

NASSAU COUNTY INTERIM FINANCE AUTHORITY
MINUTES OF THE MEETING OF THE DIRECTORS
HELD ON JANUARY 27, 2104

Pursuant to notice dated January 21, 2014, a meeting of the Nassau County Interim Finance Authority (“NIFA”) was convened at 5:10 PM at the Marriott Long Island Hotel & Conference Center located at 101 James Doolittle Blvd, Uniondale, NY 11553.

The following Directors of the Authority were present:

Jon Kaiman, Chairman
Paul Annunziato
George Marlin
Lester Petracca
Dermond Thomas
Christopher Wright

Also present from the Authority were Evan Cohen, Executive Director; Jeremy Wise, General Counsel; Maria Kwiatkowski, Deputy Director; Laurie Boucher, Corporate Secretary and Carl Dreyer, Treasurer.

Upon determining that a quorum was present, the Chairman called the meeting to order.

The Chairman stated that one of the reasons the Board was meeting today was to determine what actions NIFA can take in regard to the County giving raises to a number of non-union employees when the spirit of the NIFA wage freeze was to include all County employees. He stated that after addressing the items on the agenda the Directors will go into executive session to

discuss the wage freeze.

The Chairman stated that the first item on the agenda was a resolution to approve the minutes of the December 30, 2013 Directors' meeting.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-472

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE DECEMBER 30, 2013 MEETING OF THE DIRECTORS OF THE NASSAU COUNTY INTERIM FINANCE AUTHORITY

RESOLVED, that the Minutes of the meeting of the Authority held on December 30, 2013 are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Authority.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of a contract between the County and the Nassau County Bar Association for approximately \$7 million. He stated that this contract is to provide legal representation to criminal and civil litigants. He stated that this is consistent with the contract that NIFA approved last year.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-473

APPROVAL OF COUNTY CONTRACT FOR NASSAU COUNTY BAR ASSOCIATION

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves the County’s Contract for the Nassau County Bar Association, which is projected to cost \$7,729,564; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Deputy Director Maria Kwiatkowski stated that the next item on the agenda was a resolution to consider a contract between Nassau County and Veolia Transportation Services Inc. She stated that the amount of the contract amendment is approximately \$5,000,000 which makes the new not to exceed amount, for year two of this contract, approximately \$119 million. She stated that a portion of this amendment will be reimbursed by FEMA since it is Sandy related.

Upon motion duly made and seconded, the following resolution was approved with Chairman Kaiman recusing himself:

Resolution No. 14-474

APPROVAL OF AMENDMENT TO THE COUNTY CONTRACT WITH VEOLIA TRANSPORTATION SERVICES, INC.

RESOLVED, that the materials presented to this meeting of the Directors (the “Materials”) are ordered to be filed with the records of the Nassau County Interim Finance Authority (the “Authority”); and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of

the Authority Act, the Authority hereby approves an amendment to Nassau County's Contract with Veolia Transportation Services, Inc., in the amount of \$5,185,210.61; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Director Wright then entertained a motion to go into executive session to discuss legal matters, including the wage freeze litigation.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-475

EXECUTIVE SESSION - PURSUANT TO SECTION 105 OF THE PUBLIC OFFICERS LAW

RESOLVED, that pursuant to Section 105 of the Public Officers Law, the Directors of the Nassau County Interim Finance Authority shall convene in Executive Session for the purpose of discussing legal matters.

* * *

At 5:20 PM the open session of the Directors was temporarily adjourned and an executive session of the Directors was convened. At 7:00 PM the executive session was adjourned and the open session was reconvened. Director Wright stated that no votes were taken during executive session.

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of contracts between the County Attorney's office and outside vendors. He stated that since the County Attorney's office has a history of submitting contracts late and/or commencing work on contracts prior to NIFA approval, the NIFA Directors had stated that they would like to review them.

Mr. Wise stated that the first contract was between the County and Pannone Lopes Devereaux & West, LLC for \$375,000. He stated that this firm will counsel the County on the sewer system and how to get federal reimbursement for Superstorm Sandy related damage.

