 with the county, you have to answer all the
12 parameters. That's your job and you have to meet
13 deadlines. You have to have whatever it is
14 necessary to pass.

15 The fact that the administration didn't
16 present it properly makes us the victims now too
17 of this, and that's really what has happened from
18 this mistake. We will argue whether or not it
19 cost you your job, us being on either side.
20 Because, as you said and I said previously too,
21 maybe we would've been able to come to some
22 compromise. Who knows. We don't know, that's
23 the problem. We didn't get the chance and we're
24 not able to go back.

25 He performed a task, unfortunately, that

2 we didn't know about. It's not the presiding
3 officer that's not make the right decision. I am
4 having a hard time with this too. Two rights, as
5 it is, don't make a wrong. And this is what's
6 happening now.

7 The fact is if we don't pay him, as Mr.
8 Schmitt has said, he will take us to court and it
9 will cost us more. What good is that if we are
10 trying to get your job back? That's not going to
11 help us.

12 I have a real problem with what happened,
13 and I really want to somehow punish the attorneys
14 but I have no way of doing that. This is a very
15 bad situation.

16 MS. LEINZ: But my thing is within the
17 county you are supposed to follow a chain of
18 command. You are supposed to go to your
19 supervisor and the next one and so forth, and the
20 same way down. So why wouldn't the county
21 executive check with their own supervisors to
22 find out -- Lisa Locurto said herself she doesn't
23 even work in assessment. She doesn't know what
24 our titles are. She doesn't know what we were
25 able to do. Even from the top, the county

1 executive, why would he not check to see if we
2 were capable of doing the job? Especially in a
3 time when we're watching costs and expenditures
4 and don't want the county residents to spend more
5 money. Why would you look into spending \$2.4
6 million on a contract before even looking within
7 your own departments to find out if there was a
8 solution within it? Because that would've saved
9 the county \$2.4 million.

11 CHAIRMAN SCHMITT: Because they were
12 under the opinion that the contract did not have
13 to come here because he was falling into that
14 expert witness category.

15 I understand you're angry and I
16 understand --

17 MS. LEINZ: But I'm saying you didn't
18 even need an outside source. You had the
19 employees to do the work.

20 CHAIRMAN SCHMITT: Why would you check
21 with somebody when the contract, in your mind at
22 the time, was not supposed to come here? Why
23 would they check? They have hired somebody and
24 he's doing what he's doing, and the contract
25 doesn't have to come to the legislature.

2 MS. LEINZ: Maybe if I put it simple to
3 me, maybe I'll understand it better. If I am a
4 family of four -- it's me, my husband, I have a
5 son, and a daughter -- and the lawn needs to be
6 done. Why am I going to spend for somebody to
7 cut my lawn when I know my son can do it for
8 free?

9 CHAIRMAN SCHMITT: That's fine.

10 MS. LEINZ: So that's what I don't
11 understand.

12 CHAIRMAN SCHMITT: And I'll give you
13 that answer right back.

14 MS. LEINZ: Why didn't the county
15 executive look to see who could do this job and
16 save --

17 CHAIRMAN SCHMITT: And I'll give you
18 that answer right back.

19 MS. LEINZ: \$2.4 million.

20 CHAIRMAN SCHMITT: You have a family.
21 You have a son and a daughter. And your son
22 could cut the grass. The grass hasn't been cut.
23 The grass needs to be cut. I come and knock on
24 the door and your husband answers the door. I
25 say, you want me to cut your grass? He says,

2 yeah, cut the grass. I cut the grass and when
3 I'm all done and I come up to get paid you answer
4 the door and say my son could have done that.
5 I'm not going to pay you. Yes, you are. I did
6 the job. I had a contract -- I had a verbal
7 contract with your husband. I'm not a lawyer but
8 I know that much. That's it. He's owed. He's
9 owed the money. He did the job. And that's the
10 unfortunate position that the seven of us are in
11 up here. He's a victim too and we have to do
12 what we have to do. He did the work. He's gotta
13 be paid. That's it.

14 We have been put into a corner. I'm
15 looking for solutions, but it won't affect this
16 contract. But we've been put into a corner with
17 this and I don't like it. I know the minority
18 doesn't like it. Nobody on my side likes it. But
19 we're gonna have to do what we have to do, just
20 like they had to do what they had to do when
21 you're presented with a fact. They want to
22 lambast County Executive Mangano or County
23 Attorney Ciampoli? I've got nothing to say.
24 Because this is indefensible.

