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WAYS & MEANS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 6, 2020.

MEMBERS PRESENT:

Leg. Bridget Fleming, Chairperson
Leg. William Spencer, Vice Chair
Leg. Susan A. Berland
Leg. Tom Donnelly
Leg. Leslie Kennedy
Leg. Rudy Sunderman
Leg. Robert Trotta

ALSO IN ATTENDANCE:

Presiding Officer Robert Calarco, 7th Legislative District
Sarah E. Simpson, Counsel to the Legislature
Jessica Nowak, Assistant Counsel
Amy Ellis, Chief Deputy Clerk/Legislature
Thomas Corcoran, Budget Review Office
Amy Keyes, Assistant Deputy County Executive
Dennis Brown, County Attorney/appointee Director of Real Property Tax Service Agency
Robert Braun, Deputy Bureau Chief/County Attorney's Office
Jason Smagin, Director/Real Estate
Irene Dononhue, Aide to Leg. Fleming
Elizabeth Alexander, Aide to Leg. Spencer
Samantha Sarube, Aide to Leg. Berland
Karen Klafter, Aide to Leg. Donnelly
Ali Nazir, Aide to Leg. Kennedy
Tim Rothang, Aide to Leg. Sunderman
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

1 **THE MEETING WAS CALLED TO ORDER AT 12:35 PM**

2
3 **CHAIRPERSON FLEMING:**

4 Members of the Ways and Means Committee, please make your way to
5 the horseshoe.

6
7 Good afternoon, everyone, and welcome to a regular meeting of the
8 Ways and Means Committee. We'll begin with a Pledge to the flag
9 led by Legislator Trotta.

10 **SALUTATION**

11
12
13 Thank you. I have no cards for public portion. Is there anyone in
14 the public who would like to be heard? You're welcome to come to
15 the podium for three minutes on any topic. Seeing none, we will
16 move on from public portion.

17 **CORRESPONDENCE**

18
19
20 Oh, I'm sorry, I went past the correspondence section. We do have
21 some correspondence which has been distributed to the Committee.
22 On January the 7th, excuse me, I wrote to Comptroller Kennedy with
23 regard to the 1099-G forms that have been -- that were issued last
24 year to grant recipients in the Suffolk County Septic Improvement
25 Program.

26
27 We had discussion with Comptroller Kennedy last year here at
28 Committee in which I asked him to contact us or to -- I'm sorry --
29 to notify the Committee were he to issue any additional 1099-G
30 forms following that discussion last year. I didn't get notice
31 from him that that was happening, so I did send a letter to Mr.
32 Kennedy on January the 7th asking that he advise following up to
33 that commitment that he made at Committee whether or not he was
34 going to be issuing the 1099s.

35
36 If you all recall, Mr. Kennedy and the Administration had a
37 disagreement as to whether these 1099-G forms were necessary, that
38 is whether the Federal taxing authority had to be notified that
39 grants were issued; the question being whether they should be
40 considered income. The County Executive's Office had a lengthy
41 legal opinion that gave guidance that they were not taxable under
42 the Federal tax law. Mr. Kennedy disagreed and told us that at
43 Committee.

44
45 We did hear back from Mr. Kennedy initially that he had not heard
46 back. He had requested a private letter ruling. I believe he
47 submitted a \$60,000 request to the Federal government. I don't
48 remember -- Legislator Kennedy just said 35. I'm not sure. I
49 guess -- did you want to correct the record? I didn't know that it
50 was 35, I thought it was more, but if you're certain of that?

51
52 **LEG. KENNEDY:**
53 (Nodding in the affirmative)

54
55 **CHAIRPERSON FLEMING:**
56 Because I thought it was more, but that's fine. But we've been

1 advised by Mr. Kennedy first in the early part of January that he
2 had not yet received a private letter ruling. He did note on
3 January the 15th in an e-mail responding to my letter and forwarded
4 to all Legislators as follows: "We are preparing 218 1099-Gs for
5 issuance to SIP grant recipients for calendar year 2019. We're
6 advised that the IRS is continuing to review our request for a
7 private letter ruling." It's my understanding we have a
8 representative from Mr. Kennedy's office here. It's my
9 understanding that the position of the office is that he will
10 continue to issue the 1099-Gs until he hears from the IRS.

11
12 I think most people are aware that I strongly object to that
13 practice unless he's instructed that that is taxable, that I think
14 it's difficult for the recipients, it's difficult for the program
15 itself when it's not explicitly taxable to be taxed on funds that
16 have already been reported as income by someone else; that is the
17 vendors. But that's where we stand.

18
19 Doug, you're welcome to express any thoughts from Mr. Kennedy.
20 Please extend to him an invitation to come and explain if he would
21 like to explain further. And we'll continue to be in touch with
22 recipients of the grants as we've been -- begun to be questioned on
23 that issue. It's really a shame that this is happening, but we
24 will continue to move forward. It's a very, very important
25 program. And one hopes that Mr. Kennedy will get his response at
26 some point and that this will all be straightened out. So,
27 everyone should have that -- both of those pieces of
28 correspondence.

30 APPOINTMENTS

31
32 We do have appointment today. It is -- and I will move for
33 approval **1050, Approving the appointment of Dennis Brown as**
34 **Director of Real Property Tax Service Agency for the County of**
35 **Suffolk. (Co. Exec.).** I'll make that motion; seconded by my
36 Co-Chair, Doc Spencer. And I see Dennis is with us today. Do you
37 want to come to the podium and explain how you will be serving in
38 this new position should we approve.

40 MR. BROWN:

41 Sure. First, thank you. And the first thing I'd like to say is so
42 I served two terms as the County Attorney so, or still the County
43 Attorney, but I would like to, you know, express my thanks and
44 appreciation and gratitude for the County Executive and to you also
45 for having confidence in me to do that.

46
47 I also want to just give special thanks to Dennis Cohen who -- I
48 directly reported to him and -- most of the time. And he's super
49 smart and tireless in his work. So, definitely kudos to him and
50 thanks. And all of the women and the men of the Law Department,
51 professional staff and the support staff, is unbelievable and we're
52 all really lucky to have all of them, a couple of them are in the
53 back right now. But they're all really great.

54
55 And as far as this position is concerned, it's -- this concern, the
56 Director of the Real Property Tax Service Agency. So, there's

1 definitely a lot of information, a lot of experience gained in 14
2 years in the Law Department, seven years in the County Attorney's
3 Office, that could bring to the division, to the agency and to add
4 value to what it is that they already do.

5
6 I've been going out there on a daily basis for a portion of the day
7 for about the past month or so. They're charged with having to
8 verify the land documents that are presented to them before
9 recording. There are four or five people out there that work hard
10 doing that. And then you have also about the same number of
11 mappers, that if there are any subdivisions or any types of changes
12 to the land based on the land documents that they review that
13 update the tax maps, so it's important. It's the documents that
14 the assessors rely on in helping to properly assess properties for
15 the taxes, and a lot of the work that they do is supportive of the
16 -- not only the assessment, but also to the residents of the
17 County, because one of the major, major things that they do is they
18 review applications for refunds or credits under the Real Property
19 Tax Law. These would be citizen taxpayers that do this. And that
20 agency is charged with reviewing those applications for clerical
21 errors or unlawful entries or errors of essential fact. So, we
22 review that and see if a case has been made out on the basis of the
23 records that were given to us by individual town people that pass
24 it onto the Comptroller's Office for changes in their records and
25 before it comes to you as well.

26
27 So, there are a lot of things that they do that are important to
28 the County. It's a small agency, but because of experience, I
29 certainly feel that I have things that I could add as value to the
30 agency.

31
32 **CHAIRPERSON FLEMING:**

33 I would say there's no doubt that you have much knowledge and
34 experience that adds value to whatever you would pursue. And I
35 appreciate your efforts in the County Attorney's Office. I know
36 you and I have been in contact over the years that I've been
37 serving and I've always trusted and had great confidence in your
38 advice and your legal work. So, thank you for your work as County
39 Attorney.

40
41 **MR. BROWN:**

42 Thank you. I appreciate that.

43
44 **CHAIRPERSON FLEMING:**

45 I think Legislator Spencer has a question.

46
47 **LEG. SPENCER:**

48 Hi, Dennis, and congratulations on this opportunity. I'm tempted
49 to vote against it, as other people have brought up, just because
50 of what a wonderful job that you do here. In my eight years of
51 service to the County, you are one of the bright spots, always a
52 place where you can come and get good, sound advice. You're
53 someone that is vigilant, sober, even-tempered and you do a great
54 job.

1 I just have a question that is slightly hypothetical, but I do
2 think is relevant, the issue that's before us as far as dealing
3 with the Comptroller issuing 1099s for people that are receiving
4 this technology. And it's kind of tangential, but I do think that
5 your opinion is important.

6
7 If we were to get a negative opinion from the IRS that indicates
8 that this burden would fall on the homeowner, is this something in
9 your experience that you believe could be appealed? And if this
10 were something that went forward when we're looking to sort of
11 change our wastewater infrastructure by offering this program, is
12 there any thoughts about how we could mitigate the burden on our
13 County residents? Like, would it be inappropriate for possibly
14 that if whatever that tax burden was, that there could be some
15 mitigation on their property taxes if they were following our laws?
16 Do you have an opinion or a thought? I would love to just hear
17 your thoughts on that.

18
19 **MR. BROWN:**

20 Sure. I think you have a couple of questions in there. And, you
21 know -- and first let me say that we did get an opinion from tax
22 counsel, who is with our bond counsel, on the issue. And I respect
23 that opinion. I think the opinion is well-reasoned and based on
24 sound analysis of the law and cases relating to constructive
25 receipt of income and who's actually receiving the money. Because
26 the money, you know, it never really was received by the
27 homeowners; passed on directly to the installer. So, I think that
28 that is sound it's well-reasoned. I still have, you know,
29 tremendous respect for Comptroller Kennedy and his Chief Deputy,
30 Lou Necroto, and, you know, people can differ with respect to legal
31 interpretation.

32
33 I've actually never had the experience of dealing with the IRS in
34 terms of, like, a letter ruling. However, just from practical
35 experience and my gut tells me that if there was a determination,
36 there's probably an avenue of administrative appeal on a
37 determination by an aggrieved party.

38
39 Now, as to your question about how it impacts the property tax, I
40 don't think it impacts property tax at all. I think it impacts the
41 income tax liabilities of the applicants. And as far as a specific
42 way of trying to offset that impact, I would want to take a closer
43 look at the application process and see if there is a clearer path
44 or a clearer way to establish that the money's going to the
45 installer instead of that it's being triggered by an application
46 made by the homeowner or the property owner. But that's the path.
47 Without having given it much thought in the past, that's the path
48 that I would try and pursue.

49
50 **LEG. SPENCER:**

51 I think that was just a very well-reasoned, logical answer and I
52 thank you for it.

53
54 **MR. BROWN:**

55 Thank you.

1 **CHAIRPERSON FLEMING:**
2 Are there any other questions? Legislator Kennedy.

3
4 **LEG. KENNEDY:**
5 Thank you for being our County Attorney.

6
7 **MR. BROWN:**
8 Thank you.

9
10 **LEG. KENNEDY:**
11 You have been fair and equitable. You have answered every question
12 my office has asked, and I'm greatly appreciative of that. That
13 being said, if you are selected to move to Real Property, who will
14 be your replacement?

15
16 **MR. BROWN:**
17 Who will be the County Attorney? I guess I'll know when you know.

18
19 **LEG. KENNEDY:**
20 Oh, no.

21
22 **MR. BROWN:**
23 I do not know.

24
25 **LEG. KENNEDY:**
26 All right. Thank you.

27
28 **LEG. TROTТА:**
29 I have a question.

30
31 **CHAIRPERSON FLEMING:**
32 Yes, Legislator Trotta.

33
34 **LEG. TROTТА:**
35 What's the status of the Burke, Spota and McPartland lawsuit?

36
37 **MR. BROWN:**
38 I do not think that the summons and complaint was served yet, but
39 it's drafted.

40
41 **LEG. TROTТА:**
42 Can you send me a copy of that?

43
44 **MR. BROWN:**
45 Sure.

46
47 **LEG. TROTТА:**
48 Thanks. Had to say Burke.

49
50 **CHAIRPERSON FLEMING:**
51 No comment. Anyone else? Dennis, thank you so much.

52
53 **MR. BROWN:**
54 Thank you.

55
56

1 **CHAIRPERSON FLEMING:**

2 We have a motion and a second. All in favor? All opposed? Any
3 abstentions? The motion is approved. (VOTE: 8-0-0-0. PO CALARCO
4 INCLUDED IN VOTE)

5
6 Thank you, Dennis.

7
8 (*APPLAUSE*)

9
10 **INTRODUCTORY RESOLUTIONS**

11
12 Okay, moving on, we have no presentations so I'll move right to
13 Introductory Resolutions. 1004, Sale of County-owned real estate
14 pursuant to Local Law No. 13-1976 John Sele (SCTM No.
15 0200-034.00-09.00-005.001). (Co. Exec.). I will make a motion to
16 approve.

17
18 **LEG. SPENCER:**

19 Second.

20
21 **CHAIRPERSON FLEMING:**

22 Seconded by Legislator Spencer. All in favor? All opposed? Any
23 abstentions? So moved. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN
24 VOTE)

25
26 **1008, Approving payment to General Code Publishers for**
27 **Administrative Code pages. (Pres. Off.).** Motion by Legislator
28 Sunderman; seconded by Legislator Donnelly. All in favor? All
29 opposed? Any abstentions? 1008 approved. (VOTE: 8-0-0-0. PO
30 CALARCO INCLUDED IN VOTE)

31
32 **1020, Amending the Rules of the Legislature to ensure attendance of**
33 **members at committee meetings. (Berland).**

34
35 **LEG. BERLAND:**

36 Motion.

37
38 **LEG. TROTТА:**

39 Motion to table.

40
41 **CHAIRPERSON FLEMING:**

42 We have a motion to approve by Legislator Berland.

43
44 **LEG. DONNELLY:**

45 Second to table.

46
47 **CHAIRPERSON FLEMING:**

48 Seconded by -- Oh, I'm sorry. Is there a second on the motion to
49 approve? Okay. I have a motion to approve. I have a motion to
50 table, which has been seconded by Legislator Donnelly. And the
51 motion to table takes precedence. So all in favor of the motion to
52 --

53
54 **LEG. BERLAND:**

55 On the motion.

1 **CHAIRPERSON FLEMING:**

2 Oh, on the motion. I'm sorry, Susan. On the motion.

3
4 **LEG. BERLAND:**

5 I would say that I did ask everybody if they had any concerns or
6 questions or issues on this to speak with me, and no one has. So,
7 I find it interesting that people want to table this when nobody
8 has told me they had any problems with it at all.

9
10 In fact, I've done research on the various committees that we have
11 here in the County and the attendance requirements on all of them.
12 And it seems that a number of committees, if not all, have
13 attendance requirements, whether it's 50 percent, 75 percent, a
14 quarter of them. Each one of them, that when we appoint people to
15 committees, have requirements. But yet for ourselves, we can have
16 an unlimited number of excused absences for no reason whatsoever.

17
18 So, you know, I think we should hold ourselves to the same standard
19 that we hold people to the committees we appoint them to and that's
20 why, you know, I'd like to bring this forward. But I would ask,
21 again, my colleagues if anybody has a problem or concern with it,
22 that maybe they give me the courtesy of a conversation.

23
24 **CHAIRPERSON FLEMING:**

25 Legislator Spencer.

26
27 **LEG. SPENCER:**

28 Thank you, Susan. I think what you're saying is very fair, that
29 someone should reach out, and I definitely think in my role, and as
30 I recall I think I probably, I apologize because you were at caucus
31 and had a commitment and I appreciate you making the extra effort
32 to be at caucus and your commitment. I think -- I do think that
33 this is a good idea. I think that from what I have seen just
34 speaking in my role that I've had a couple of folks that have
35 reached out, and I do encourage them to have a conversation about
36 this.

37
38 Just one of the things just looking at it, I think the idea is
39 good, but as you've said many times potentially if there's an
40 unintended consequence of, as your law takes effect, it doesn't
41 impact our Presiding Officer necessarily from who he's able to
42 appoint or remove. But what happens in the event that there is a
43 determination that someone hasn't reached the attendance level and
44 there's a meeting and an action that takes place, is the Presiding
45 Officer's hands tied as far as having them serve someplace else,
46 how long are they prohibited from serving, are they able to get a
47 warning?

48
49 As I've read your legislation, it's well thought out, but as with
50 anything, there's always "if" and "what if" sort of things. And I
51 wasn't able to exhaust all of those things. And just not putting
52 anyone, you know, the folks that have reached out, I haven't heard
53 them say, you know, "You should speak to Legislator Berland."

54
55 But I thought there was maybe a little bit more discussion. And
56 I'm looking to work and support. I'll even vote for it now, but I

1 don't think it has the support as of now and that's my fault
2 because I should have given you some more follow-up after the
3 caucus and I apologize for that.