Upon motion duly made and seconded, the following resolution was approved with Chairman Kaiman recusing himself:

Resolution No. 14-476

REVIEW OF CONTRACT FROM THE COUNTY ATTORNEY'S OFFICE

RESOLVED, that the materials presented to this meeting of the Directors (the "Materials") are ordered to be filed with the records of the Nassau County Interim Finance Authority (the "Authority"); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are

not consistent with the County's current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves the County's contract with Pannone Lopes Devereaux & West, LLC for \$375,000; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

General Counsel Wise stated that the next item on the agenda was a resolution to consider the approval of a contract between the County Attorney's office and Edward A. Ambrosino, Esq. Director Wright recommended that this contract be rejected and resubmitted once an ethics opinion has been obtained concerning the propriety of Mr. Ambrosino's numerous relationships with the County.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-477

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE

RESOLVED, that the materials presented to this meeting of the Directors (the "Materials") are ordered to be filed with the records of the Nassau County Interim Finance Authority (the "Authority"); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County's current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby disapproves the contract numbered CLAT13000035 between the County Attorney's office and Edward A. Ambrosino, Esq; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Mr. Wise stated that the next item on the agenda was a resolution to consider the following four contracts between the County and Rosenberg Calica & Birney, LLP; Barlett McDonough & Monaghan, LLP; Leahey & Johnson, P.C.; and Leventhal, Cursio, Mullaney & Sliney, LLP.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-478

REVIEW OF CONTRACTS FROM THE COUNTY ATTORNEY'S OFFICE

RESOLVED, that the materials presented to this meeting of the Directors (the "Materials") are ordered to be filed with the records of the Nassau County Interim Finance Authority (the "Authority"); and be it further

RESOLVED, that the County struggles to regain fiscal balance, and it is operating under a financial plan that contemplates, among other measures, transitional borrowing for operating expenses and a continuing wage freeze on the compensation of County employees; and be it further

RESOLVED, that County must continue to deliver essential services to County residents; and be it further

RESOLVED, that in these circumstances, NIFA must scrutinize contracts for expenditures that are not consistent with the County's current financial condition and the priorities, necessities, judgments and fiscal realities embodied in the County's adopted financial plan; and be it further

RESOLVED, that based upon the discussion in the Materials and pursuant to Section 3669 2(d) of the Authority Act, the Authority hereby approves contracts numbered CLAT13000015, CLAT13000030, CQAT13000011 and CQAT13000016 in the Materials; and be it further

RESOLVED, that staff may take all actions and do all things that they deem necessary to carry out the intent of this resolution.

* * *

Chairman Kaiman stated that the NIFA Board is concerned about the County giving raises to exempt employees. He stated that the spirit of the NIFA wage freeze was to freeze all County employees' wages, not only union employees. He stated that it is appropriate at this time to get more information from the County so that NIFA can consider its options. The Chairman stated that in regard to the wage freeze, if the County can meet its financial obligations and can afford to pay the wages then the NIFA Board will support lifting it.

Director Wright then introduced an additional item to the agenda. The Chairman stated that this resolution will ensure that the wage freeze will be in effect for all County employees, including exempt employees going forward.

Upon motion duly made and seconded, the following resolution was approved unanimously:

Resolution No. 14-479

REQUEST FOR MODIFIED 2014 BUDGET INFORMATION FROM NASSAU COUNTY

WHEREAS, NIFA has the power to modify the County's 2014 budget in appropriate circumstances, including the rates of compensation payable to individual ordinance employees;

NOW, THEREFORE, BE IT RESOLVED, that NIFA directs the County Executive, working together with County officials with hiring authority, to submit within two weeks for NIFA's review and consideration a revised 2014 budget holding the rates of compensation for each ordinance employee in 2014 to the same rates as in 2013; and be it further

RESOLVED, that the County Executive is ordered to provide for each ordinance employee their name, hiring date, title(s) and compensation (annual) since January 1, 2013; and be it further

RESOLVED, that after NIFA receives those materials from the County, it will reconvene to consider whether to modify the 2014 budget.

* * *

The Chairman then entertained a motion to adjourn. Upon motion duly made and seconded, the Directors voted unanimously to adjourn the meeting at 7:10 PM.

Respectfully submitted,

Laurie A. Boucher
Corporate Secretary