25 MS. LEINZ: Okay. So then as of now,

2 1.9, he did such a successful job, why are we
3 going to the 2.4? Why not just say we'll pay him
4 1.9 and not the other 600,000?

5 CHAIRMAN SCHMITT: That's been asked and
6 answered, ma'am.

7 MS. LEINZ: Because he shouldn't be
8 doing anymore work.

9 CHAIRMAN SCHMITT: Now you know that
10 that's been asked and answered. The \$600,000 is
11 for his use as an expert witness if it becomes
12 necessary as these 2500 cases are going through
13 the process. He's gotta be called by the county
14 attorney to provide the expert witness testimony
15 as these cases -- if these cases go to trial.

16 MS. LEINZ: Okay. So then with the
17 staff that's remaining, the ten people, why can't
18 they be the expert witnesses? Why are we -- as
19 of today, we know what it cost him, 1.9. So he
20 should be done and you should now be utilizing
21 the ten remaining people.

22 CHAIRMAN SCHMITT: No, no, no. See,
23 you're making this --

24 MS. LEINZ: Am I wrong?

25 CHAIRMAN SCHMITT: you're making this

2 the assessment office versus the legislature. We
3 don't run the assessment office. We don't make
4 those decisions if there's a case that's going to
5 court as to whether or not somebody from the
6 assessment office or Matt Smith comes in to give
7 the testimony. Those are not our decisions.
8 Those are the county attorney's decision and the
9 county executive's decision. So you say why not?
10 If I was the county executive, perhaps I would do
11 something differently, perhaps I wouldn't, but
12 I'm not.

13 MS. LEINZ: Wouldn't it be as if this
14 contract just came before you today? He should
15 be done at 1.9. Now you have the resources
16 within the Department of Assessment to do the
17 work. You have ten people to finish the 2400
18 cases.

19 CHAIRMAN SCHMITT: We've been over that.
20 I'm satisfied with the testimony that we've
21 received.

22 MS. LEINZ: I see what you're saying to
23 give him 1.9. But now you know. Now everybody
24 up here is aware that there are still ten people
25 remaining to do the 2400 cases. Why spend more

2 money? Why spend another \$600,000 that we don't
3 have?

4 CHAIRMAN SCHMITT: Because it's not --
5 I'm not going to continue this. But I'm telling
6 you, I'm trying to explain to you the process.

7 1.9 million is what he will send a bill
8 or an invoice into the county for, and that's --

9 MS. LEINZ: For work done.

10 CHAIRMAN SCHMITT: that's what he will
11 be paid when it makes its ways through the whole
12 system -- the comptroller approves it and so
13 forth and so on. It will come to the clerk and
14 he will ascertain that the contract's been
15 approved. It will go all over. It goes to far
16 too many places.

17 MS. LEINZ: So you are saying if you
18 approve this contract it's going to be for 2.4
19 regardless. You can't do 1.9 and then utilize
20 the rest?

21 CHAIRMAN SCHMITT: No, it's going to be
22 for 2.4. That's what the contract --

23 MS. LEINZ: It's all or nothing, is what
24 you're telling me.

25 CHAIRMAN SCHMITT: That's exactly right.

2 MS. LEINZ: So \$240 a case.

3 CHAIRMAN SCHMITT: I'm going to call the
4 question.

5 Legislator Walker.

6 LEGISLATOR WALKER: Just because the
7 contract is approved for that amount of money
8 doesn't mean that he has to use every bit of that
9 money. Say he was called for expert testimony of
10 the remaining cases, maybe they needed him for
11 four, those would be the four that he'd be called
12 for. It does not mean that every cent has to be
13 utilized.

14 MS. LEINZ: Right.

15 LEGISLATOR WALKER: Just so you're aware
16 of that.

17 MS. LEINZ: Why can't today we just say,
18 look, he did work for 1.9, he gets paid 1.9, and
19 there's no more need for his services?

20 CHAIRMAN SCHMITT: Ma'am, we've been
21 over it. It's done. You've made your point.
22 We've answered your point. You've made your
23 point. We've answered your point. You're making
24 it again. Enough. It's over. It's seven
25 o'clock at night, we have to move on.

2 I know you're not happy. I know you
3 would like to see a different outcome. It's
4 where we are.

5 MS. LEINZ: I would like to at least see
6 the remaining 2400 cases done with assessment and
7 him get paid his 1.9 and not for any future work.