4
5 **LEG. BERLAND:**

6 No apology necessary. I mean, I was at the The First Women's
7 Advisory -- Women's Veterans Advisory Board Committee was scheduled
8 weeks prior to our caucus, so that's why I went there first and had
9 to go to committee. But, yeah, I would love to, you know, speak
10 with everyone. And that's why I tabled it at the first General
11 Meeting in anticipation of getting feedback. And now it's weeks
12 later and I've gotten zero feedback.

13
14 But I will add, though, there's -- let's see. General provisions
15 of the Code for the County, "Any appointed member of a board or
16 commission who shall be absent from four consecutive regular
17 meetings, unless excused by resolution, shall be deemed to have
18 vacated his or her office." The Council on Environmental Quality,
19 "No person shall be reappointed to a position unless they've
20 attended at least 75 percent of the regular and/or special
21 meetings." The Farmland Committee also has a 75%; the Long Island
22 Commission on Aquifer Protection, "Members failing to attend at
23 least half of the regularly scheduled meetings" they can't be on.
24 On the Planning Commission is also 75 percent. The Vanderbilt
25 Museum Commission, 75 percent. And the Long Island Regional
26 Planning Council is half.

27
28 And, you know, that's what we found in, like, a day. So, you know,
29 if we're appointing people to things, you know, again, I just think
30 we should be held to the same standard that we expect others to be
31 held to. But I understand that you'd like to make some changes. I
32 still would like it to be approved out of Committee and then maybe
33 by next Tuesday somebody can suggest something.

34
35 **CHAIRPERSON FLEMING:**

36 Legislator Kennedy.

37
38 **LEG. KENNEDY:**

39 Okay, I want to direct this question to Susan. Do you not forget
40 we spoke on this? And I told you what my feeling were regarding
41 health concerns and regarding, you know, some of our members?

42
43 **LEG. BERLAND:**

44 Well, we had a conversation, yes. You didn't give me anything in
45 writing. We had an off -- well, we had, you know, an
46 off-the-record conversation about you thought that there should be
47 more -- the number should be larger. I can't remember what number
48 that you suggested. And then we did have a conversation that if
49 somebody is missing meetings due to an illness, that that illness
50 would be one continual thing, which I had discussed with Counsel
51 and I believe is actually in the resolution.

52
53 **LEG. KENNEDY:**

54 And what you just listed, while I agree that every Legislator
55 should show up for every meeting, and I always try to, those are
56 committees. A Legislator is a little bit different. The people

1 vote them out if they don't show up where they're supposed to show
2 up when they're supposed to show up. So, I think the punishment is
3 already there.

4
5 **LEG. BERLAND:**

6 Well, I mean, you can say the same thing about elected Legislators.

7
8 **LEG. KENNEDY:**

9 Well, that's what I'm saying.

10
11 **LEG. BERLAND:**

12 Right. But, I mean, you know, if we appoint people to committees
13 and they don't show up, you know, whether you can participate in
14 meetings through Skype or not, we had talked about so, you know,
15 I'm not bringing that up particularly right now, but if you can't
16 Skype into a meeting and people are objected to Skyping into a
17 meeting, then you should be present at a meeting. And if you have
18 to be present at a meeting, then you shouldn't have an unlimited
19 number of excused absences for no reason whatsoever.

20
21 I mean, you know, in all due respect, Legislator Trotta I know went
22 to Mr. Burke's hearing, you know, and the trials and didn't go to
23 committees because you were there at the hearings -- at the trials
24 and those were excused absences. I personally don't think that
25 that's an excuse. You know, and I think that there -- it needs to
26 be reined in. And there are some people that go to committees
27 religiously and make it every time and then, you know, while we all
28 have times that we can't attend committees, and I understand that,
29 which I think, you know, the legislation is written to allow for
30 that. But it's unfettered use of the word "excused absences" for
31 whatever you deem necessary that you don't want to show up, I
32 think, needs to be reined in. So, I'd like to rein it.

33
34 **LEG. KENNEDY:**

35 I understand your feelings and I tend to agree. But I also feel
36 that as Legislators the voters hold us responsible.

37
38 **LEG. BERLAND:**

39 But we need to hold ourselves responsible, too. I mean, because,
40 you know, if you feel that Skype, for instance, is not, you know,
41 actually being here, it is more being here than an excused absence
42 and not there at all. So, you know, we can ponder that one, too.

43
44 **CHAIRPERSON FLEMING:**

45 You good, Leslie?

46
47 **LEG. KENNEDY:**

48 I'm good.

49
50 **CHAIRPERSON FLEMING:**

51 Legislator Donnelly.

52
53 **LEG. DONNELLY:**

54 Just for the record, you know, I had stated that this is under the
55 purview of the Presiding Officer's Office; committee assignments,
56 who's selected to what committee, who should be removed from what

1 committee. Essentially that's why the institution has a Presiding
2 Officer, to regulate these issues. So I second the motion to
3 table.

4
5 **CHAIRPERSON FLEMING:**

6 Okay. So we have a motion and a second to table 1020. All in
7 favor of the motion to table? All opposed? Any abstentions?

8
9 **LEG. BERLAND:**

10 I'm opposed to the tabling, sorry.

11
12 **CHAIRPERSON FLEMING:**

13 No worry. We'll do it again. Approvals? Anyone opposed? All
14 right, let's do a hand count. Everyone in favor of tabling?
15 (Indicating)

16
17 **LEG. SPENCER:**

18 (Indicating)

19
20 **LEG. DONNELLY:**

21 (Indicating)

22
23 **CHAIRPERSON FLEMING:**

24 Everyone in favor of -- voting no on the tabling?

25
26 **LEG. KENNEDY:**

27 Voting no on the table.

28
29 **LEG. SUNDERMAN:**

30 (Indicating)

31
32 **LEG. TROTТА:**

33 (Indicating).

34
35 **CHAIRPERSON FLEMING:**

36 Any opposed?

37
38 **LEG. BERLAND:**

39 (Indicating)

40
41 **LEG. CALARCO:**

42 (Indicating)

43
44 **LEG. SPENCER:**

45 (Indicating)

46
47 **CHAIRPERSON FLEMING:**

48 Any abstention? Okay, we're all good and 1020 has been tabled.
49 Thank you. Moving on. (VOTE: 5-3-0-0. OPPOSED: LEGISLATORS
50 CALARCO, SPENCER, BERLAND. PO CALARCO INCLUDED IN VOTE)

51
52 **1021, Asserting the Legislature's separate but equal status on the**
53 **RFP waiver committee. (Trotta).**

54
55 **LEG. TROTТА:**

56 Motion to approve.

1 **LEG. SUNDERMAN:**

2 Second.

3
4 **CHAIRPERSON FLEMING:**

5 We have a motion to approve and a second.

6
7 **LEG. BERLAND:**

8 Motion to table.

9
10 **CHAIRPERSON FLEMING:**

11 Motion to table by Legislator Berland, which I will second. And
12 the motion to table comes first. Anyone on the motion? So all in
13 favor? On the motion, Legislator Trotta.

14
15 **LEG. TROTTA:**

16 Yeah, this bill had passed last year or the year before and it was
17 vetoed and we failed to override the veto last time because one of
18 the -- we had 12 votes actually, but then Legislator Lindsay
19 changed his vote and it was unable to override it. The Waiver
20 Committee, I think, needs a second look into it besides -- let's
21 think about what the Waiver Committee is. It's waiving contracts,
22 waiving money that the taxpayers are spending. And the Waiver
23 Committee is made up of two people from the County Executive's
24 Office, one person from the Presiding Officer's office and three
25 Democrats. Now, it's a rubber stamp. It's basically fraud.

26
27 I've gone to almost every single Waiver Committee in the past six
28 years and I've never once seen them vote no. Everything passes.
29 So are we doing the taxpayers a service by just rubber stamping
30 everything that they want to do? And even the Presiding Officer,
31 if he votes no, it doesn't matter. So, we're just basically giving
32 the County Executive whatever he wants. It makes no logical sense.
33 Even with our vote he's still going to get whatever he wants. It's
34 just having another eyes and ears on it. And I think, you know, we
35 deserve to give the taxpayers those eyes and ears.

36
37 **CHAIRPERSON FLEMING:**

38 Legislator Spencer.

39
40 **LEG. SPENCER:**

41 I think that you make some valid points, and I am going to be
42 consistent with what I did before. I have something that probably
43 seems a little picky, but I think it's very simple to change. I
44 don't think it affects this resolution, but I just want to just
45 make people aware of the historical significance of separate but
46 equal and what that means, especially being an African American.
47 And so I'm not going to not support this because of the title, but
48 separate but equal historically through schools has a different
49 connotation. So I would request, you know, perhaps maybe a title
50 change, but in any case I do, I am going to probably --

51
52 **LEG. TROTTA:**

53 Sarah did it.

54
55 **MS. SIMPSON:**

56 Don't blame me on this one.

1 **LEG. SPENCER:**
2 We are coequal.

3
4 **MS. SIMPSON:**
5 We can make that change.

6
7 **CHAIRPERSON FLEMING:**
8 So, we'll table it so you can change the language?

9
10 **MS. SIMPSON:**
11 I'm going to -- can we table it for this cycle so that I can change
12 the title?

13
14 **LEG. TROTТА:**
15 I think, Doc, you're okay, we're going to change it. I mean, it's
16 an insignificant change. I don't think we need to table it for
17 that. Doesn't it have to be like a major change? This is not a
18 major change.

19
20 **LEG. SPENCER:**
21 I think everyone is kind of free to do how they feel. I'm going to
22 stay consistent. So, either way is fine.

23
24 **LEG. TROTТА:**
25 I appreciate it. So, let's make a motion to approve it and it will
26 be changed. It means nothing about the bill itself, just the
27 title. Thank you.

28
29 **CHAIRPERSON FLEMING:**
30 Okay. But we have a motion to table, which has been seconded. So,
31 all in favor of the motion to table, just raise your hands, please.
32 And all opposed to the motion to table?

33
34 **LEG. KENNEDY:**
35 (Indicating)

36
37 **LEG. SPENCER:**
38 (Indicating)

39
40 **LEG. TROTТА:**
41 (Indicating)

42
43 **LEG. SUNDERMAN:**
44 (Indicating)

45
46 **CHAIRPERSON FLEMING:**
47 So the motion to table fails. We have a motion to approve by
48 Legislator Trotta, which has been seconded by Legislator
49 Sunderland.

50
51 **LEG. BERLAND:**
52 On the motion.

53
54 **CHAIRPERSON FLEMING:**
55 And on the motion, Legislator Berland.

56

1 **LEG. BERLAND:**

2 I voted against this last time and I'm going to continue to vote
3 against this. I mean, to have a committee with four people I think
4 is just like potential to deadlock, and that's just not what you're
5 looking to do, you know. So, I don't think the even number is
6 really what gets to me, too, on this. And I don't, you know, the
7 whole allegation that something nefarious is happening in this
8 committee, I think, is unfounded as well. And to just assume that
9 that's what's happening because that's Legislator Trotta's position
10 on it, I think, is unfair to the people who are serving on the RFP
11 Waiver Committee. I respect their time, energy and effort to, you
12 know, do the County's work. So, I still oppose.

13
14 **CHAIRPERSON FLEMING:**

15 Thank you. We've had a number of references to the County
16 Executive. I think we have a representative here. Amy, welcome.
17 And, by the way, we are all praying for your sister.

18
19 **MS. KEYES:**

20 Thank you. Thank you to everybody who's reached out in the last
21 week or so. I really do appreciate that. She's doing much better.

22
23 **CHAIRPERSON FLEMING:**

24 Good to hear.

25
26 **MS. KEYES:**

27 I do -- I appreciate the opportunity to come up here. Just as
28 Legislator Spencer did point out, obviously the County Executive
29 did veto this when it was passed in 2018 with support from the then
30 Presiding Officer, and all of the reasons for vetoing it still
31 withstand. Not insignificantly with what Legislator Berland just
32 raised, which is that the bill would impose a three-fourths
33 requirement to approve any waivers. And simultaneously it creates
34 a situation where there's four members. There's an even number of
35 members.

36
37 And this is a bill that has been around since 2014. And I think it
38 was Legislator Barraga at the time who really was a sticking point
39 with the four members creating the potential for deadlock, some
40 might say purposely creating a potential for deadlock. But really
41 beyond the practical implications of the bill, you know, the
42 operational challenges it would present to the Waiver Committee,
43 from our perspective, from the County Executive's perspective,
44 procurement is an executive function. We think that's very -- and
45 the County Attorney's Office was involved in 2018 when we vetoed
46 this. It's an executive function. The resolution seeks to
47 undermine that. The Legislature is able to exert Legislative
48 controls to support County functions. That's why there is a
49 legislative seat on the committee as it stands right now. We think
50 that that is fair and reasonable legislative oversight.

51
52 And I think we would also agree with the point that Legislator
53 Berland made that to suggest that there is something -- there is
54 nefarious goings on at the RFP Waiver Committee, which is chaired
55 by Peter Scully, Lora Gellerstein has served, Barry Paul is the
56 other County Executive representative, is something that we take

1 offense to. We don't think that there is anything nefarious going
2 on. We think that we have represented, and it was debated in this
3 committee and worked with Comptroller's Office about the County
4 procurement process, which I think everybody would agree is
5 cumbersome in some places and could stand to be overhauled. And we
6 are in the process of doing that with the support of the
7 Legislature. At the end of the year last year we made major steps
8 forward in terms of our legal processes and we have since convened
9 a working group on which the Minority Caucus was invited to
10 participate, which the Comptroller's Office participates. We've
11 had two meetings this year already. The Comptroller's Office is a
12 really active participant in that group.

13
14 So, I think that if this is an issue that -- and the Presiding
15 Officer's Office is part of that working group. If this is an
16 issue that is a real priority to the Legislature, that working
17 group is a good place to continue to visit. But in terms of this
18 specific legislative remedy or this specific policy, the County
19 Executive continues to oppose it for all the reasons that I've
20 outlined and we would urge the Legislature to consider that.

21
22 **CHAIRPERSON FLEMING:**
23 Legislator Trotta.

24
25 **LEG. TROTТА:**

26 Just, you know, we're a separate but equal branch. The County
27 Executive has two people on it, we have one person on it. There's
28 18 Legislators at this horseshoe and there can be nine/nine. So
29 those arguments are out the window. In terms of the -- something's
30 wrong or nefarious going on, I'm not even going to get into it. It
31 just -- I stand where I stand.

32
33 **CHAIRPERSON FLEMING:**
34 Is that it, Rob?

35
36 **LEG. TROTТА:**
37 Yes.

38
39 **CHAIRPERSON FLEMING:**
40 Okay. Legislator Calarco. Presiding Officer Calarco.

41
42 **P.O. CALARCO:**

43 Thank you, Madam Chair. And I appreciate the County Executive's
44 position on the issue. You know, there's a lot of history to this
45 committee that I guess sometimes we're not even talking about. And
46 I tend to believe procurement, at least the way it's structured in
47 Suffolk County, is predominantly an administrative function and it
48 falls under the Executive Branch. And we certainly have times
49 where we need to exert our oversight and we do single source
50 respondents need to come to us for approval. And there's a couple
51 other times where we have to weigh in for approval of RFPs.

52
53 But in the past the committee was a three-person committee
54 completely and wholly encompassed within the Administration. Those
55 meetings were held, and this is prior to the current County
56 Executive, so don't mistake me of putting this on him, but it was

1 wholly done by the Administration, by three individuals who worked
2 directly for the Administration. Those meeting weren't public.
3 Those meetings weren't advertised. They were done in private on
4 the 12th floor. And there were concerns that were raised and the
5 meetings became public. Everybody has an opportunity to go to
6 them, the agendas are put out in a public fashion and now the
7 Presiding Officer has a seat.

8
9 And while, Legislator Trotta, I know that you said it's all
10 Democrats, and certainly for the remainder of my tenure as a
11 Legislator the County Executive will be a Democrat, because he just
12 got elected to a four-year term, but there's no guarantee it will
13 always be Democrats. The County Executive can, you know, that seat
14 can become a Republican seat at some point in time, a Republican
15 can win. There's no guarantee that the Legislature and the
16 Presiding Officer will remain a Democrat, though I hope for at
17 least the next four years.

18
19 But my point is that that is the structure, but it's not because
20 that's the structure for Democrats only. At some point in time
21 seats change, you know, and that's inevitable. Over time seats are
22 going to change. When they happen is a matter for the voters to
23 decide.

24
25 So, I think that there's a lot of daylight on it now. And I had
26 voted no on this before, because I wasn't convinced that in some
27 fashion the daylight that's there was not preventing any
28 malfeasance or appearance of malfeasance or the ability of parties
29 to raise concerns. And, in fact, I don't think there were many
30 examples of the Presiding Officer's Office voting differently than
31 the County Executive's Office or anybody saying that a waiver was
32 issued that was inappropriate.