8 CHAIRMAN SCHMITT: We don't have that
9 authority. You have to take that up with the
10 county executive or county attorney. We do not
11 have that ability.

12 MS. LEINZ: So you're saying until his
13 contract's over. So when the contract is over on
14 January 31 of this year --

15 CHAIRMAN SCHMITT: December 31.

16 MS. LEINZ: December 31 of this year,
17 I'm sorry. December 31, then after that there's
18 no extra money.

19 CHAIRMAN SCHMITT: The contract will be
20 over on December 31, yes. Between now and
21 December 31 they may or they may not called upon
22 him for his service as an expert witness. If
23 they need to call upon him for his services and
24 expert witness, the money is in place to pay him.
25 If they don't, the money will be there at the end

2 of the year and will become part of surplus,
3 where it will be rolled back in and applied
4 toward next year.

5 All those in favor please say aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 Let the record show that the item carries
10 4 to 3. The item was moved by Legislator Ciotti,
11 and seconded by Legislator Dunne. It carries
12 with 4 votes in the affirmative and 3 votes in
13 the negative.

14 The next item is Addendum 1. It's Item
15 B-18, a resolution authorizing the county
16 executive to award and execute a contract -- can
17 I have a motion to suspend the rules?

18 LEGISLATOR CIOTTI: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRMAN SCHMITT: Motion by Legislator
21 Ciotti, seconded by Legislator Walker.

22 All those in favor of suspending the
23 rules please say aye.

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 The rules are suspended.

4 Item B-18 is a resolution authorizing the
5 county executive to award and execute a contract
6 between the County of Nassau, acting on behalf of
7 the Nassau County Department of Public Works and
8 Galvin Brothers/Madhue Contracting Inc., a joint
9 venture.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN SCHMITT: Moved by Legislator
13 Dunne, seconded by Legislator Walker.

14 Mr. May.

15 MR. MAY: We have Mr. Brian Schneider
16 from DPW.

17 CHAIRMAN SCHMITT: Mr. Schneider, I
18 sincerely hope you're not on overtime.

19 MR. SCHNEIDER: No comment.

20 Brian Schneider from Public Works. The
21 purpose of this general construction contract is
22 to provide all necessary labor and materials to
23 construct improvement at Udall's Mill Pond in
24 Saddle Rock through dredging, as detailed in the
25 construction plans and specifications.

2 There were three firms that submitted
3 bids that were received on May 10, 2011. The low
4 bidder was Galvin Brothers/Madhue Contracting, a
5 joint venture. Their bid was evaluated and was
6 deemed to be the lowest responsive bidder, based
7 on a review by departmental personnel, as well as
8 the design consultant, DeBruin Engineering.

9 This contract provides for the
10 expenditure of \$5,936,075. Funding will be
11 provided by capital project 35106, which is the
12 rehabilitation of public works water bodies. And
13 the Department recommends that this contract be
14 approved as submitted.

15 LEGISLATOR DUNNE: Are they a local
16 company? Through the Chair.

17 MS. SCHNEIDER: Yes, they're located in
18 Great Neck.

19 CHAIRMAN SCHMITT: We have disclosures
20 on here?

21 MR. SCHNEIDER: Yes. Your package
22 should have the entire -- it should be part of
23 the backup.

24 CHAIRMAN SCHMITT: Are they there?

25 MR. SCHNEIDER: It's a 58 page backup.

2 CHAIRMAN SCHMITT: Anybody have any
3 questions?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All those in favor please say aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item carries unanimously.

12 We now go to Addendum II, which I believe
13 I can call in bulk, which are --

14 LEGISLATOR ABRAHAMS: Waive the reading.

15 CHAIRMAN SCHMITT: Okay. We'll waive
16 the reading. These are all inter-municipal
17 agreements which will be on the Full Legislature
18 on August 1.

19 383, 280, 293, 294, 295, 296, 297, 298,
20 299, 300, and 301.

21 LEGISLATOR CIOTTI: So moved.

22 LEGISLATOR WALKER: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator
24 Ciotti, seconded by Legislator Walker.

25 Any debate or discussion?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor please say aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The items carry unanimously.

10 There being, thank God, no further
11 business, we stand adjourned.

12 Motion to adjourn?

13 LEGISLATOR CIOTTI: So moved.

14 LEGISLATOR DUNNE: Second.

15 CHAIRMAN SCHMITT: Motion to adjourn by
16 Legislator Ciotti, seconded by Legislator Dunne.

17 All those in favor of adjourning please
18 say aye.

19 (Aye.)

20 (Whereupon, the Rules Committee adjourned
21 at 7:05 p.m.)

22

23

24

25

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2011.

FRANK GRAY

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
B-18-11	PW	R	<p><u>RESOLUTION NO. -2011</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND GALVIN BROTHERS/MADHUE CONTRACTING, INC, A JOINT VENTURE.</p>

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
292-11	LE	R	<p><u>PROPOSED LOCAL LAW NO. -2011</u> A LOCAL LAW TO AMEND ANNEX A OF THE NASSAU COUNTY CHARTER, MAKING TECHNICAL CORRECTIONS TO THE METES AND BOUNDS DESCRIPTIONS OF THE OFFICAL MAP OF THE COUNTY LEGISLATIVE DISTRICTS CONTAINED THEREIN. 292-11(LE)</p>
E-118-11	AT	R	<p><u>RESOLUTION NO. -2011</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICE AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE COUNTY ATTORNEY AND SMITH VALUATION SERVICES, INC.</p>
THE FOLLOWING ITEMS MAY BE UNTABLED			
A-04-10	PR	R	<p><u>RESOLUTION NO. -2010</u> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO EXTEND THE CONTRACT FOR THE THIRD YEAR BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF VARIOUS NASSAU COUNTY AGENCIES AND PERIMETER BARRIER SYSTEMS, INC...</p>
A-13-10	PR	R	<p><u>RESOLUTION NO. -2010</u> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO EXTEND THE CONTRACT FOR THE SECOND OPTION YEAR BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF VARIOUS AGENCIES AND PERIMETER BARRIER SYSTEMS, INC...</p>
E-22-10	SS	R	<p><u>RESOLUTION NO. -2010</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES AND HOPE FOR YOUTH, INC...</p>
E-26-10	AR	R	<p><u>RESOLUTION NO. -2010</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE ASSESSMENT REVIEW COMMISSION AND MICHAEL HABERMAN ASSOCIATES, INC...</p>

E-39-10	CE	R	<p><u>RESOLUTION NO. -2010</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE COUNTY ATTORNEY AND BEE READY FISHBEIN HATTER & DONOVAN, LLP...</p>
E-66-11	PW	R	<p><u>RESOLUTION NO. -2011</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS AND U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY.</p>

LEGISLATIVE CALENDAR

NASSAU COUNTY LEGISLATURE

MINEOLA, NEW YORK

THIRTIETH MEETING

JULY 11, 2011 1:00 P.M.

THE NASSAU COUNTY LEGISLATURE IS COMMITTED TO MAKING ITS PUBLIC MEETING ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. IF, DUE TO A DISABILITY, YOU NEED AN ACCOMMODATION OR ASSISTANCE TO PARTICIPATE IN THE PUBLIC MEETING OR TO OBTAIN A COPY OF THE TRANSCRIPT OF THE PUBLIC HEARING IN AN ALTERNATIVE FORMAT IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT THE OFFICE OF THE CLERK OF THE LEGISLATURE AT 571-4252, OR MATTHEW DWYER, OF THE NASSAU COUNTY OFFICE FOR THE PHYSICALLY CHALLENGED AT 227-7101 OR TDD TELEPHONE NO. 227-8989.

1. **ORDINANCE NO. 77-2011**

AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE PAYMENT OF CERTAIN CLAIMS AGAINST THE COUNTY OF NASSAU, AUTHORIZING \$339,996.64 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE. 234-11(AT)

2. **ORDINANCE NO. 78-2011**

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE CERTAIN PROJECTS UNDER THE ENVIRONMENTAL PROGRAM ESTABLISHED PURSUANT TO TITLE 59 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY, AUTHORIZING \$5,024,800 BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 250-11(PW)

3.

ORDINANCE NO. 79-2011

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE A PROJECT UNDER THE ENVIRONMENTAL PROGRAM ESTABLISHED PURSUANT SECTION 1612 OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY, AUTHORIZING \$1,136,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 251-11(PW)

4.

ORDINANCE NO. 80-2011

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE CAPITAL PROJECTS SPECIFIED HEREIN WITHIN THE COUNTY OF NASSAU, AUTHORIZING \$101,953,960 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 286-11(PW)

5.