33
34 And so for that reason I continue to not think this is necessary at
35 this point in time. Certainly now that I am -- my office is
36 responsible to sit at the table, maybe my perspective will change
37 over time and it will align with my predecessor who certainly did
38 think this was needed, and I can only tell as I gain that
39 experience. But at this point in time I think that it functions,
40 there's oversight, there's daylight, and I'm not convinced that
41 there needs to be major changes.

42
43 **CHAIRPERSON FLEMING:**
44 Legislator Spencer.

45
46 **LEG. SPENCER:**

47 I have found the Administration to be a partner, I have a great
48 working relationship with them and probably behind the scenes and
49 have found that what they put forward for the most part I agree
50 with and I'm always looking for a way to support it. This I'm
51 convicted a little bit differently, and the reason for that is
52 because I do think that although procurement is an administrative
53 function, I think that when it comes to appropriations and with the
54 purse strings, that it is something that we vote on. And that
55 procurement process, it's great that the Presiding Officer is in
56 the room, but I do think it's important that whether or not the

1 minority or the majority, that both sides of this body have a
2 voice.

3
4 And you're talking about an Executive that is still in the majority
5 -- with the majority of the Legislature and has a Presiding Officer
6 that has been someone that has always been looking to do the right
7 thing. I don't think this takes anything away from the ability to
8 be able to move things forward. I gotta stay consistent. You
9 know, one way or the other, I've thought about this deeply and I
10 don't like to be oppositional, but I have always stuck with my
11 word. And I was consistent. So, for me to change that now and I
12 still am of that belief, I don't think it takes anything away from
13 the Executive to be able to do what he needs to do. And it may not
14 prevail, but I have to be true to my word, and that's why I feel
15 bound to support this.

16
17 **CHAIRPERSON FLEMING:**

18 Okay. Anyone else? So, we have a motion and a second. This is a
19 motion to approve? All in favor? All opposed? (Indicating)

20
21 **P.O. CALARCO:**

22 (Indicating)

23
24 **LEG. BERLAND:**

25 (Indicating)

26
27 **CHAIRPERSON FLEMING:**

28 Any abstentions? Motion to approve carries. (VOTE: 5-3-0-0.

29 **OPPOSED: LEGISLATORS CALARCO, FLEMING & BERLAND. PO CALARCO**
30 **INCLUDED IN VOTE).** But are we -- are you changing the name?

31
32 **LEG. TROTТА:**

33 Yes.

34
35 **MS. SIMPSON:**

36 I'll scriveners the title.

37
38 **CHAIRPERSON FLEMING:**

39 1021, Assert the -- oh, we did that. Sorry. **1023, Adopting Local**
40 **Law No. -2020, A Charter Law to change the Legislative term of**
41 **Office from two (2) years to four (4) years. (Gonzalez).** I'll make
42 a motion to table for public hearing.

43
44 **LEG. TROTТА:**

45 Oh, it has to be a public hearing?

46
47 **CHAIRPERSON FLEMING:**

48 Yes, it's a Local Law. Motion to approve by myself -- I'm sorry,
49 motion to table for a public hearing by myself. Seconded by -- did
50 I hear a second on my motion? From Legislator Donnelly. All in
51 favor? All opposed? Any abstentions? The motion is tabled for a
52 public hearing. The motion to table for public hearing is
53 approved. (VOTE: 8-0-0-0. **PO CALARCO INCLUDED IN VOTE)**

54
55 **1027, Sale of County-owned real estate pursuant to Local Law No.**
56 **13-1976 Lance T. Amlinger and Jessica D. Sotis Amlinger (SCTM No.**

1 **0500-363.00-01.00-086.000). (Co. Exec.).** Motion to approve by
2 Legislator Donnelly; seconded by myself. All in favor? All
3 opposed? Any abstentions? That motion carries. (VOTE: 8-0-0-0.
4 **PO CALARCO INCLUDED IN VOTE)**

5
6 **1035, Accepting and appropriating the Second Upstate Quality**
7 **Improvement and Caseload Reduction Grant from the New York State**
8 **Office of Indigent Legal Services, to improve the quality of**
9 **services provided under Article 18-B of the County Law with 100%**
10 **support. (Co. Exec.).** Motion to approve and place on the Consent
11 Calendar by Legislator Kennedy; seconded by Legislator Berland. On
12 the motion. I just have a question for the Budget Review Office.
13 I'm sorry, I'm having trouble linking through to my resolutions.
14 What's the funding level here?

15
16 **MR. CORCORAN:**

17 So this is \$300,000 in funding, which is 100 percent grant funded.
18 And so this is for the Office of Legal Services. So they they're
19 giving that as for 18-B County Law to the Assigned Council Defender
20 Plan, and so the positions that that will pay for are a Junior
21 Administrative Assistant, a Qualitative Quantitative Assistant, a
22 consultant and also some operating expenses.

23
24 **CHAIRPERSON FLEMING:**

25 And does it -- do you happen to know with the grant, God Bless you,
26 if there is discretion for the 18-B panel to allocate that funding?
27 Or those positions are mandated within the funding grant.

28
29 **MR. CORCORAN:**

30 I'll have to get back to you on that.

31
32 **CHAIRPERSON FLEMING:**

33 Okay, I understand. I guess we should keep our eye on the fact
34 that the 18-B panel's funding has been reduced considerably, and so
35 to the extent that they are able to use this \$300,000 as they need
36 I would like to support that. But at any rate, we have a motion to
37 approve and place on the Consent Calendar. That is seconded. All
38 in favor? All opposed? Any abstentions? That motion carries.
39 (VOTE: 8-0-0-0. **PO CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)**

40
41 **1038, Authorizing the sale, pursuant to Local Law No. 16-1976, of**
42 **real property acquired under Section 46 of the Suffolk County Tax**
43 **Act George Bakos as Administrator of the Estate of Margaret Ann**
44 **Bakos a/k/a Margaret A. Bakos (SCTM Nos. 0800-139.00-03.00-044.000**
45 **and 0800-139.00-03.00-049.000). (Co. Exec.).** I'll make a motion to
46 approve and place on the Consent Calendar; seconded by Legislator
47 Kennedy. All in favor? All opposed? Any abstentions? 1038 is
48 approved and placed on the Consent Calendar. (VOTE: 8-0-0-0. **PO**
49 **CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)**

50
51 **1039, Authorizing the sale, pursuant to Local Law No. 16-1976, of**
52 **real property acquired under Section 46 of the Suffolk County Tax**
53 **Act Tasso Schien Construction Corp. (SCTM No.**
54 **0500-318.00-01.00-012.001). (Co. Exec.).** Same motion, same second,
55 same vote. (VOTE: 8-0-0-0. **PO CALARCO INCLUDED IN VOTE/CONSENT**
56 **CALENDAR)**

1 1040, Authorizing the sale, pursuant to Local Law No. 16-1976, of
2 real property acquired under Section 46 of the Suffolk County Tax
3 Act Bay Shore Home Corp. (SCTM No. 0500-226.00-03.00-039.001). (Co.
4 Exec.). Same motion, same second, same vote. (VOTE: 8-0-0-0. PO
5 CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)

6
7 1041, Authorizing the sale, pursuant to Local Law No. 16-1976, of
8 real property acquired under Section 46 of the Suffolk County Tax
9 Act Jean Pepitone (SCTM No. 0100-199.00-01.00-009.000). (Co.
10 Exec.). Same motion. We'll have the same motion, same second, and
11 the same vote. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN
12 VOTE/CONSENT CALENDAR)

13
14 1042, Authorizing the sale, pursuant to Local Law No. 16-1976, of
15 real property acquired under Section 46 of the Suffolk County Tax
16 Act Frances Barrett (SCTM No. 0204-005.00-07.00-024.000). (Co.
17 Exec.). All in favor -- I'm sorry. Same motion, same second, same
18 vote. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE/CONSENT
19 CALENDAR)

20
21 1043, Authorizing the sale, pursuant to Local Law No. 16-1976, of
22 real property acquired under Section 46 of the Suffolk County Tax
23 Act Priscilla Weekes (SCTM No. 0200-938.00-06.00-032.000). (Co.
24 Exec.). Same motion, same second, same vote. (VOTE: 8-0-0-0. PO
25 CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)

26
27 1044, Authorizing the sale, pursuant to Local Law No. 16-1976, of
28 real property acquired under Section 46 of the Suffolk County Tax
29 Act Rashid Bhatti and Aziz A. Bhatti, as to a Life Estate (SCTM No.
30 0200-884.00-02.00-005.000). (Co. Exec.). Same motion, same second,
31 same vote. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE/CONSENT
32 CALENDAR)

33
34 1045, Authorizing the sale, pursuant to Local Law No. 16-1976, of
35 real property acquired under Section 46 of the Suffolk County Tax
36 Act Michael L. Dinkelman (SCTM No. 0200-894.00-01.00-021.000).
37 (Co. Exec.). Same motion, same second, same vote. (VOTE:
38 8-0-0-0. PO CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)

39
40 1046, Authorizing the sale, pursuant to Local Law No. 16-1976, of
41 real property acquired under Section 46 of the Suffolk County Tax
42 Act Alonzo E. Cook Sr., as Administrator of the Estate of Ernestine
43 Cook Bullock a/k/a Ernestine Cook (SCTM No.
44 0200-539.00-06.00-015.000). (Co. Exec.). Same motion, same
45 second, same vote. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN
46 VOTE/CONSENT CALENDAR)

47
48 1047, Authorizing the sale, pursuant to Local Law No. 16-1976, of
49 real property acquired under Section 46 of the Suffolk County Tax
50 Act Five Corners, Ltd. (SCTM No. 0200-980.50-12.00-005.000). (Co.
51 Exec.). Same motion, same second, same vote. (VOTE: 8-0-0-0. PO
52 CALARCO INCLUDED IN VOTE/CONSENT CALENDAR)

53
54 1058, Adopting Local Law No. -2020, A Local Law to authorize
55 conveyance of real property previously taken for delinquent taxes
56 64 Tiber Avenue, Deer Park, (SCTM No. 0100-093.00-01.00-159.000).

1 (Donnelly).

2
3 **LEG. DONNELLY:**

4 Motion for public hearing.

5
6 **CHAIRPERSON FLEMING:**

7 Motion to table for public hearing by Legislator Donnelly; I'll
8 second it. Oh, seconded by Legislator Sunderman. Sorry, Rudy.
9 All in favor? All opposed? Any abstentions? 1058 is tabled for
10 public hearing. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

11
12 **1073, Authorizing the reconveyance of County-owned real estate**
13 **pursuant to Section 215, New York State County Law to John**
14 **Randazzo, Jr. (SCTM No. 0100-135.00-02.00-075.000). (McCaffrey).**
15 Motion by Legislator Sunderman to approve; seconded by Legislator
16 Kennedy. All in favor? All opposed? Any abstentions? 1073 is
17 approved. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

18
19 **1074, Adopting Local Law No. -2020, A Local Law to authorize**
20 **conveyance of real property previously taken for delinquent taxes**
21 **(23 Bedford Street, Wyandanch, (SCTM No.**
22 **0100-083.00-01.00-009.000). (Pres. Off.).**

23
24 **LEG. DONNELLY:**

25 Make a motion to table for public hearing.

26
27 **CHAIRPERSON FLEMING:**

28 Motion by Legislator Donnelly to table for public hearing; seconded
29 by Legislator Sunderman. All in favor? All opposed? Any
30 abstentions? 1074 is tabled for public hearing. (VOTE: 8-0-0-0.
31 **PO CALARCO INCLUDED IN VOTE)**

32
33 **1075, Adopting Local Law No. -2020, A Local Law to enact a**
34 **Campaign Finance Reform Act to limit campaign contributions from**
35 **County contractors and public employee unions. (Trotta).**

36
37 **LEG. TROTТА:**

38 Table.

39
40 **CHAIRPERSON FLEMING:**

41 Motion by Legislator Trotta to table for public hearing; seconded
42 by myself. All in favor? All opposed? Any abstentions? 1075 is
43 tabled for public hearing. (VOTE: 8-0-0-0. **PO CALARCO INCLUDED**
44 **IN VOTE)**

45
46 We have no tabled resolutions, we have no Procedural Motions, but
47 we do have an Executive Session. I'll make a motion to recess for
48 Executive Session to discuss litigation, seconded by my Vice Chair,
49 Legislator Spencer. All in favor? All opposed? Any abstentions?
50 We are recessed for Executive Session for purposes of litigation.

51
52 **EXECUTIVE SESSION 1:24 PM - 1:45 PM**

53
54 Okay, hello, everyone. We are back on the record. The Ways and
55 Means Committee just met in Executive Session for purposes of
56 litigation and have unanimously approved the following settlements:

1 Santander Consumer USA, Inc., versus the County of Suffolk County,
2 the committee unanimously approved an award of \$40,000; Barbara
3 Muntari versus the County of Suffolk, the Committee unanimously
4 approved a settlement award of \$30,000; Guilber Herrera versus the
5 County of Suffolk, again, the Committee unanimously voted and this
6 time to award a settlement of \$50,000.

7
8 There's no further business before this Committee unless -- is
9 somebody here that wants to be heard? Okay, no further business
10 for the Committee. Thank you all very much. Have a lovely
11 afternoon. We are adjourned.

12
13 **THE MEETING CONCLUDED AT 1:47 PM**
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\$			
\$30,000 [1] - 21:4	1039 [1] - 18:51	4	12:49, 13:17, 13:25,
\$300,000 [2] - 18:17,	1040 [1] - 19:1		13:30, 13:47, 14:3,
18:35	1041 [1] - 19:7	4 [1] - 17:41	14:15, 14:16, 14:32,
\$40,000 [1] - 21:2	1042 [1] - 19:14	46 [10] - 18:42,	14:34, 14:37, 14:38,
\$50,000 [1] - 21:6	1043 [1] - 19:21	18:52, 19:2, 19:8,	14:40, 14:48, 15:9,
\$60,000 [1] - 2:47	1044 [1] - 19:27	19:15, 19:22, 19:28,	15:11, 15:16, 15:17,
	1045 [1] - 19:34	19:35, 19:41, 19:49	15:26, 15:44, 15:50,
	1046 [1] - 19:40	5	15:53, 16:6, 16:7,
	1047 [1] - 19:48		16:10, 16:11, 16:12,
	1050 [1] - 3:33	5-3-0-0 [2] - 11:49,	16:14, 16:16, 16:22,
	1058 [2] - 19:54, 20:9	17:28	16:25, 16:31, 16:47,
	1073 [2] - 20:12,	50 [1] - 8:13	16:50, 16:51, 17:1,
	20:16		17:5, 17:18, 17:42,
	1074 [2] - 20:19,	6	17:45, 17:48, 17:49,
	20:30		17:50, 17:51, 18:12,
	1075 [2] - 20:33,	6 [1] - 1:16	18:20, 18:21, 18:36,
	20:42	64 [1] - 19:56	18:45, 19:29, 20:25,
	1099-G [3] - 2:23,		20:33, 20:47, 21:4,
	2:29, 2:37	7	21:6, 21:10
	1099-Gs [2] - 3:4,		A [8] - 1:13, 1:24,
	3:10	725 [1] - 1:15	17:40, 18:44, 19:29,
	1099s [2] - 2:34, 5:3	75 [4] - 8:13, 9:20,	19:54, 20:19, 20:33
	12 [1] - 12:18	9:24, 9:25	a/k/a [2] - 18:44,
	12:35 [1] - 2:1	75% [1] - 9:21	19:43
	12th [1] - 16:4	7th [3] - 1:34, 2:22,	ability [2] - 16:28,
	13-1976 [2] - 7:14,	2:32	17:7
	17:56	8	able [7] - 8:41, 8:46,
	14 [1] - 4:1		8:51, 14:47, 17:8,
	15th [1] - 3:3	8-0-0-0 [20] - 7:3,	17:13, 18:35
	16-1976 [10] - 18:41,	7:23, 7:29, 17:53,	about [14] - 4:7,
	18:51, 19:1, 19:7,	18:3, 18:39, 18:48,	4:10, 5:12, 5:39, 8:35,
	19:14, 19:21, 19:27,	18:55, 19:4, 19:11,	9:46, 10:6, 10:14,
	19:34, 19:40, 19:48	19:18, 19:24, 19:31,	12:21, 13:26, 15:3,
	18 [1] - 15:28	19:38, 19:45, 19:51,	15:45, 17:4, 17:9
	18-B [4] - 18:9,	20:10, 20:17, 20:30,	absence [1] - 10:41
	18:19, 18:26, 18:34	20:43	absences [4] - 8:16,
	1:24 [1] - 20:52		10:19, 10:24, 10:30
	1:45 [1] - 20:52	A	absent [1] - 9:16
	1:47 [1] - 21:13		abstention [1] -
		a [143] - 2:7, 2:8,	11:48
	2	2:31, 2:36, 2:40, 2:46,	abstentions [14] -
		2:47, 3:2, 3:6, 3:7,	7:3, 7:23, 7:29, 11:7,
	2 [1] - 17:41	3:23, 3:24, 3:52, 4:1,	17:28, 17:51, 18:3,
	2014 [1] - 14:37	4:6, 4:15, 4:22, 4:27,	18:38, 18:47, 20:9,
	2018 [2] - 14:29,	4:28, 4:45, 4:50, 4:51,	20:16, 20:30, 20:42,
	14:45	4:53, 5:1, 5:7, 5:16,	20:49
	2019 [1] - 3:5	5:20, 5:34, 5:35, 5:36,	Accepting [1] - 18:6
	2020 [5] - 1:16,	5:41, 5:42, 5:43, 5:44,	acquired [10] -
	17:40, 19:54, 20:19,	5:51, 6:29, 6:42, 7:2,	18:42, 18:52, 19:2,
	20:33	7:15, 7:42, 7:48, 7:49,	19:8, 19:15, 19:22,
	215 [1] - 20:13	8:12, 8:13, 8:21, 8:22,	19:28, 19:35, 19:41,
	218 [1] - 3:4	8:31, 8:33, 8:34, 8:35,	19:49
	23 [1] - 20:21	8:42, 8:44, 8:46, 8:55,	Act [11] - 18:43,
	3	9:15, 9:19, 9:21, 9:28,	18:53, 19:3, 19:9,
		9:44, 9:48, 9:56,	19:16, 19:23, 19:29,
	35 [2] - 2:48, 2:50	10:16, 10:17, 10:18,	19:36, 19:42, 19:50,
		11:1, 11:6, 11:14,	20:34
		12:5, 12:20, 12:25,	action [1] - 8:44
		12:29, 12:43, 12:48,	active [1] - 15:12
			actually [5] - 5:25,
			5:33, 9:51, 10:41,
			12:18
			add [3] - 4:3, 4:29,
			9:14
			additional [1] - 2:29
			adds [1] - 4:34
			adjourned [1] -
			21:11
			Administration [5] -
			2:36, 15:54, 16:1,
			16:2, 16:47
			Administrative [2] -
			7:27, 18:21
			administrative [3] -
			5:36, 15:47, 16:52
			Administrator [2] -
			18:43, 19:42
			Adopting [4] - 17:39,
			19:54, 20:19, 20:33
			advertised [1] - 16:3
			advice [2] - 4:38,
			4:52
			advise [1] - 2:32
			advised [2] - 3:1, 3:6
			Advisory [2] - 9:7
			affects [1] - 12:44
			affirmative [1] - 2:53
			African [1] - 12:46
			after [1] - 9:2
			afternoon [2] - 2:7,
			21:11
			again [4] - 8:21,
			9:29, 11:13, 21:5
			against [3] - 4:49,
			14:2, 14:3
			Agency [3] - 1:41,
			3:34, 3:56
			agency [4] - 4:3,
			4:20, 4:28, 4:30
			agendas [1] - 16:6
			aggrieved [1] - 5:37
			agree [5] - 9:54,
			10:35, 14:52, 15:4,
			16:49
			Aide [6] - 1:44, 1:45,
			1:46, 1:47, 1:48, 1:49
			Alexander [1] - 1:45
			Ali [1] - 1:48
			align [1] - 16:37
			All [26] - 7:2, 7:22,
			7:28, 11:13, 17:50,
			17:51, 18:2, 18:37,
			18:38, 18:47, 19:17,
			20:9, 20:16, 20:29,
			20:42, 20:49
			all [31] - 1:50, 2:36,
			3:4, 3:26, 3:50, 3:52,
			3:53, 5:40, 6:26, 7:51,
			8:8, 8:11, 8:12, 8:51,
			10:21, 10:27, 10:42,