ORDINANCE NO. 81-2011

BOND ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE CAPITAL PROJECTS SPECIFIED HEREIN WITHIN THE COUNTY OF NASSAU, AUTHORIZING \$70,036,204 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 287-11(PW)

6.

ORDINANCE NO. 82-2011

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO LEASE, ON BEHALF OF THE COUNTY OF NASSAU, CERTAIN RESIDENTIAL HOUSING UNITS LOCATED IN THE UNINCORPORATED AREA KNOWN AS UNIONDALE, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 44, BLOCK F, LOTS 353 AND 408 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL LEASES, CONTRACTS AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO LEASE SUCH PROPERTIES. 267-11(RE)

7.

ORDINANCE NO. 83-2011

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO ACCEPT, ON BEHALF OF THE COUNTY OF NASSAU, AN OFFER OF PURCHASE FROM PHILIP BECK AND NANCY BECK OF CERTAIN PREMISES LOCATED IN LIDO BEACH, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 60, BLOCK 9, LOT 205 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED, CONTRACT OF SALE AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMATE THE SALE. 269-11(RE)

8.

ORDINANCE NO. 84-2011

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO ACCEPT, ON BEHALF OF THE COUNTY OF NASSAU, AN OFFER OF PURCHASE FROM JESUS S. MESTIZO OF CERTAIN PREMISES LOCATED IN ROOSEVELT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID PROPERTY KNOWN AS SECTION 55, BLOCK 321, LOT 115 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED, CONTRACT OF SALE AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMATE THE SALE. 270-11(RE)

9.

ORDINANCE NO. 85-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 242-11(OMB)

10.

ORDINANCE NO. 86-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 243-11(OMB)

11.

ORDINANCE NO. 87-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 244-11(OMB)

12.

ORDINANCE NO. 88-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 245-11(OMB)

13.

ORDINANCE NO. 89-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 246-11(OMB)

14.

ORDINANCE NO. 90-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 263-11(OMB)

15.

ORDINANCE NO. 91-2011

AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE HEALTH DEPARTMENT. 264-11(OMB)

16.

RESOLUTION NO. 155-2011

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE NORTH BELLMORE UNION FREE SCHOOL DISTRICT IN RELATION TO A PROJECT TO PROCURE AND INSTALL PLAYGROUND EQUIPMENT. 108-11(CE)

17.

RESOLUTION NO. 156-2011

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND ASCENT: A SCHOOL FOR INDIVIDUALS WITH AUTISM. 232-11(PK)

18. **RESOLUTION NO. 157-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND FEEL BETTER KIDS, INC. 233-11(PK)

19. **RESOLUTION NO. 158-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE OFFICE OF THE CHIEF MEDICAL EXAMINER OF THE CITY OF NEW YORK IN RELATION TO EXAMINATION OF SKELETAL REMAINS RECOVERED IN THE COUNTY OF NASSAU. 266-11(ME)

20. **RESOLUTION NO. 159-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF WILLISTON PARK IN RELATION TO FUNDING TO PROCURE AND INSTALL SUN COVERS AT KELLEHER BASEBALL FIELD. 275-11(CE)

21. **RESOLUTION NO. 160-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF WILLISTON PARK IN RELATION TO FUNDING TO PROCURE AND INSTALL NEW LOCKER ROOMS AND UPGRADES TO BATHROOM FACILITIES AT THE WILLISTON PARK ROGER FAY POOL. 276-11(CE)

22. **RESOLUTION NO. 161-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE NASSAU COUNTY BRIDGE AUTHORITY IN RELATION TO FUNDING TO IMPROVE AND RECONSTRUCT PORTIONS OF THE STREET AND SIDEWALK UNDERNEATH THE ATLANTIC BEACH BRIDGE. 277-11(CE)

23. **RESOLUTION NO. 162-2011**

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF ROCKVILLE CENTRE IN RELATION TO FUNDING TO REPAIR OR REPLACE SIDEWALKS AND CURBS ON NORTH VILLAGE AVENUE. 278-11(CE)

24.

RESOLUTION NO. 163-2011

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF MALVERNE IN RELATION TO A FACILITY TO BE LEASED TO THE MALVERNE VOLUNTEER AMBULANCE CORPS. 279-11(CE)

25.

RESOLUTION NO. 164-2011

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND MUSEUMS, AND LONG ISLAND FILM/TV FOUNDATION. 265-11(PK)

26.

RESOLUTION NO. 165-2011

A RESOLUTION TO AUTHORIZE A TAX EXEMPTION AND PILOT AGREEMENT BETWEEN THE COUNTY OF NASSAU AND COW BAY HOUSING DEVELOPMENT COMPANY, INC. 289-11(AT)

27.

RESOLUTION NO. 166-2011

A RESOLUTION CONFIRMING THE APPOINTMENT BY THE COUNTY EXECUTIVE OF ERIC BJORNEBY, AS A JUDGE OF THE DISTRICT COURT OF THE COUNTY OF NASSAU FOR THE SECOND JUDICIAL DISTRICT, PURSUANT TO SECTION 21(D) OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF NEW YORK. 247-11(CE)

28.

RESOLUTION NO. 167-2011

A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF DR. JORGE L. GARDYN TO THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES PURSUANT TO SECTION 6306 OF THE EDUCATION LAW. 274-11(CE)

29.

RESOLUTION NO. 168-2011

A RESOLUTION TO APPOINT DANIEL J. MCCLOY AS A MEMBER OF THE NASSAU COUNTY EMPLOYEE INDEMNIFICATION BOARD. 288-11(LE)

30.

RESOLUTION NO. 169-2011

A RESOLUTION CONFIRMING THE APPOINTMENT OF DR. JORGE L. GARDYN AS A MEMBER OF THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES. 290-11(LE)

31.

RESOLUTION NO. 170-2011

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE ACQUISITION OF AN EASEMENT FROM THE STATE OF NEW YORK OVER A PARCEL OF STATE-OWNED REAL PROPERTY SITUATED IN THE INCORPORATED VILLAGE OF FREEPORT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID REAL PROPERTY KNOWN AS SECTION 62, BLOCK E, PART OF THE MEADOWBROOK PARKWAY RIGHT-OF-WAY ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A GRANT OF EASEMENT AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO ACCEPT SUCH EASEMENT. 268-11(RE)

32.

RESOLUTION NO. 171-2011

A RESOLUTION TO ACCEPT A GIFT OFFERED BY A DONOR TO THE NASSAU COUNTY POLICE DEPARTMENT. 241-11(PD)

33.

RESOLUTION NO. 172-2011

A RESOLUTION AUTHORIZING THE COUNTY OF NASSAU TO FILE AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. 285-11(CD)

34.

RESOLUTION NO. 173-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 255-11(OMB)

35.

RESOLUTION NO. 174-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 256-11(OMB)

36.

RESOLUTION NO. 175-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 257-11(OMB)

37.

RESOLUTION NO. 176-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 258-11(OMB)

38.

RESOLUTION NO. 177-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 259-11(OMB)

39.

RESOLUTION NO. 178-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 260-11(OMB)

40.

RESOLUTION NO. 179-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 261-11(OMB)

41.

RESOLUTION NO. 180-2011

A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2011. 262-11(OMB)

42.

RESOLUTION NO. 181-2011

A RESOLUTION AUTHORIZING AND DIRECTING THE TREASURER OF NASSAU COUNTY TO ASSIGN A CERTAIN TAX LIEN CERTIFICATE IN CONNECTION WITH PREMISES LOCATED IN THE TOWN OF HEMPSTEAD, SCHOOL DISTRICT NO. 11, SECTION 43, BLOCK 209, LOT 39. 281-11(TR)

43.

RESOLUTION NO. 182-2011

A RESOLUTION AUTHORIZING AND DIRECTING THE TREASURER OF NASSAU COUNTY TO ASSIGN A CERTAIN TAX LIEN CERTIFICATE IN CONNECTION WITH PREMISES LOCATED IN THE TOWN OF OYSTER BAY, SCHOOL DISTRICT NO. 306, SECTION 53, BLOCK 41, LOTS 10 AND 12. 282-11(TR)

NOTICE IS HEREBY GIVEN that the County Executive has executed the following personal service agreements, copies of which are on file with the Clerk of the County Legislature. These agreements are subject to approval or review, by the Rules Committee, and are listed for informational purposes.

County of Nassau acting on behalf of Youth Board and S.T.R.O.N.G. Youth, Inc...
RE: Youth Development/Delinquency Program. \$225,000.00. ID# CYQB11000037.