DATE

- 11:6, 11:7, 11:48,
12:12, 13:31, 13:32,
14:17, 14:30, 15:19,
16:9, 17:19, 21:10
allegation [1] - 14:7
allocate [1] - 18:26
allow [1] - 10:29
almost [1] - 12:27
Alonzo [1] - 19:42
already [4] - 3:16,
4:4, 10:3, 15:11
also [9] - 3:44, 3:47,
4:10, 4:16, 9:21, 9:24,
10:35, 14:52, 18:22
ALSO [1] - 1:33
although [1] - 16:52
always [8] - 4:37,
4:51, 8:50, 9:55,
16:13, 16:50, 17:6,
17:10
am [4] - 12:41, 12:50,
16:35, 17:12
Amending [1] - 7:32
American [1] - 12:46
Amlinger [2] - 17:56
Amy [3] - 1:37, 1:39,
14:16
an [29] - 3:3, 3:20,
5:16, 5:21, 5:36, 5:37,
5:45, 8:16, 8:39, 8:44,
9:45, 9:49, 10:18,
10:25, 10:41, 12:46,
13:16, 14:34, 14:44,
14:46, 15:14, 15:15,
15:47, 16:5, 16:52,
17:4, 20:47, 21:2
analysis [1] - 5:24
and [201] - 2:4, 2:7,
2:8, 2:36, 2:42, 3:3,
3:20, 3:21, 3:25, 3:26,
3:32, 3:36, 3:37, 3:41,
3:43, 3:44, 3:48, 3:49,
3:50, 3:51, 3:55, 4:3,
4:10, 4:15, 4:19, 4:22,
4:24, 4:33, 4:34, 4:36,
4:37, 4:38, 4:48, 4:52,
4:53, 5:4, 5:9, 5:20,
5:21, 5:22, 5:23, 5:24,
5:25, 5:29, 5:30, 5:35,
5:41, 5:43, 5:48, 5:51,
6:11, 6:12, 6:35, 6:38,
7:2, 7:50, 8:6, 8:11,
8:12, 8:19, 8:29, 8:31,
8:32, 8:35, 8:43, 8:44,
8:50, 8:51, 8:55, 8:56,
9:1, 9:3, 9:8, 9:10,
9:11, 9:12, 9:25, 9:28,
9:32, 9:40, 9:41, 9:48,
9:51, 9:54, 9:55,
10:13, 10:16, 10:17,
10:22, 10:24, 10:25,
10:26, 10:27, 10:28,
10:35, 10:42, 11:6,
11:48, 12:5, 12:11,
12:16, 12:17, 12:19,
12:22, 12:24, 12:28,
12:30, 12:34, 12:35,
12:41, 12:46, 12:47,
13:25, 13:32, 13:55,
14:2, 14:4, 14:6, 14:8,
14:11, 14:17, 14:30,
14:33, 14:37, 14:44,
14:50, 14:52, 15:2,
15:3, 15:5, 15:8,
15:14, 15:20, 15:28,
15:43, 15:45, 15:47,
15:48, 15:49, 15:50,
15:54, 15:55, 16:4,
16:6, 16:9, 16:10,
16:15, 16:21, 16:25,
16:34, 16:37, 16:38,
16:40, 16:48, 16:50,
16:51, 16:53, 16:54,
17:4, 17:5, 17:9,
17:11, 17:13, 17:14,
17:18, 17:56, 18:6,
18:7, 18:10, 18:18,
18:20, 18:22, 18:25,
18:34, 18:37, 18:45,
18:46, 18:48, 19:10,
19:29, 20:35, 20:54,
20:56, 21:5
And [2] - 1:50, 16:29
and/or [1] - 9:20
Ann [1] - 18:43
another [1] - 12:34
answer [1] - 5:51
answered [1] - 6:11
anticipation [1] -
9:11
Any [10] - 7:2, 7:22,
7:29, 9:15, 11:36,
17:51, 18:47, 20:16,
20:42, 20:49
any [20] - 2:15, 2:29,
3:19, 4:11, 5:12, 6:2,
8:5, 8:8, 11:7, 11:48,
12:50, 14:33, 16:27,
17:28, 18:3, 18:36,
18:38, 20:9, 20:29
anybody [2] - 8:21,
16:31
anyone [6] - 2:13,
6:51, 8:52, 11:13,
12:12, 17:18
anything [5] - 8:50,
9:44, 15:1, 17:7,
17:12
apologize [2] - 8:30,
9:3
apology [1] - 9:6
appeal [1] - 5:36
appealed [1] - 5:9
appearance [1] -
16:28
APPLAUSE [1] - 7:8
applicants [1] - 5:41
application [2] -
5:43, 5:45
applications [2] -
4:18, 4:20
appoint [4] - 8:14,
8:19, 8:42, 10:12
appointed [1] - 9:15
appointing [1] - 9:29
appointment [2] -
3:32, 3:33
APPOINTMENTS [1]
- 3:30
appreciate [7] - 4:35,
4:42, 8:31, 13:25,
14:21, 14:27, 15:43
appreciation [1] -
3:44
appreciative [1] -
6:12
appropriating [1] -
18:6
appropriations [1] -
16:53
approval [3] - 3:33,
15:50, 15:51
approvals [1] - 11:13
approve [18] - 3:38,
7:16, 7:42, 7:49,
11:56, 12:5, 13:25,
13:47, 14:33, 17:19,
17:28, 17:48, 18:1,
18:10, 18:37, 18:46,
20:15
approved [9] - 7:3,
7:29, 9:32, 17:53,
18:48, 20:17, 20:56,
21:2, 21:4
Approving [2] - 3:33,
7:26
Aquifer [1] - 9:22
are [34] - 3:4, 3:12,
3:52, 4:8, 4:9, 4:11,
4:27, 4:51, 5:3, 6:2,
6:13, 8:46, 9:55,
10:16, 10:26, 12:22,
12:29, 13:2, 14:10,
14:17, 15:6, 15:29,
16:6, 16:21, 17:30,
18:20, 18:27, 18:35,
20:50, 20:54, 21:11
arguments [1] -
15:29
around [1] - 14:37
Article [1] - 18:9
as [36] - 2:37, 3:4,
3:16, 3:22, 3:33, 3:42,
3:55, 4:25, 4:29, 4:38,
4:49, 5:2, 5:39, 5:41,
8:29, 8:39, 8:40, 8:45,
8:49, 9:1, 10:36, 14:8,
14:27, 14:49, 16:10,
16:38, 18:19, 18:35,
18:43, 19:29, 19:42
ask [2] - 8:5, 8:20
asked [2] - 2:28, 6:12
asking [1] - 2:32
Assert [1] - 17:39
Asserting [1] - 11:52
assess [1] - 4:14
assessment [1] -
4:16
assessors [1] - 4:14
Assigned [1] - 18:19
assignments [1] -
10:55
Assistant [4] - 1:36,
1:39, 18:21
assume [1] - 14:8
AT [2] - 2:1, 21:13
at [32] - 2:27, 2:33,
2:42, 3:25, 5:40, 5:43,
7:33, 8:8, 8:30, 8:32,
8:38, 9:6, 9:10, 9:20,
9:22, 10:17, 10:18,
10:23, 10:42, 14:38,
14:54, 15:7, 15:28,
15:46, 16:14, 16:16,
16:20, 16:34, 16:36,
16:39, 18:36
attend [2] - 9:22,
10:28
ATTENDANCE [1] -
1:33
attendance [4] -
7:32, 8:11, 8:13, 8:43
attended [1] - 9:20
Attorney [5] - 3:42,
3:43, 4:39, 6:5, 6:17
Attorney's [4] - 1:42,
4:2, 4:35, 14:45
Attorney/appointee
[1] - 1:40
Auditorium [1] - 1:15
authority [1] - 2:38
authorize [2] - 19:54,
20:19
Authorizing [11] -
18:41, 18:51, 19:1,
19:7, 19:14, 19:21,
19:27, 19:34, 19:40,
19:48, 20:12
Avenue [1] - 19:56
avenue [1] - 5:36
award [3] - 21:2,
21:4, 21:6
aware [2] - 3:12,
12:45
away [2] - 17:7,
17:12
Aziz [1] - 19:29
-
- ## B
-
- back** [5] - 2:45, 2:46,
3:53, 18:30, 20:54
Bakos [3] - 18:43,
18:44
Barbara [1] - 21:2
Barraga [1] - 14:38
Barrett [1] - 19:16
Barry [1] - 14:55
based [2] - 4:12,
5:23
basically [2] - 12:25,
12:31
basis [2] - 4:6, 4:22
Bay [1] - 19:3
be [46] - 2:14, 2:34,
2:38, 2:39, 3:15, 3:21,
3:22, 3:26, 3:37, 4:19,
5:9, 5:13, 5:14, 6:14,
6:17, 8:32, 9:16, 9:17,
9:19, 9:23, 9:30, 9:32,
9:46, 9:47, 9:50,
10:17, 10:18, 10:26,
10:32, 10:56, 12:41,
13:17, 13:26, 15:5,
15:28, 16:11, 16:13,
16:41, 16:47, 17:8,
17:10, 17:13, 17:14,
17:45, 21:9
became [1] - 16:5
Because [1] - 2:56
because [15] - 4:17,
4:28, 4:49, 5:25, 8:30,
9:2, 10:23, 10:39,
12:17, 12:47, 14:9,
16:11, 16:19, 16:26,
16:52
become [1] - 16:14
Bedford [1] - 20:21
been [18] - 2:21,
2:23, 2:56, 3:16, 3:22,
4:6, 4:22, 4:36, 6:11,
7:50, 11:48, 13:30,
13:48, 14:37, 17:6,
18:34
before [7] - 4:8, 4:25,
5:2, 12:16, 12:42,
16:26, 21:8
begin [1] - 2:8
begun [1] - 3:22
behind [1] - 16:48

DATE

being [7] - 2:39, 5:45, 6:5, 6:13, 10:41, 12:46
belief [1] - 17:12
believe [4] - 2:46, 5:9, 9:51, 15:46
Berland [9] - 1:24, 1:46, 7:42, 8:53, 12:11, 13:55, 14:31, 14:53, 18:11
BERLAND [16] - 7:35, 7:54, 8:4, 9:5, 9:43, 10:5, 10:11, 10:38, 11:9, 11:38, 11:50, 12:7, 13:51, 14:1, 17:24, 17:29
Berland [1] - 7:33
besides [1] - 12:20
better [1] - 14:21
beyond [1] - 14:41
Bhatti [2] - 19:29
bill [5] - 12:16, 13:26, 14:32, 14:37, 14:41
bit [3] - 8:55, 9:56, 16:51
blame [1] - 12:56
Bless [1] - 18:25
Board [1] - 9:7
board [1] - 9:15
body [1] - 17:1
bond [1] - 5:22
both [2] - 3:27, 17:1
bound [1] - 17:15
branch [1] - 15:26
Branch [1] - 15:48
Braun [1] - 1:42
Bridget [1] - 1:22
bright [1] - 4:51
bring [2] - 4:3, 8:20
bringing [1] - 10:15
brought [1] - 4:49
BROWN [10] - 3:40, 4:41, 5:19, 5:54, 6:7, 6:16, 6:22, 6:37, 6:44, 6:53
Brown [2] - 1:40, 3:33
Budget [2] - 1:38, 18:12
Building [1] - 1:15
Bullock [1] - 19:43
burden [3] - 5:8, 5:12, 5:14
Bureau [1] - 1:42
Burke [2] - 6:35, 6:48
Burke's [1] - 10:22
business [2] - 21:8, 21:9
but [52] - 2:50, 2:56, 3:17, 3:23, 3:43, 3:53,

4:16, 4:28, 5:1, 5:4, 5:46, 6:38, 8:15, 8:20, 8:39, 8:42, 8:49, 8:55, 8:56, 9:9, 9:14, 9:31, 10:12, 10:15, 10:30, 10:35, 10:39, 11:52, 12:18, 12:43, 12:44, 12:45, 12:47, 12:48, 12:50, 13:30, 14:40, 15:17, 15:26, 15:53, 15:56, 16:12, 16:19, 16:39, 16:56, 17:10, 17:14, 17:30, 18:36, 20:46
BY [1] - 1:52
by [43] - 2:9, 3:1, 3:16, 3:35, 4:23, 5:11, 5:26, 5:37, 5:45, 5:46, 7:22, 7:27, 7:28, 7:42, 7:48, 7:50, 9:17, 9:33, 12:11, 12:29, 13:47, 13:48, 14:17, 14:55, 16:1, 17:48, 17:49, 18:1, 18:2, 18:11, 18:46, 20:7, 20:8, 20:15, 20:28, 20:29, 20:41, 20:42, 20:48

C

CALARCO [27] - 7:3, 7:23, 7:30, 11:41, 11:50, 15:42, 17:21, 17:29, 17:53, 18:4, 18:39, 18:49, 18:55, 19:5, 19:11, 19:18, 19:25, 19:31, 19:38, 19:45, 19:52, 20:10, 20:17, 20:31, 20:43
Calarco [3] - 1:34, 15:40
calendar [1] - 3:5
CALENDAR [11] - 18:39, 18:49, 18:56, 19:5, 19:12, 19:19, 19:25, 19:32, 19:38, 19:46, 19:52
Calendar [4] - 18:11, 18:37, 18:46, 18:48
CALLED [1] - 2:1
Campaign [1] - 20:34
campaign [1] - 20:34
can [17] - 4:52, 5:30, 6:42, 8:15, 9:33, 10:6, 10:13, 10:42, 13:5, 13:8, 13:11, 15:28, 16:13, 16:14, 16:15, 16:38
can't [4] - 9:23, 9:47,