County of Nassau acting on behalf of Parks, Recreation and Museums and Molloy College. RE: Facility Enhancement/Field Usage – Bay Park, East Rockaway.
\$.01. E-67-11 R-87-11.

County of Nassau acting on behalf of Office of Community Development and Arodes Construction. RE: Lead. \$200,000.00. E-70-11 R-89-11.

County of Nassau acting on behalf of Health and Cost Management Services, Inc...
RE: Medicaid Claiming Services. \$88,594.00. ID# CLHE11000001.

County of Nassau acting on behalf of Emergency Management and Swiftreach Networks Inc. RE: Emergency Notification System. \$52,153.00. ID# CLEM11000001.

County of Nassau acting on behalf of Senior Citizens Affairs and Catholic Charities of the Diocese of Rockville Centre. RE: Title IIIC-1 Congregate Meals. \$584,474.00.
ID# CLSC11000006.

County of Nassau acting on behalf of Social Services and Nassau County Coalition against Domestic Violence. RE: Non Residential Services. \$673,695.00.
ID# CLSS110000042.

County of Nassau acting on behalf of Social Services and Coalition Against Child Abuse & Neglect, Inc... RE: Child Abuse and Neglect. \$600,000.00. E-94-11 R-120-11.

County of Nassau acting on behalf of Social Services and Leadership Training Institute. RE: Non Secure Detention Center. \$208,385.52. E-149-10 R-203-10.

County of Nassau acting on behalf of Social Services and Tristate Judicial Services.
RE: Process Server. \$16,666.67. E-88-11 R-111-11.

County of Nassau acting on behalf of Traffic Safety Board and Community Wellness
Council. RE: Alcohol Education/Prevention. \$10,000.00. ID# CQTS11000018.

County of Nassau acting on behalf of Public Works and Malcolm Pirnie, Inc. (MPI).
RE: On-Call Construction Mgmt. \$.01 E-41-11 R-78-11.

County of Nassau acting on behalf of Public Works and Cameron Engineering &
Associates, LLP... RE: Planning and Designing. \$355,245.00. E-46-11 R-67-11.

County of Nassau acting on behalf of Public Works and Lockweed, Kessler and Bartlett.
RE: On-Call Mgmt. \$.01. E-38-11 R-75-11.

County of Nassau acting on behalf of Public Works and DeBruin Engineering, P.C...
RE: On-Call Construction Mgmt. \$01. E-37-11 R-74-11.

County of Nassau acting on behalf of Public Works and Savin Engineers, P.C...
RE: On-Call Construction Mgmt. \$01. E-43-11 R-84-11.

County of Nassau acting on behalf of Public Works and Dvirka and Bartilucci, a Division
of William F. Cosulich Associates, P.C... Professional Service Agreements.
\$643,500.00. E-62-11 R-64-11.

County of Nassau acting on behalf of District Attorney's Office and Veritext Court
Reporting. RE: Court Report Services. \$200,000.00. ID# CLDA11000003.

County of Nassau acting on behalf of Mental Health, CD & DDS and Long Beach
Medical Center. RE: Substance Abuse Treatment/Prevention. \$1,106,178.00.
ID# CQBH11000063.

County of Nassau acting on behalf of Medical Examiner and Vito Cardo, DDS.
RE: Forensic Odontology. \$1,620.00. E-59-11 R-61-11.

County of Nassau acting on behalf of County Attorney and Cuomo LLC.
RE: Special Counsel. \$25,000.00. ID# CQAT10000027.

County of Nassau acting on behalf of Treasurer and Auctions International, Inc...
RE: 2011 Annual Unpaid Property Tax Lien Sale Auctioneer. \$17,500.000.
ID# CQTR11000002.

County of Nassau acting on behalf of Comptroller and Deloitte and Touche, LLP...
RE: Independent Audit of County Finance. \$34,000.00. E-78-11 R-95-11.

County of Nassau acting on behalf of IT/GIS and Balfour Technologies LLC...
RE: NCGIS Data Request. \$.01. ID# CQIT11000006.

County of Nassau acting on behalf of Parks, Rec. & Museums and Regina Schaentzler.
RE: Ice Skating Instruction. \$4,995.00. ID# CQPK11000012-01.

County of Nassau acting on behalf of IT/GIS and Renaissance Downtowns LLC.
RE: NCGIS Data Request. \$.01. ID# CQIT11000002.