10:15, 10:28
Caracappa [1] - 1:14
cards [1] - 2:13
carries [3] - 17:28, 18:3, 18:38
case [2] - 4:22, 12:50
Caselone [1] - 18:7
cases [1] - 5:24
caucus [4] - 8:30, 8:32, 9:3, 9:8
Caucus [1] - 15:9
certain [1] - 2:50
certainly [5] - 4:29, 15:48, 16:10, 16:35, 16:37
Chair [4] - 1:23, 3:36, 15:43, 20:48
chaired [1] - 14:54
CHAIRPERSON [43] - 2:3, 2:55, 4:32, 4:44, 6:1, 6:31, 6:50, 7:1, 7:21, 7:41, 7:47, 8:1, 8:24, 9:35, 10:44, 10:50, 11:5, 11:12, 11:23, 11:35, 11:47, 12:4, 12:10, 12:37, 13:7, 13:29, 13:46, 13:54, 14:14, 14:23, 15:22, 15:33, 15:39, 16:43, 17:17, 17:27, 17:38, 17:47, 18:24, 18:32, 20:6, 20:27, 20:40
Chairperson [1] - 1:22
challenges [1] - 14:42
change [15] - 5:11, 12:43, 12:50, 13:5, 13:8, 13:11, 13:15, 13:16, 13:17, 13:18, 16:21, 16:22, 16:36, 17:11, 17:40
changed [2] - 12:19, 13:26
changes [4] - 4:11, 4:24, 9:31, 16:41
changing [1] - 17:30
charged [2] - 4:7, 4:20
Charter [1] - 17:40
Chief [2] - 1:37, 5:29
Chief/County [1] - 1:42
citizen [1] - 4:19
clearer [2] - 5:43, 5:44
clerk [1] - 4:20
Clerk/Legislature [1] - 1:37

closer [1] - 5:42
Co [15] - 3:35, 3:36, 7:15, 18:1, 18:10, 18:45, 18:54, 19:3, 19:9, 19:16, 19:23, 19:30, 19:37, 19:44, 19:50
Co-Chair [1] - 3:36
Code [3] - 7:26, 7:27, 9:15
coequal [1] - 13:2
Cohen [1] - 3:47
colleagues [1] - 8:21
come [6] - 2:14, 3:20, 3:37, 4:52, 14:27, 15:50
comes [3] - 4:25, 12:12, 16:53
comment [1] - 6:51
commission [1] - 9:16
Commission [3] - 9:22, 9:24, 9:25
commitment [3] - 2:33, 8:31, 8:32
COMMITTEE [1] - 1:2
committee [14] - 7:33, 9:9, 10:55, 10:56, 11:1, 11:53, 14:3, 14:8, 14:49, 15:3, 15:45, 15:53, 21:2
Committee [23] - 1:13, 2:4, 2:8, 2:21, 2:28, 2:29, 2:33, 2:43, 9:7, 9:21, 9:32, 12:20, 12:21, 12:23, 12:27, 14:11, 14:42, 14:54, 20:55, 21:3, 21:5, 21:8, 21:10
committees [9] - 8:10, 8:12, 8:15, 8:19, 9:56, 10:12, 10:23, 10:26, 10:28
complaint [1] - 6:38
completely [1] - 15:54
Comptroller [4] - 2:22, 2:27, 5:3, 5:29
Comptroller's [4] - 4:24, 15:3, 15:10, 15:11
concern [2] - 3:55, 8:21
concerned [1] - 3:55
concerns [4] - 8:5, 9:41, 16:4, 16:29
CONCLUDED [1] - 21:13

confidence [2] - 3:45, 4:37
congratulations [1] - 4:48
connotation [1] - 12:49
consecutive [1] - 9:16
Consent [4] - 18:10, 18:37, 18:46, 18:48
consequence [1] - 8:40
consider [1] - 15:20
considerably [1] - 18:34
considered [1] - 2:40
consistent [4] - 12:42, 13:22, 17:8, 17:11
Construction [1] - 18:53
constructive [1] - 5:24
consultant [1] - 18:22
Consumer [1] - 21:1
contact [2] - 2:28, 4:36
continual [1] - 9:50
continue [6] - 3:10, 3:21, 3:24, 14:2, 15:17, 16:34
continues [1] - 15:19
continuing [1] - 3:6
contractors [1] - 20:35
contracts [1] - 12:21
contributions [1] - 20:34
controls [1] - 14:48
convened [1] - 15:8
conversation [5] - 8:22, 8:35, 9:44, 9:46, 9:48
conveyance [2] - 19:55, 20:20
convicted [1] - 16:51
convinced [2] - 16:26, 16:40
Cook [3] - 19:42, 19:43
copy [1] - 6:42
Corcoran [1] - 1:38
CORCORAN [2] - 18:16, 18:29
Corners [1] - 19:50
Corp [2] - 18:53, 19:3
correct [1] - 2:49
CORRESPONDEN

DATE

CE [1] - 2:18
correspondence [3] - 2:20, 2:21, 3:28
could [6] - 4:3, 4:29, 5:9, 5:12, 5:14, 15:5
Council [3] - 9:18, 9:26, 18:19
Counsel [3] - 1:35, 1:36, 9:50
counsel [2] - 5:22
count [1] - 11:14
COUNTY [1] - 1:6
County [58] - 1:13, 1:39, 1:40, 2:24, 2:40, 3:34, 3:42, 3:44, 4:2, 4:17, 4:28, 4:35, 4:38, 4:51, 5:13, 6:5, 6:17, 7:13, 8:11, 9:15, 12:23, 12:32, 14:15, 14:28, 14:43, 14:45, 14:48, 14:56, 15:3, 15:18, 15:26, 15:43, 15:47, 15:55, 16:11, 16:13, 16:31, 17:55, 18:9, 18:19, 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49, 20:12, 20:13, 20:35, 21:1, 21:3, 21:5
County's [1] - 14:12
County-owned [3] - 7:13, 17:55, 20:12
couple [4] - 3:52, 5:20, 8:34, 15:50
Court [1] - 1:53
courtesy [1] - 8:22
creates [1] - 14:33
creating [2] - 14:39, 14:40
credits [1] - 4:18
cumbersome [1] - 15:5
current [1] - 15:55
cycle [1] - 13:11

D

D [1] - 17:56
daily [1] - 4:6
day [2] - 4:6, 9:28
daylight [3] - 16:25, 16:27, 16:40
deadlock [3] - 14:4, 14:39, 14:40
dealing [2] - 5:2, 5:33
debated [1] - 15:2
decide [1] - 16:23
deem [1] - 10:31

deemed [1] - 9:17
deeply [1] - 17:9
Deer [1] - 19:56
Defender [1] - 18:19
definitely [3] - 3:49, 4:1, 8:29
delinquent [2] - 19:55, 20:20
Democrat [2] - 16:11, 16:16
Democrats [4] - 12:25, 16:10, 16:13, 16:20
Dennis [7] - 1:40, 3:33, 3:36, 3:47, 4:48, 6:51, 7:6
Department [2] - 3:50, 4:2
Deputy [4] - 1:37, 1:39, 1:42, 5:29
deserve [1] - 12:35
determination [3] - 5:35, 5:37, 8:43
Diana [1] - 1:53
did [14] - 2:31, 2:45, 2:49, 3:2, 5:21, 8:5, 9:48, 12:42, 12:53, 14:28, 14:29, 16:37, 17:39, 17:49
didn't [4] - 2:30, 2:49, 9:44, 10:22
differ [1] - 5:30
different [2] - 9:56, 12:48
differently [2] - 16:30, 16:51
difficult [2] - 3:14
Dinkelman [1] - 19:36
direct [1] - 9:39
directly [3] - 3:48, 5:27, 16:2
Director [3] - 1:40, 3:34, 3:56
Director/Real [1] - 1:43
disagreed [1] - 2:42
disagreement [1] - 2:37
discretion [1] - 18:26
discuss [1] - 20:48
discussed [1] - 9:50
discussion [3] - 2:27, 2:30, 8:55
distributed [1] - 2:21
District [1] - 1:34
division [1] - 4:3
do [36] - 2:20, 3:32, 3:36, 3:45, 4:4, 4:15, 4:17, 4:19, 4:27, 4:50,

4:53, 5:1, 5:4, 5:16, 6:23, 6:38, 8:32, 8:35, 9:39, 11:13, 11:14, 12:30, 12:50, 13:21, 14:5, 14:12, 14:21, 14:27, 15:49, 16:52, 16:56, 17:6, 17:13, 18:25, 20:47
Doc [2] - 3:36, 13:15
documents [3] - 4:8, 4:12, 4:13
does [1] - 18:25
doesn't [3] - 8:40, 12:31, 13:17
doing [4] - 4:10, 12:29, 14:21, 15:6
don't [18] - 2:47, 5:40, 9:1, 10:1, 10:13, 10:24, 10:31, 12:44, 12:56, 13:16, 14:5, 14:6, 15:1, 15:56, 16:29, 17:7, 17:10, 17:12
done [3] - 8:10, 16:1, 16:3
Donnelly [9] - 1:25, 1:47, 7:28, 7:50, 10:51, 17:50, 18:2, 20:7, 20:28
DONNELLY [5] - 7:44, 10:53, 11:20, 20:3, 20:24
Donnelly [1] - 20:1
Dononhue [1] - 1:44
doubt [1] - 4:33
Doug [1] - 3:19
drafted [1] - 6:39
due [2] - 9:49, 10:21

E

E [2] - 1:35, 19:42
e [1] - 3:3
e-mail [1] - 3:3
each [1] - 8:14
early [1] - 3:1
ears [2] - 12:34, 12:35
effect [1] - 8:40
effort [2] - 8:31, 14:11
efforts [1] - 4:35
eight [1] - 4:50
either [1] - 13:22
elected [2] - 10:6, 16:12
Elizabeth [1] - 1:45
Ellis [1] - 1:37
else [4] - 3:16, 6:51, 8:45, 17:18

employee [1] - 20:35
enact [1] - 20:33
encompassed [1] - 15:54
encourage [1] - 8:35
end [1] - 15:7
energy [1] - 14:11
ensure [1] - 7:32
entries [1] - 4:21
Environmental [1] - 9:18
equal [4] - 11:52, 12:46, 12:48, 15:26
equitable [1] - 6:11
Ernestine [2] - 19:42, 19:43
errors [2] - 4:21
especially [1] - 12:46
essential [1] - 4:21
Essentially [1] - 11:1
establish [1] - 5:44
Estate [4] - 1:43, 18:43, 19:29, 19:42
estate [3] - 7:13, 17:55, 20:12
even [8] - 4:53, 8:56, 12:30, 12:33, 14:5, 14:34, 15:30, 15:45
even-tempered [1] - 4:53
event [1] - 8:42
every [5] - 6:11, 9:54, 9:55, 10:27, 12:27
everybody [4] - 8:5, 14:20, 15:4, 16:5
Everyone [1] - 11:24
everyone [6] - 2:7, 3:27, 9:10, 11:14, 13:21, 20:54
everything [2] - 12:28, 12:30
examples [1] - 16:30
excuse [2] - 2:22, 10:25
excused [6] - 8:16, 9:17, 10:19, 10:24, 10:30, 10:41
Exec. [14] - 3:35, 7:15, 18:1, 18:10, 18:45, 18:54, 19:4, 19:10, 19:17, 19:24, 19:30, 19:37, 19:44, 19:51
Executive [18] - 1:39, 3:44, 12:32, 14:16, 14:28, 14:56, 15:19, 15:27, 15:48, 15:56, 16:11, 16:13, 17:4, 17:13, 20:47, 20:48, 20:50, 20:55

executive [2] - 14:44, 14:46
EXECUTIVE [1] - 20:52
Executive's [5] - 2:40, 12:23, 14:43, 15:43, 16:31
exert [2] - 14:47, 15:49
exhaust [1] - 8:51
expect [1] - 9:30
expenses [1] - 18:22
experience [7] - 4:1, 4:28, 4:34, 5:9, 5:33, 5:35, 16:39
explain [3] - 3:20, 3:21, 3:37
explicitly [1] - 3:15
express [2] - 3:19, 3:43
extend [1] - 3:20
extent [1] - 18:35
extra [1] - 8:31
eye [1] - 18:33
eyes [2] - 12:34, 12:35

F

fact [4] - 4:21, 8:10, 16:29, 18:33
failed [1] - 12:17
failing [1] - 9:22
fails [1] - 13:47
fair [3] - 6:11, 8:28, 14:50
fall [1] - 5:8
falls [1] - 15:48
far [4] - 3:55, 5:2, 5:41, 8:45
Farmland [1] - 9:21
fashion [2] - 16:6, 16:27
fault [1] - 9:1
favor [20] - 7:2, 7:22, 7:28, 7:51, 11:7, 11:14, 11:24, 12:13, 13:31, 17:19, 17:51, 18:2, 18:38, 18:47, 19:17, 20:9, 20:16, 20:29, 20:42, 20:49
February [1] - 1:16
Federal [3] - 2:38, 2:42, 2:47
feedback [2] - 9:11, 9:12
feel [5] - 4:29, 10:35, 10:40, 13:21, 17:14
feeling [1] - 9:40
feelings [1] - 10:35

DATE

Finance [1] - 20:34
find [1] - 8:7
fine [2] - 2:56, 13:22
First [1] - 9:6
first [7] - 3:1, 3:41,
 5:21, 9:8, 9:10, 12:12
Five [1] - 19:50
five [1] - 4:9
flag [1] - 2:8
Fleming [2] - 1:22,
 1:44
FLEMING [44] - 2:3,
 2:55, 4:32, 4:44, 6:1,
 6:31, 6:50, 7:1, 7:21,
 7:41, 7:47, 8:1, 8:24,
 9:35, 10:44, 10:50,
 11:5, 11:12, 11:23,
 11:35, 11:47, 12:4,
 12:10, 12:37, 13:7,
 13:29, 13:46, 13:54,
 14:14, 14:23, 15:22,
 15:33, 15:39, 16:43,
 17:17, 17:27, 17:29,
 17:38, 17:47, 18:24,
 18:32, 20:6, 20:27,
 20:40
Flesher [1] - 1:53
floor [1] - 16:4
folks [2] - 8:34, 8:52
follow [1] - 9:2
follow-up [1] - 9:2
following [4] - 2:30,
 2:32, 5:15, 20:56
follows [1] - 3:4
for [78] - 2:13, 2:15,
 3:4, 3:5, 3:6, 3:14,
 3:32, 3:34, 3:44, 3:45,
 4:6, 4:7, 4:14, 4:18,
 4:20, 4:24, 4:38, 5:3,
 5:13, 5:29, 5:52, 6:5,
 7:26, 8:15, 8:16, 8:56,
 9:3, 9:15, 9:55, 10:19,
 10:29, 10:30, 10:40,
 10:54, 13:11, 13:16,
 14:17, 14:30, 14:39,
 14:40, 15:19, 15:50,
 15:51, 16:2, 16:10,
 16:16, 16:20, 16:22,
 16:34, 16:49, 16:50,
 16:51, 17:11, 17:42,
 17:49, 17:51, 17:52,
 18:12, 18:18, 18:19,
 18:20, 18:26, 19:55,
 20:4, 20:7, 20:9,
 20:20, 20:25, 20:28,
 20:30, 20:41, 20:43,
 20:47, 20:50, 20:55,
 21:10
forget [1] - 9:39
forms [3] - 2:23,

2:30, 2:37
forward [6] - 3:24,
 5:10, 8:20, 15:8,
 16:49, 17:8
forwarded [1] - 3:3
found [3] - 9:28,
 16:47, 16:49
four [8] - 4:9, 9:16,
 14:3, 14:34, 14:39,
 16:12, 16:17, 17:41
four-year [1] - 16:12
Frances [1] - 19:16
fraud [1] - 12:25
free [1] - 13:21
from [24] - 2:16,
 2:31, 2:45, 3:8, 3:10,
 3:19, 5:7, 5:21, 5:34,
 8:33, 8:41, 8:46, 9:16,
 10:56, 12:23, 12:24,
 14:29, 14:43, 17:7,
 17:12, 17:41, 18:7,
 20:34
From [1] - 17:50
function [4] - 14:44,
 14:46, 15:47, 16:53
functions [2] - 14:48,
 16:39
funded [1] - 18:17
funding [5] - 18:14,
 18:17, 18:26, 18:27,
 18:34
funds [1] - 3:15
further [3] - 3:21,
 21:8, 21:9