County of Nassau acting on behalf of District Attorney's Office and Suzanne Hand & Associates, Inc... RE: Court Reporting Services. \$170,000.00... ID# CLDA11000002.

County of Nassau acting on behalf of Senior Citizens Affair and Family and Children's Association. RE: Elder Abuse Prevention (Title VII). \$40,000.00.
ID# CLSC11000034.

County of Nassau acting on behalf of Office of Community Development and Village of Sea Cliff. RE: CDBG. \$14,000.00. ID# CLHI11000004.

County of Nassau acting on behalf of Social Services and Melmark Home.
RE: Foster Care/CSE Services. \$.01 ID# CQSS11000019.

County of Nassau acting on behalf of Health and United Way of Long Island, Inc...
RE: Health & Human Services HIV/AIDS Grant Admin. \$13,971.00.
ID# CLHE11000002.

County of Nassau acting on behalf of Senior Citizens Affairs and Catholic Charities of the Diocese of Rockville Centre. RE: Title IIIC-2 Home Delivered Meals.
\$1,095,562.00. ID# CLSC11000001.

County of Nassau acting on behalf of Office if Minority Affairs and Nassau County Bar Association. RE: Catering. \$630.72. ID# CQMA11000001.

County of Nassau acting on behalf of District Attorney and WSK Consulting.
RE: SISDA Programming and Maintenance. \$24,000.00. ID# CQDA11000008.

County of Nassau acting on behalf of Social Services and Jennifer Maragh.
RE: Adult Foster Home. \$.03. ID# CQSS11000035.

County of Nassau acting on behalf of District Attorney and Nassau County Coalition against Domestic Violence. RE: Treat Victim of Sexual Assault. \$12,817.00.
ID# CQDA11000004.

County of Nassau acting on behalf of District Attorney and Hofstra University.
RE: Youth Violence & Gang Conference. \$2,000.00. ID# CQDA11000005.

County of Nassau acting on behalf of Mental Health, CD & DDS and North Shore Children & Family Guidance Association, Inc... RE: Community Based MH (LA Regular). \$828,520.00. ID# CQBH11000054.

County of Nassau acting on behalf of Health and First Step LLC.
RE: Early Intervention. \$.01. ID# CQHD11000004.

County of Nassau acting on behalf of Health and The Omni Center/Harmony Hearing-
dba-The Omni Center-A Progress for Children & Their Families. RE: Preschool Special
Education. \$.02. ID# CQHE11000007/01.

County of Nassau acting on behalf of OHHS and Society of St. Vincent de Paul Anthony
House. RE: Emergency Shelter Grant. \$15,000.00. ID# CQHI11000019.

County of Nassau acting on behalf of OHHS and Society of St. Vincent de Paul Dismas
House. RE: Emergency Shelter Grant. \$15,000.00. ID# CQHI11000020.

County of Nassau acting on behalf of Medical Examiner and Henry Dondero DDS.
RE: Forensic Odontology. \$1,620.00. E-58-11 R-60-11.

County of Nassau acting on behalf of Parks, Rec. & Museums and Eric Mordhorst.
RE: Hotel/Motel Tax Grant. \$4,980.00. ID# CQPK11000016-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Esperanza Schweikert.
RE: Hotel/Motel Tax Grant. \$4,950.00. ID# CQPK11000019-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Mary Nagin.
RE: Traditional Dance Music. \$4,640.00. ID# CQPK11000018-01.

County of Nassau acting on behalf of Parks, Rec. & Museums and Charles Guthrie.
RE: Hotel/Motel Tax Grant. \$3,600.00. ID# CQPK11000011-01.

County of Nassau acting on behalf of Senior Citizen Affairs and Long Island Marriott
Hotel. RE: Conference/Luncheon. \$16,700.00. ID# CQSC11000002.

County of Nassau acting on behalf of Senior Citizen Affairs and Visiting Nurse
Association of Long Island, Inc... RE: Title IIIC-2 Home Delivered Meals.
\$659,336.00. ID# CLSC11000005.

County of Nassau acting on behalf of Social Services and Nassau Health Care
Cooperation. RE: Medical for Children at JDC. \$155,000.00. ID# CLSS11000058.

**THE NASSAU COUNTY LEGISLATURE WILL
CONVENE NEXT**

COMMITTEE MEETINGS

MONDAY JULY 25, 2011 at 1:00PM

AND

FULL LEGISLATURE MEETING

MONDAY AUGUST 1, 2011 at 1:00PM