G

gain [1] - 16:38
gained [1] - 4:1
gave [1] - 2:41
Gellerstein [1] -
 14:55
General [2] - 7:26,
 9:10
general [1] - 9:14
George [1] - 18:43
get [9] - 2:30, 3:25,
 4:52, 5:7, 5:21, 8:46,
 12:33, 15:30, 18:30
gets [1] - 14:6
getting [1] - 9:11
give [4] - 3:47, 8:22,
 9:44, 12:35
given [3] - 4:23,
 5:47, 9:2
giving [2] - 12:31,
 18:19
go [4] - 9:9, 10:22,
 10:26, 16:5
God [1] - 18:25

going [15] - 2:34,
 4:6, 5:44, 12:33,
 12:41, 12:47, 12:50,
 13:11, 13:15, 13:21,
 14:2, 15:1, 15:30,
 16:22
goings [1] - 14:54
gone [1] - 12:27
Gonzalez [1] - 17:41
good [9] - 2:7, 4:52,
 8:33, 8:39, 10:45,
 10:48, 11:48, 14:24,
 15:17
got [1] - 16:12
gotta [1] - 17:8
gotten [1] - 9:12
government [1] -
 2:47
grant [5] - 2:24, 3:5,
 18:17, 18:25, 18:27
Grant [1] - 18:7
grants [2] - 2:39,
 3:22
gratitude [1] - 3:44
great [5] - 3:53, 4:37,
 4:53, 16:47, 16:55
greatly [1] - 6:12
group [4] - 15:9,
 15:12, 15:15, 15:17
guarantee [2] -
 16:12, 16:15
guess [4] - 2:49,
 6:17, 15:45, 18:33
guidance [1] - 2:41
Guilber [1] - 21:4
gut [1] - 5:35

H

H [1] - 1:15
had [26] - 2:27, 2:36,
 2:38, 2:40, 2:45, 2:46,
 3:2, 4:37, 5:33, 6:48,
 8:5, 8:8, 8:31, 8:34,
 9:8, 9:44, 9:45, 9:50,
 10:14, 10:54, 12:16,
 12:18, 14:15, 15:11,
 16:25
half [2] - 9:23, 9:26
hand [1] - 11:14
hands [2] - 8:45,
 13:31
happen [2] - 16:22,
 18:25
happening [4] - 2:31,
 3:23, 14:7, 14:9
happens [1] - 8:42
hard [1] - 4:9
has [25] - 2:21, 4:22,
 4:45, 6:12, 7:50, 8:6,

8:8, 8:21, 9:1, 9:21,
 11:1, 11:48, 12:48,
 13:30, 13:48, 14:37,
 14:55, 15:27, 16:5,
 16:7, 17:5, 17:6,
 17:45, 18:34
hasn't [1] - 8:43
have [68] - 2:13,
 2:20, 2:23, 3:7, 3:16,
 3:27, 3:32, 3:52, 4:10,
 4:29, 4:33, 4:36, 4:49,
 5:1, 5:16, 5:20, 5:28,
 6:11, 6:29, 7:2, 7:12,
 7:42, 7:49, 8:10, 8:12,
 8:15, 8:33, 8:34, 8:35,
 8:52, 9:2, 9:17, 9:48,
 10:17, 10:18, 10:28,
 11:6, 12:5, 12:42,
 13:17, 13:30, 13:47,
 14:3, 14:16, 15:2,
 15:8, 15:27, 15:48,
 15:51, 16:47, 16:49,
 17:1, 17:10, 17:14,
 17:18, 18:12, 18:30,
 18:36, 19:10, 20:46,
 20:47, 20:56, 21:10
haven't [1] - 8:52
having [6] - 3:45,
 4:7, 5:47, 8:45, 12:34,
 18:13
he [17] - 2:29, 2:32,
 2:33, 2:45, 2:46, 3:1,
 3:2, 3:9, 3:10, 3:20,
 12:31, 12:32, 12:33,
 16:11, 17:13
he's [4] - 3:13, 3:48,
 8:41, 12:33
health [1] - 9:41
hear [4] - 2:45, 5:16,
 14:24, 17:50
heard [4] - 2:14,
 2:45, 8:52, 21:9
hearing [14] - 10:22,
 17:42, 17:45, 17:49,
 17:52, 20:4, 20:7,
 20:10, 20:25, 20:28,
 20:30, 20:41, 20:43
hearings [1] - 10:23
hears [1] - 3:10
held [4] - 1:14, 9:30,
 9:31, 15:55
hello [1] - 20:54
helping [1] - 4:14
her [1] - 9:18
here [10] - 2:27, 3:8,
 4:50, 8:11, 10:41,
 14:16, 14:27, 18:14,
 21:9
Herrara [1] - 21:4
hi [1] - 4:48

Highway [1] - 1:16
him [6] - 2:28, 2:31,
 3:20, 3:48, 3:49,
 15:56
his [5] - 3:25, 3:49,
 5:29, 9:18, 12:19
historical [1] - 12:45
historically [1] -
 12:48
history [1] - 15:44
hold [4] - 8:18, 8:19,
 10:36, 10:39
Home [1] - 19:3
homeowner [2] - 5:8,
 5:46
homeowners [1] -
 5:27
hope [1] - 16:16
hopes [1] - 3:25
horseshoe [2] - 2:5,
 15:28
how [5] - 3:37, 5:12,
 5:39, 8:46, 13:21
however [1] - 5:34
hypothetical [1] - 5:1

I

i [2] - 9:6, 13:15
I [178] - 2:13, 2:20,
 2:22, 2:28, 2:30, 2:31,
 2:46, 2:47, 2:48, 2:49,
 2:50, 2:56, 3:12, 3:13,
 3:32, 3:36, 3:42, 3:43,
 3:47, 4:28, 4:29, 4:33,
 4:34, 4:35, 4:36, 4:42,
 4:45, 5:1, 5:4, 5:16,
 5:20, 5:22, 5:23, 5:27,
 5:28, 5:39, 5:40, 5:42,
 5:48, 5:51, 6:17, 6:23,
 6:29, 6:38, 7:15, 7:49,
 8:5, 8:7, 8:18, 8:20,
 8:28, 8:29, 8:30, 8:31,
 8:32, 8:33, 8:35, 8:38,
 8:50, 8:52, 8:55, 8:56,
 9:2, 9:3, 9:6, 9:8, 9:9,
 9:10, 9:14, 9:29, 9:31,
 9:39, 9:40, 9:47, 9:50,
 9:51, 9:54, 9:55, 10:2,
 10:6, 10:12, 10:21,
 10:24, 10:25, 10:28,
 10:29, 10:31, 10:35,
 10:39, 10:54, 11:2,
 12:11, 12:20, 12:34,
 12:41, 12:42, 12:43,
 12:44, 12:49, 12:50,
 13:11, 13:15, 13:16,
 13:21, 13:25, 14:2,
 14:3, 14:5, 14:6, 14:8,
 14:10, 14:11, 14:12,

DATE

14:16, 14:21, 14:27,
14:37, 14:52, 15:4,
15:14, 15:31, 15:43,
15:45, 15:46, 16:9,
16:16, 16:25, 16:26,
16:29, 16:34, 16:35,
16:38, 16:39, 16:47,
16:49, 16:52, 16:53,
16:56, 17:7, 17:8,
17:9, 17:10, 17:11,
17:12, 17:14, 17:50,
18:12, 18:33, 18:36
I'd [3] - 3:41, 8:20,
10:32
i'll [1] - 18:30
II [9] - 3:35, 6:17,
7:12, 8:56, 17:36,
17:41, 18:45, 20:7,
20:47
I'm [23] - 2:20, 2:28,
2:48, 4:48, 6:12, 7:48,
8:2, 8:56, 10:9, 10:15,
10:48, 11:10, 12:47,
13:11, 14:2, 15:30,
16:40, 16:50, 17:48,
18:13, 19:17
i'm [1] - 13:21
I've [11] - 4:6, 4:36,
4:37, 5:33, 8:10, 8:34,
8:49, 9:12, 12:28,
15:19, 17:9
i've [1] - 12:27
idea [2] - 8:33, 8:38
if [29] - 2:36, 2:50,
3:20, 4:11, 4:22, 5:7,
5:9, 5:14, 5:15, 5:35,
5:43, 6:13, 8:5, 8:12,
8:21, 8:39, 8:50, 9:29,
9:48, 10:1, 10:12,
10:15, 10:17, 10:40,
12:31, 15:14, 15:15,
18:26
illness [2] - 9:49
impact [2] - 5:42,
8:41
impacts [3] - 5:39,
5:40
implications [1] -
14:41
important [5] - 3:24,
4:13, 4:27, 5:5, 16:56
impose [1] - 14:32
improve [1] - 18:8
Improvement [2] -
2:24, 18:7
in [86] - 1:14, 2:13,
2:24, 2:28, 2:53, 3:1,
3:3, 3:21, 3:37, 3:45,
3:49, 3:52, 4:1, 4:2,
4:14, 4:24, 4:35, 4:36,

4:37, 4:50, 5:8, 5:20,
5:33, 5:47, 7:2, 7:22,
7:28, 7:51, 8:10, 8:11,
8:29, 8:34, 8:42, 9:11,
9:28, 9:44, 9:51,
10:13, 10:21, 10:26,
10:32, 11:6, 11:14,
11:24, 12:12, 12:27,
12:50, 13:31, 14:7,
14:20, 14:29, 14:45,
15:2, 15:5, 15:6, 15:8,
15:12, 15:17, 15:29,
15:46, 15:51, 15:53,
16:3, 16:6, 16:14,
16:20, 16:26, 16:29,
16:35, 16:39, 16:55,
17:4, 17:19, 17:50,
18:2, 18:17, 18:38,
18:47, 19:17, 20:9,
20:16, 20:29, 20:42,
20:49, 20:55
IN [23] - 1:33, 7:4,
7:23, 7:30, 11:50,
17:30, 17:53, 18:4,
18:39, 18:49, 18:55,
19:5, 19:11, 19:18,
19:25, 19:31, 19:38,
19:45, 19:52, 20:10,
20:17, 20:31, 20:44
inappropriate [2] -
5:13, 16:32
Inc [1] - 21:1
INCLUDED [22] - 7:4,
7:23, 7:30, 11:50,
17:30, 17:53, 18:4,
18:39, 18:49, 18:55,
19:5, 19:11, 19:18,
19:25, 19:31, 19:38,
19:45, 19:52, 20:10,
20:17, 20:31, 20:43
income [4] - 2:40,
3:16, 5:25, 5:41
indicates [1] - 5:7
indicating [14] -
11:15, 11:18, 11:21,
11:30, 11:39, 11:42,
11:45, 13:35, 13:38,
13:41, 13:44, 17:19,
17:22, 17:25
indicating [1] -
11:33
Indigent [1] - 18:8
individual [1] - 4:23
individuals [1] - 16:1
inevitable [1] - 16:21
information [1] - 4:1
infrastructure [1] -
5:11
initially [1] - 2:45
insignificant [1] -

13:16
insignificantly [1] -
14:31
installer [2] - 5:27,
5:45
instance [1] - 10:40
instead [1] - 5:45
institution [1] - 11:1
instructed [1] - 3:13
interested [1] - 1:50
interesting [1] - 8:7
interpretation [1] -
5:31
into [4] - 10:16,
12:20, 15:30
INTRODUCTORY [1]
- 7:10
Introductory [1] -
7:13
invitation [1] - 3:20
invited [1] - 15:9
involved [1] - 14:45
Irene [1] - 1:44
IRS [4] - 3:6, 3:10,
5:7, 5:33
is [99] - 2:13, 2:38,
3:6, 3:9, 3:13, 3:16,
3:23, 3:32, 3:36, 3:41,
3:51, 3:55, 4:4, 4:15,
4:17, 4:20, 4:53, 5:1,
5:2, 5:5, 5:8, 5:11,
5:22, 5:23, 5:28, 5:43,
7:3, 7:48, 8:28, 8:33,
8:38, 8:42, 8:44, 9:24,
9:26, 9:49, 9:51, 9:56,
10:2, 10:29, 10:40,
10:41, 10:54, 12:21,
12:23, 13:17, 13:21,
13:22, 14:4, 14:5,
14:7, 14:8, 14:10,
14:32, 14:37, 14:44,
14:47, 14:48, 14:50,
14:53, 14:54, 14:55,
14:56, 15:1, 15:4,
15:11, 15:14, 15:15,
15:16, 15:17, 15:34,
15:47, 15:55, 16:19,
16:22, 16:34, 16:35,
16:51, 16:52, 16:54,
16:55, 17:4, 17:18,
17:51, 17:52, 18:17,
18:18, 18:26, 18:37,
18:47, 20:9, 20:16,
20:30, 20:42, 21:8
Island [2] - 9:21,
9:25
issuance [1] - 3:5
issue [8] - 2:29, 3:10,
3:23, 5:2, 5:22, 15:14,
15:16, 15:44

issued [3] - 2:23,
2:39, 16:32
issues [2] - 8:6, 11:2
issuing [2] - 2:34,
5:3
It [1] - 13:26
it [75] - 2:49, 2:50,
2:56, 3:32, 4:4, 4:24,
4:25, 4:49, 5:13, 5:26,
5:39, 5:40, 5:47, 5:52,
8:7, 8:8, 8:12, 8:21,
8:38, 8:40, 8:56, 9:1,
9:10, 9:32, 10:25,
10:27, 10:32, 10:41,
11:13, 12:16, 12:19,
12:20, 12:31, 12:32,
12:34, 12:44, 12:53,
13:8, 13:11, 13:15,
13:16, 13:17, 13:25,
14:10, 14:29, 14:30,
14:33, 14:37, 14:42,
14:49, 15:2, 15:19,
15:27, 15:30, 15:34,
15:47, 15:56, 16:12,
16:25, 16:37, 16:39,
16:50, 16:53, 16:54,
17:12, 17:13, 17:45,
18:25, 20:8
it's [32] - 3:7, 3:8,
3:14, 3:15, 3:23, 3:24,
3:55, 4:13, 4:28, 5:4,
5:28, 5:45, 6:39, 8:13,
8:49, 9:11, 10:30,
12:21, 12:25, 12:33,
12:43, 13:15, 14:46,
15:46, 16:9, 16:19,
16:55, 16:56, 17:48
itself [2] - 3:15,
13:26

J

January [4] - 2:22,
2:32, 3:1, 3:3
Jason [1] - 1:43
Jean [1] - 19:9
Jessica [2] - 1:36,
17:56
job [2] - 4:50, 4:54
John [2] - 7:14,
20:13
Jr [1] - 20:14
Junior [1] - 18:20
just [31] - 2:48, 3:47,
4:49, 5:1, 5:16, 5:34,
5:51, 8:33, 8:38, 8:51,
9:29, 9:54, 10:54,
12:29, 12:31, 12:34,
12:44, 13:26, 13:31,
14:4, 14:8, 14:27,

14:31, 15:26, 15:31,
16:11, 18:12, 20:55

K

karen [1] - 1:47
keep [1] - 18:33
KENNEDY [12] -
2:52, 6:4, 6:10, 6:19,
6:25, 9:38, 9:53, 10:8,
10:34, 10:47, 11:26,
13:34
Kennedy [18] - 1:26,
1:48, 2:22, 2:27, 2:32,
2:36, 2:42, 2:45, 2:48,
3:1, 3:19, 3:25, 5:29,
6:2, 9:36, 18:11,
18:47, 20:16
Kennedy's [1] - 3:8
KEYES [2] - 14:19,
14:26
Keys [1] - 1:39
kind [2] - 5:4, 13:21
Klafter [1] - 1:47
know [46] - 2:49,
3:43, 4:35, 5:21, 5:26,
5:28, 5:30, 6:17, 6:23,
8:18, 8:20, 8:52, 8:53,
9:9, 9:28, 9:29, 9:41,
9:45, 10:12, 10:13,
10:14, 10:21, 10:22,
10:25, 10:27, 10:29,
10:40, 10:42, 10:54,
12:34, 12:49, 14:5,
14:6, 14:12, 14:41,
15:26, 15:44, 16:9,
16:13, 16:21, 17:9,
18:25
knowledge [1] - 4:33
kudos [1] - 3:49

L

L [1] - 19:36
Lance [1] - 17:56
land [3] - 4:8, 4:12
language [1] - 13:8
larger [1] - 9:47
last [8] - 2:23, 2:27,
2:30, 12:16, 12:17,
14:2, 14:20, 15:7
later [1] - 9:12
Law [27] - 3:50, 4:2,
4:19, 7:14, 17:40,
17:48, 17:55, 18:9,
18:19, 18:41, 18:51,
19:1, 19:7, 19:14,
19:21, 19:27, 19:34,
19:40, 19:48, 19:54,
20:13, 20:19, 20:33

DATE

law [3] - 2:42, 5:24, 8:40
laws [1] - 5:15
lawsuit [1] - 6:35
least [4] - 9:20, 9:23, 15:46, 16:17
led [1] - 2:9
Leg [10] - 1:22, 1:23, 1:26, 1:27, 1:44, 1:45, 1:46, 1:47, 1:48, 1:49
LEG [63] - 2:52, 4:47, 5:50, 6:4, 6:10, 6:19, 6:25, 6:28, 6:34, 6:41, 6:47, 7:18, 7:35, 7:38, 7:44, 7:54, 8:4, 8:27, 9:5, 9:38, 9:43, 9:53, 10:5, 10:8, 10:11, 10:34, 10:38, 10:47, 10:53, 11:9, 11:17, 11:20, 11:26, 11:29, 11:32, 11:38, 11:41, 11:44, 11:55, 12:1, 12:7, 12:15, 12:40, 12:52, 13:1, 13:14, 13:20, 13:24, 13:34, 13:37, 13:40, 13:43, 13:51, 14:1, 15:25, 15:36, 16:46, 17:24, 17:32, 17:44, 20:3, 20:24, 20:37
leg [3] - 1:24, 1:25, 1:28
Legal [2] - 18:8, 18:18
legal [4] - 2:41, 4:38, 5:30, 15:8
legislation [2] - 8:49, 10:29
legislative [3] - 14:49, 14:50, 15:18
Legislative [4] - 1:14, 1:34, 14:47, 17:40
Legislator [47] - 2:9, 2:48, 4:45, 6:2, 6:32, 7:22, 7:27, 7:28, 7:42, 7:50, 8:25, 8:53, 9:36, 9:54, 9:56, 10:21, 10:51, 12:11, 12:13, 12:18, 12:38, 13:48, 13:55, 14:9, 14:28, 14:31, 14:38, 14:52, 15:23, 15:40, 16:9, 16:11, 16:44, 17:50, 18:2, 18:11, 18:46, 20:7, 20:8, 20:15, 20:28, 20:29, 20:41, 20:49
Legislators [4] - 3:4, 10:6, 10:36, 15:28

LEGISLATORS [2] - 11:49, 17:29
LEGISLATURE [1] - 1:6
Legislature [10] - 1:14, 1:15, 1:35, 7:32, 14:47, 15:7, 15:16, 15:20, 16:15, 17:5
Legislature's [1] - 11:52
lengthy [1] - 2:40
Leslie [2] - 1:26, 10:45
let [1] - 5:21
let's [4] - 9:14, 11:14, 12:20, 13:25
letter [6] - 2:31, 2:46, 3:2, 3:3, 3:7, 5:34
level [2] - 8:43, 18:14
liabilities [1] - 5:41
Life [1] - 19:29
like [15] - 2:14, 3:21, 3:41, 3:43, 5:13, 5:34, 8:20, 9:28, 9:31, 9:32, 10:32, 13:17, 14:4, 17:10, 18:36
limit [1] - 20:34
Lindsay [1] - 12:18
linking [1] - 18:13
listed [1] - 9:54
litigation [3] - 20:48, 20:50, 20:56
little [4] - 8:55, 9:56, 12:43, 16:51
Local [20] - 7:14, 17:39, 17:48, 17:55, 18:41, 18:51, 19:1, 19:7, 19:14, 19:21, 19:27, 19:34, 19:40, 19:48, 19:54, 20:19, 20:33
logical [2] - 5:51, 12:32
long [1] - 8:46
Long [2] - 9:21, 9:25
look [2] - 5:43, 12:20
looking [6] - 5:10, 8:38, 8:56, 14:5, 16:50, 17:6
Lora [1] - 14:55
lot [6] - 4:1, 4:15, 4:27, 15:44, 16:25
Lou [1] - 5:30
love [2] - 5:16, 9:9
lovely [1] - 21:10
Ltd [1] - 19:50
lucky [1] - 3:52

M

Madam [1] - 15:43
made [6] - 2:33, 4:22, 5:46, 12:23, 14:53, 15:7
mail [1] - 3:3
major [6] - 4:17, 13:17, 13:18, 15:7, 16:41
majority [3] - 17:1, 17:4, 17:5
make [13] - 2:4, 3:35, 7:15, 9:31, 10:27, 12:41, 12:45, 13:5, 13:25, 17:41, 18:45, 20:25, 20:47
makes [1] - 12:32
making [1] - 8:31
malfesance [2] - 16:28
mandated [1] - 18:27
many [2] - 8:39, 16:29
mappers [1] - 4:11
maps [1] - 4:13
Margaret [2] - 18:43, 18:44
matter [2] - 12:31, 16:22
may [1] - 17:13
maybe [5] - 8:22, 8:55, 9:32, 12:49, 16:36
McCaffrey [1] - 20:14
McPartland [1] - 6:35
me [12] - 2:22, 3:45, 5:21, 5:35, 6:42, 8:6, 8:8, 8:22, 12:56, 14:6, 15:56, 17:11
mean [7] - 9:6, 10:6, 10:12, 10:21, 10:39, 13:15, 14:3
means [2] - 12:46, 13:26
MEANS [1] - 1:2
Means [4] - 1:13, 2:4, 2:8, 20:55
Meeting [1] - 9:11
meeting [9] - 1:13, 2:7, 8:44, 9:55, 10:16, 10:17, 10:18, 16:2
MEETING [2] - 2:1, 21:13
meetings [10] - 7:33, 9:17, 9:21, 9:23, 9:49, 10:14, 15:11, 15:55, 16:3, 16:5

member [1] - 9:15
members [6] - 2:4, 7:33, 9:41, 14:34, 14:35, 14:39
Members [1] - 9:22
MEMBERS [1] - 1:21
Memorial [1] - 1:16
men [1] - 3:50
met [1] - 20:55
Michael [1] - 19:36
might [1] - 14:40
minority [1] - 17:1
Minority [1] - 15:9
minutes [1] - 2:15
MINUTES [2] - 1:8, 1:52
missing [1] - 9:49
mistake [1] - 15:56
mitigate [1] - 5:12
mitigation [1] - 5:15
money [3] - 5:25, 5:26, 12:22
money's [1] - 5:44
month [1] - 4:7
more [6] - 2:50, 2:56, 8:55, 9:2, 9:47, 10:41
most [3] - 3:12, 3:48, 16:49
Motion [4] - 7:27, 17:48, 18:1, 18:10
motion [63] - 3:35, 7:2, 7:3, 7:15, 7:36, 7:39, 7:42, 7:48, 7:49, 7:51, 7:55, 8:2, 11:2, 11:6, 11:7, 11:56, 12:5, 12:8, 12:11, 12:12, 12:13, 13:25, 13:30, 13:31, 13:32, 13:47, 13:52, 13:55, 17:18, 17:19, 17:28, 17:42, 17:49, 17:50, 17:51, 17:52, 18:3, 18:12, 18:36, 18:38, 18:45, 18:54, 19:4, 19:10, 19:17, 19:24, 19:30, 19:37, 19:44, 19:51, 20:4, 20:7, 20:15, 20:25, 20:28, 20:41, 20:47
Motions [1] - 20:46
move [6] - 2:16, 3:24, 3:32, 6:13, 7:12, 17:8
moved [1] - 7:23
moving [2] - 7:12, 11:49
Mr [9] - 2:31, 2:36, 2:42, 2:45, 3:1, 3:8, 3:19, 3:25, 10:22
MR [12] - 3:40, 4:41,

5:19, 5:54, 6:7, 6:16, 6:22, 6:37, 6:44, 6:53, 18:16, 18:29
MS [6] - 12:55, 13:4, 13:10, 14:19, 14:26, 17:35
much [5] - 4:33, 5:47, 6:51, 14:21, 21:10
Muntari [1] - 21:3
Museum [1] - 9:25
my [24] - 3:3, 3:7, 3:8, 3:35, 3:43, 4:50, 5:35, 6:12, 8:21, 8:29, 8:34, 9:1, 9:40, 9:44, 16:10, 16:19, 16:35, 16:36, 16:37, 17:10, 17:14, 17:50, 18:13, 20:48
myself [4] - 17:48, 17:49, 18:2, 20:42

N

name [1] - 17:30
Nazir [1] - 1:48
necessarily [1] - 8:41
necessary [4] - 2:37, 9:6, 10:31, 16:34
Necroto [1] - 5:30
need [5] - 10:39, 13:16, 15:49, 15:50, 18:35
needed [1] - 16:38
needs [5] - 10:25, 10:32, 12:20, 16:41, 17:13
nefarious [4] - 14:7, 14:54, 15:1, 15:30
negative [1] - 5:7
never [3] - 5:26, 5:33, 12:28
new [1] - 3:38
New [3] - 1:16, 18:7, 20:13
next [2] - 9:33, 16:17
nine/nine [1] - 15:28
no [22] - 2:13, 4:33, 6:20, 6:51, 7:12, 8:6, 8:16, 9:6, 10:19, 11:13, 11:24, 11:27, 12:28, 12:31, 12:32, 16:12, 16:15, 16:26, 20:46, 21:8, 21:9
No [31] - 7:14, 9:19, 17:40, 17:55, 17:56, 18:41, 18:51, 18:53, 19:1, 19:3, 19:7, 19:9, 19:14, 19:16, 19:21,

DATE

19:23, 19:27, 19:29,
19:34, 19:36, 19:40,
19:43, 19:48, 19:50,
19:54, 19:56, 20:14,
20:19, 20:21, 20:33
nobody [1] - 8:7
nodding [1] - 2:53
none [1] - 2:15
Nos [1] - 18:44
not [29] - 2:33, 2:41,
2:45, 2:48, 3:2, 3:15,
4:16, 6:23, 6:38, 8:12,
8:51, 9:39, 10:14,
10:15, 10:40, 10:42,
12:47, 13:17, 14:4,
14:31, 15:30, 15:45,
16:19, 16:27, 16:34,
16:40, 16:56, 17:13
note [1] - 3:2
nothing [1] - 13:26
notice [1] - 2:30
notified [1] - 2:38
notify [1] - 2:29
now [10] - 3:53, 8:56,
9:1, 9:11, 10:15,
14:49, 16:6, 16:25,
16:35, 17:11
Now [2] - 5:39, 12:25
Nowak [1] - 1:36
number [9] - 4:10,
8:12, 8:16, 9:47,
10:19, 14:5, 14:15,
14:34

O

object [1] - 3:12
objected [1] - 10:16
obviously [1] - 14:28
OF [1] - 1:4
of [150] - 1:13, 1:15,
1:40, 2:4, 2:7, 2:50,
3:1, 3:9, 3:22, 3:27,
3:33, 3:34, 3:48, 3:50,
3:52, 3:56, 4:1, 4:6,
4:10, 4:11, 4:15, 4:16,
4:17, 4:21, 4:22, 4:27,
4:28, 4:50, 4:51, 5:4,
5:10, 5:20, 5:24, 5:25,
5:33, 5:34, 5:36, 5:41,
5:42, 5:45, 6:12, 6:35,
6:42, 7:13, 7:32, 7:51,
8:11, 8:12, 8:14, 8:16,
8:22, 8:34, 8:38, 8:40,
8:50, 8:51, 9:1, 9:11,
9:15, 9:20, 9:23, 9:32,
9:41, 10:19, 10:30,
10:55, 11:7, 11:14,
11:24, 12:17, 12:23,
12:45, 12:47, 13:21,

13:31, 14:15, 14:30,
14:34, 14:41, 15:6,
15:7, 15:8, 15:15,
15:17, 15:29, 15:44,
15:51, 15:56, 16:10,
16:25, 16:28, 16:30,
17:1, 17:5, 17:12,
17:40, 17:55, 18:8,
18:9, 18:18, 18:41,
18:42, 18:43, 18:51,
18:52, 19:1, 19:2,
19:7, 19:8, 19:14,
19:15, 19:21, 19:22,
19:27, 19:28, 19:34,
19:35, 19:40, 19:41,
19:42, 19:48, 19:49,
19:55, 20:12, 20:20,
20:50, 20:55, 21:1,
21:2, 21:3, 21:4, 21:5,
21:6
off [2] - 9:45, 9:46
off-the-record [1] -
9:46
Off. [2] - 7:27, 20:22
offense [1] - 15:1
offering [1] - 5:11
office [6] - 3:8, 3:9,
6:12, 9:18, 12:24,
16:35
Office [19] - 1:38,
1:42, 2:40, 4:3, 4:24,
4:35, 10:55, 12:24,
14:45, 15:3, 15:10,
15:11, 15:15, 16:30,
16:31, 17:41, 18:8,
18:12, 18:18
Officer [10] - 1:34,
8:41, 11:2, 12:30,
14:30, 15:40, 16:7,
16:16, 16:55, 17:5
Officer's [5] - 8:45,
10:55, 12:24, 15:15,
16:30
offset [1] - 5:42
Oh [2] - 7:48, 20:8
oh [5] - 2:20, 6:20,
8:2, 17:39, 17:45
okay [11] - 7:12,
7:49, 9:39, 11:6,
11:48, 13:15, 15:40,
17:18, 18:33, 20:54,
21:9
Okay [1] - 13:30
on [69] - 1:16, 2:15,
2:16, 2:22, 2:32, 3:2,
3:15, 3:22, 4:6, 4:12,
4:14, 4:22, 4:48, 5:8,
5:12, 5:15, 5:17, 5:22,
5:23, 5:27, 5:36, 7:12,
7:48, 7:55, 8:2, 8:6,

8:10, 8:11, 9:18, 9:22,
9:23, 9:24, 9:40,
11:24, 11:27, 11:49,
11:52, 12:12, 12:13,
12:34, 12:56, 13:52,
13:55, 14:6, 14:10,
14:49, 14:54, 15:2,
15:9, 15:27, 15:30,
15:44, 15:56, 16:3,
16:25, 16:26, 16:54,
17:50, 18:10, 18:11,
18:30, 18:33, 18:37,
18:46, 18:48, 20:54
once [1] - 12:28
one [13] - 3:25, 4:17,
4:51, 8:6, 8:14, 8:38,
9:50, 10:42, 12:17,
12:24, 12:56, 15:27,
17:9
only [3] - 4:16,
16:20, 16:38
onto [1] - 4:24
operating [1] - 18:22
operational [1] -
14:42
opinion [7] - 2:41,
5:5, 5:7, 5:16, 5:21,
5:23
opportunity [3] -
4:48, 14:27, 16:5
oppose [2] - 14:12,
15:19
OPPOSED [2] -
11:49, 17:29
opposed [18] - 7:2,
7:22, 7:29, 11:7,
11:10, 11:13, 11:36,
13:32, 17:19, 17:51,
18:3, 18:38, 18:47,
20:9, 20:16, 20:29,
20:42, 20:49
oppositional [1] -
17:10
or [30] - 2:28, 2:33,
3:42, 4:7, 4:9, 4:11,
4:18, 4:21, 5:16, 5:44,
5:46, 8:5, 8:6, 8:21,
8:42, 9:15, 9:18,
10:14, 12:16, 14:21,
15:18, 15:30, 16:28,
16:31, 16:56, 17:1,
17:9, 18:27
ORDER [1] - 2:1
other [6] - 1:50, 4:49,
6:2, 14:56, 15:51,
17:9
others [1] - 9:30
our [14] - 3:6, 5:11,
5:12, 5:15, 5:22, 6:5,
8:41, 9:8, 9:41, 12:33,

14:43, 15:8, 15:49,
18:33
ourselves [3] - 8:15,
8:18, 10:39
out [14] - 3:26, 4:6,
4:9, 4:22, 8:29, 8:35,
8:49, 8:52, 9:32, 10:1,
14:20, 14:28, 15:29,
16:6
outlined [1] - 15:20
over [3] - 4:36,
16:21, 16:37
overhauled [1] - 15:5
override [2] - 12:17,
12:19
oversight [3] - 14:50,
15:49, 16:40
owned [3] - 7:13,
17:55, 20:12
owner [1] - 5:46

P

P.O [2] - 15:42, 17:21
pages [1] - 7:27
panel [1] - 18:26
panel's [1] - 18:34
Park [1] - 19:56
part [3] - 3:1, 15:15,
16:49
participant [1] -
15:12
participate [2] -
10:13, 15:10
participates [1] -
15:10
particularly [1] -
10:15
parties [2] - 1:50,
16:28
partner [1] - 16:47
party [1] - 5:37
pass [1] - 4:23
passed [3] - 5:27,
12:16, 14:29
passes [1] - 12:28
past [5] - 2:20, 4:7,
5:47, 12:27, 15:53
path [3] - 5:43, 5:46,
5:47
Paul [1] - 14:55
pay [1] - 18:20
payment [1] - 7:26
people [19] - 3:12,
4:9, 4:23, 4:49, 5:3,
5:30, 8:7, 8:14, 8:19,
9:29, 9:56, 10:12,
10:16, 10:26, 12:23,
12:45, 14:3, 14:10,
15:27

Pepitone [1] - 19:9
percent [6] - 8:13,
9:20, 9:24, 9:25,
18:17
perhaps [1] - 12:49
person [4] - 9:19,
12:24, 15:27, 15:53
personally [1] -
10:24
perspective [3] -
14:43, 16:36
Peter [1] - 14:55
picky [1] - 12:43
pieces [1] - 3:27
place [6] - 4:52, 8:44,
15:17, 18:10, 18:37,
18:46
placed [1] - 18:48
places [1] - 15:5
Plan [1] - 18:20
Planning [2] - 9:24,
9:26
please [3] - 2:4, 3:20,
13:31
Pledge [1] - 2:8
PM [4] - 2:1, 20:52,
21:13
PO [22] - 7:3, 7:23,
7:29, 11:50, 17:29,
17:53, 18:4, 18:39,
18:48, 18:55, 19:4,
19:11, 19:18, 19:24,
19:31, 19:38, 19:45,
19:51, 20:10, 20:17,
20:31, 20:43
podium [2] - 2:15,
3:37
point [9] - 3:26,
14:28, 14:38, 14:52,
16:14, 16:19, 16:20,
16:35, 16:39
points [1] - 12:41
policy [1] - 15:18
ponder [1] - 10:42
portion [3] - 2:13,
2:16, 4:6
position [6] - 3:9,
3:38, 3:55, 9:19, 14:9,
15:44
positions [2] - 18:20,
18:27
possibly [1] - 5:13
potential [3] - 14:4,
14:39, 14:40
potentially [1] - 8:39
practical [2] - 5:34,
14:41
practice [1] - 3:13
praying [1] - 14:17
precedence [1] -

DATE

7:51
predecessor [1] - 16:37
predominantly [1] - 15:47
preparing [1] - 3:4
Pres [2] - 7:27, 20:22
PRESENT [1] - 1:21
present [3] - 10:17, 10:18, 14:42
presentations [1] - 7:12
presented [1] - 4:8
presiding [1] - 15:40
Presiding [14] - 1:34, 8:41, 8:44, 10:55, 11:1, 12:24, 12:30, 14:30, 15:14, 16:7, 16:16, 16:30, 16:55, 17:5
prevail [1] - 17:14
preventing [1] - 16:27
previously [2] - 19:55, 20:20
prior [2] - 9:8, 15:55
priority [1] - 15:16
Priscilla [1] - 19:23
private [4] - 2:46, 3:2, 3:7, 16:3
probably [5] - 5:36, 8:30, 12:42, 12:50, 16:48
problem [1] - 8:21
problems [1] - 8:8
Procedural [1] - 20:46
process [4] - 5:43, 15:4, 15:6, 16:55
processes [1] - 15:8
procurement [5] - 14:44, 15:4, 15:46, 16:52, 16:55
professional [1] - 3:51
Program [1] - 2:25
program [3] - 3:14, 3:25, 5:11
prohibited [1] - 8:46
properly [1] - 4:14
properties [1] - 4:14
Property [5] - 1:40, 3:34, 3:56, 4:18, 6:13
property [16] - 5:15, 5:39, 5:40, 5:46, 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49, 19:55, 20:20
Protection [1] - 9:22

provided [1] - 18:9
provisions [1] - 9:14
public [20] - 2:13, 2:14, 2:16, 16:2, 16:5, 16:6, 17:42, 17:45, 17:49, 17:52, 20:4, 20:7, 20:10, 20:25, 20:28, 20:30, 20:35, 20:41, 20:43
Publishers [1] - 7:26
punishment [1] - 10:2
purposely [1] - 14:40
purposes [2] - 20:50, 20:55
purse [1] - 16:54
pursuant [13] - 7:14, 17:55, 18:41, 18:51, 19:1, 19:7, 19:14, 19:21, 19:27, 19:34, 19:40, 19:48, 20:13
pursue [2] - 4:34, 5:48
purview [1] - 10:55
put [2] - 16:6, 16:49
putting [2] - 8:51, 15:56

Q

Qualitative [1] - 18:21
Quality [2] - 9:18, 18:6
quality [1] - 18:8
Quantitative [1] - 18:21
quarter [1] - 8:14
question [8] - 2:39, 4:45, 5:1, 5:39, 6:11, 6:29, 9:39, 18:12
questioned [1] - 3:22
questions [3] - 5:20, 6:2, 8:6

R

raise [2] - 13:31, 16:29
raised [2] - 14:32, 16:4
Randazzo [1] - 20:14
Rashid [1] - 19:29
rate [1] - 18:36
reach [1] - 8:29
reached [4] - 8:35, 8:43, 8:52, 14:20
read [1] - 8:49
Real [5] - 1:40, 3:34, 3:56, 4:18, 6:13

real [16] - 7:13, 15:16, 17:55, 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49, 19:55, 20:12, 20:20
really [9] - 3:23, 3:52, 3:53, 5:26, 14:6, 14:21, 14:38, 14:40, 15:12
reappointed [1] - 9:19
reason [4] - 8:16, 10:19, 16:34, 16:51
reasonable [1] - 14:50
reasoned [3] - 5:23, 5:28, 5:51
reasons [2] - 14:30, 15:19
recall [2] - 2:36, 8:30
receipt [1] - 5:25
received [2] - 3:2, 5:26
receiving [2] - 5:3, 5:25
recess [1] - 20:47
recessed [1] - 20:50
recipients [4] - 2:24, 3:5, 3:14, 3:22
reconveyance [1] - 20:12
record [4] - 2:49, 9:46, 10:54, 20:54
recording [1] - 4:9
records [2] - 4:23, 4:24
reduced [1] - 18:34
Reduction [1] - 18:7
references [1] - 14:15
Reform [1] - 20:34
refunds [1] - 4:18
regard [1] - 2:23
regarding [2] - 9:40, 9:41
Regional [1] - 9:25
regular [3] - 2:7, 9:16, 9:20
regularly [1] - 9:23
regulate [1] - 11:2
rein [1] - 10:32
reined [2] - 10:26, 10:32
relating [1] - 5:24
relationship [1] - 16:48
relevant [1] - 5:2
religiously [1] - 10:27

rely [1] - 4:14
remain [1] - 16:16
remainder [1] - 16:10
remedy [1] - 15:18
remember [2] - 2:48, 9:47
remove [1] - 8:42
removed [1] - 10:56
replacement [1] - 6:14
reported [2] - 3:16, 3:48
representative [3] - 3:8, 14:16, 14:56
represented [1] - 15:2
Republican [2] - 16:14
request [3] - 2:47, 3:6, 12:49
requested [1] - 2:46
requirement [1] - 14:33
requirements [3] - 8:11, 8:13, 8:15
research [1] - 8:10
residents [2] - 4:16, 5:13
resolution [4] - 9:17, 9:51, 12:44, 14:46
RESOLUTIONS [1] - 7:10
resolutions [2] - 18:13, 20:46
Resolutions [1] - 7:13
respect [5] - 5:22, 5:29, 5:30, 10:21, 14:11
respondents [1] - 15:50
responding [1] - 3:3
response [1] - 3:25
responsible [3] - 10:36, 10:39, 16:36
Review [2] - 1:38, 18:12
review [4] - 3:6, 4:12, 4:18, 4:22
reviewing [1] - 4:20
RFP [3] - 11:53, 14:10, 14:54
RFPs [1] - 15:51
right [8] - 3:53, 6:26, 7:12, 10:12, 10:15, 11:14, 14:49, 17:6
Rob [1] - 15:34
Robert [3] - 1:28, 1:34, 1:42

Rogers [1] - 1:15
role [2] - 8:29, 8:34
room [1] - 16:56
Rose [1] - 1:14
Rothang [1] - 1:49
rubber [2] - 12:25, 12:29
Rudy [2] - 1:27, 20:8
Rules [1] - 7:32
ruling [4] - 2:46, 3:2, 3:7, 5:34

S

said [4] - 2:48, 6:13, 8:39, 16:9
sale [10] - 18:41, 18:51, 19:1, 19:7, 19:14, 19:21, 19:27, 19:34, 19:40, 19:48
Sale [2] - 7:13, 17:55
SALUTATION [1] - 2:11
samantha [1] - 1:46
same [23] - 4:10, 8:18, 9:30, 10:6, 18:54, 18:55, 19:4, 19:10, 19:11, 19:17, 19:24, 19:30, 19:31, 19:37, 19:44, 19:45, 19:51
Same [9] - 18:54, 19:4, 19:10, 19:17, 19:24, 19:30, 19:37, 19:44, 19:51
Santander [1] - 21:1
Sarah [2] - 1:35, 12:53
Sarube [1] - 1:46
say [8] - 3:41, 4:33, 5:21, 6:48, 8:5, 8:53, 10:6, 14:40
saying [3] - 8:28, 10:9, 16:31
scenes [1] - 16:48
scheduled [2] - 9:7, 9:23
Schien [1] - 18:53
schools [1] - 12:48
scriveners [1] - 17:36
SCTM [15] - 7:14, 17:56, 18:44, 18:53, 19:3, 19:9, 19:16, 19:23, 19:29, 19:36, 19:43, 19:50, 19:56, 20:14, 20:21
Scully [1] - 14:55
seat [4] - 14:49, 16:7, 16:13, 16:14

DATE

seats [2] - 16:21
second [22] - 7:2, 7:19, 7:45, 7:48, 11:2, 11:6, 12:2, 12:5, 12:11, 12:20, 17:18, 17:50, 18:54, 19:4, 19:10, 19:17, 19:24, 19:30, 19:37, 19:45, 19:51, 20:8
Second [1] - 18:6
seconded [17] - 3:35, 7:22, 7:28, 7:48, 7:50, 13:30, 13:48, 17:49, 18:2, 18:11, 18:37, 18:46, 20:8, 20:15, 20:28, 20:41, 20:48
section [1] - 2:20
Section [11] - 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49, 20:13
see [4] - 3:36, 4:22, 5:43, 9:14
seeing [1] - 2:15
seeks [1] - 14:46
seems [2] - 8:12, 12:43
seen [2] - 8:33, 12:28
Sele [1] - 7:14
selected [2] - 6:13, 10:56
send [2] - 2:31, 6:42
sense [1] - 12:32
separate [4] - 11:52, 12:45, 12:48, 15:26
Septic [1] - 2:24
serve [1] - 8:45
served [3] - 3:42, 6:38, 14:55
service [2] - 4:51, 12:29
Service [3] - 1:41, 3:34, 3:56
Services [2] - 18:8, 18:18
services [1] - 18:9
servicing [4] - 3:37, 4:37, 8:46, 14:10
Session [4] - 20:47, 20:48, 20:50, 20:55
SESSION [1] - 20:52
settlement [2] - 21:4, 21:6
settlements [1] - 20:56
seven [1] - 4:2
shall [3] - 9:16, 9:17, 9:19
shame [1] - 3:23
she's [1] - 14:21
Shore [1] - 19:3
should [14] - 2:39, 3:27, 3:38, 8:18, 8:29, 8:53, 9:2, 9:30, 9:46, 9:47, 9:55, 10:17, 10:56, 18:33
shouldn't [1] - 10:18
show [6] - 9:55, 10:1, 10:2, 10:13, 10:31
sides [1] - 17:1
significance [1] - 12:45
simple [1] - 12:43
Simpson [1] - 1:35
SIMPSON [4] - 12:55, 13:4, 13:10, 17:35
simultaneously [1] - 14:33
since [2] - 14:37, 15:8
single [2] - 12:27, 15:49
SIP [1] - 3:5
sister [1] - 14:17
sit [1] - 16:36
situation [1] - 14:34
six [1] - 12:27
Skype [3] - 10:14, 10:16, 10:40
Skyping [1] - 10:16
slightly [1] - 5:1
Smagin [1] - 1:43
small [1] - 4:28
smart [1] - 3:49
Smithtown [1] - 1:16
so [51] - 2:31, 3:26, 3:41, 3:42, 3:49, 3:56, 4:7, 4:13, 4:21, 4:27, 4:38, 5:27, 6:51, 7:12, 7:23, 7:51, 8:6, 8:18, 9:8, 9:28, 10:2, 10:14, 10:32, 10:42, 11:2, 11:6, 12:12, 12:29, 12:31, 12:47, 12:49, 13:8, 13:11, 13:22, 13:25, 13:30, 14:5, 14:12, 14:21, 15:14, 15:28, 15:56, 16:25, 16:34, 17:11, 17:18, 18:17, 18:18, 18:20, 18:34
So [2] - 13:47, 18:18
sober [1] - 4:53
some [14] - 2:21, 3:26, 5:14, 9:2, 9:31, 9:41, 10:26, 12:41, 14:39, 15:5, 16:14, 16:20, 16:26, 18:22
somebody [3] - 9:33, 9:49, 21:9
someone [5] - 3:16, 4:53, 8:29, 8:43, 17:6
someplace [1] - 8:45
something [8] - 5:8, 5:10, 9:33, 12:42, 14:7, 14:53, 14:56, 16:54
something's [1] - 15:29
sometimes [1] - 15:45
sorry [10] - 2:20, 2:28, 7:48, 8:2, 11:10, 17:39, 17:48, 18:13, 19:17, 20:8
sort [2] - 5:10, 8:50
Sotis [1] - 17:56
sound [3] - 4:52, 5:24, 5:28
source [1] - 15:49
speak [3] - 8:6, 8:53, 9:9
speaking [1] - 8:34
special [2] - 3:47, 9:20
specific [3] - 5:41, 15:18
Spencer [10] - 1:23, 1:45, 3:36, 4:45, 7:22, 8:25, 12:38, 14:28, 16:44, 20:49
SPENCER [12] - 4:47, 5:50, 7:18, 8:27, 11:17, 11:44, 11:50, 12:40, 13:1, 13:20, 13:37, 16:46
spending [1] - 12:22
spoke [1] - 9:40
Spota [1] - 6:35
spots [1] - 4:51
Sr [1] - 19:42
staff [2] - 3:51
stamp [1] - 12:25
stamping [1] - 12:29
stand [4] - 3:17, 15:5, 15:31
standard [2] - 8:18, 9:30
stands [1] - 14:49
State [2] - 18:7, 20:13
stated [1] - 10:54
status [2] - 6:35, 11:52
stay [2] - 13:22, 17:8
Stenographer [1] - 1:53
steps [1] - 15:7
sticking [1] - 14:38
still [8] - 3:42, 5:28, 9:32, 12:33, 14:12, 14:30, 17:4, 17:12
straightened [1] - 3:26
Street [1] - 20:21
strings [1] - 16:54
strongly [1] - 3:12
structure [2] - 16:19, 16:20
structured [1] - 15:46
stuck [1] - 17:10
subdivisions [1] - 4:11
submitted [1] - 2:47
SUFFOLK [1] - 1:6
Suffolk [17] - 1:13, 2:24, 3:35, 15:47, 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49, 21:1, 21:3, 21:5
suggest [2] - 9:33, 14:53
suggested [1] - 9:48
summons [1] - 6:38
Sunderland [1] - 13:49
Sunderman [6] - 1:27, 1:49, 7:28, 20:8, 20:15, 20:29
SUNDERMAN [3] - 11:29, 12:1, 13:43
super [1] - 3:48
support [11] - 3:51, 8:56, 9:1, 12:47, 14:29, 14:48, 15:6, 16:50, 17:15, 18:10, 18:36
supportive [1] - 4:15
supposed [2] - 10:1, 10:2
sure [4] - 2:48, 3:41, 5:20, 6:45
Susan [4] - 1:24, 8:2, 8:28, 9:39

T

T [1] - 17:56
table [28] - 7:39, 7:45, 7:50, 7:51, 8:7, 11:3, 11:6, 11:7, 11:27, 12:8, 12:11, 12:12, 13:8, 13:11, 13:16, 13:30, 13:31, 13:32, 13:47, 16:36, 17:42, 17:49, 17:52, 20:7, 20:25, 20:28, 20:38, 20:41
tabled [7] - 9:10, 11:48, 17:51, 20:9, 20:30, 20:43, 20:46
tabling [3] - 11:10, 11:14, 11:24
take [2] - 5:42, 14:56
TAKEN [1] - 1:52
taken [2] - 19:55, 20:20
takes [5] - 7:51, 8:40, 8:44, 17:7, 17:12
talked [1] - 10:14
talking [2] - 15:45, 17:4
tangential [1] - 5:4
Tasso [1] - 18:53
Tax [14] - 1:41, 3:34, 3:56, 4:19, 18:42, 18:52, 19:2, 19:8, 19:15, 19:22, 19:28, 19:35, 19:41, 19:49
tax [7] - 2:42, 4:13, 5:14, 5:21, 5:39, 5:40, 5:41
taxable [3] - 2:41, 3:13, 3:15
taxed [1] - 3:15
taxes [4] - 4:15, 5:15, 19:55, 20:20
taxing [1] - 2:38
taxpayers [4] - 4:19, 12:22, 12:29, 12:35
technology [1] - 5:4
tell [1] - 16:38
tells [1] - 5:35
tempered [1] - 4:53
tempted [1] - 4:48
tend [2] - 10:35, 15:46
tenure [1] - 16:10
term [2] - 16:12, 17:40
terms [5] - 3:42, 5:34, 15:8, 15:17, 15:29
than [2] - 10:41, 16:30
thank [20] - 2:13, 3:41, 4:38, 4:42, 5:52, 5:55, 6:5, 6:8, 6:26, 6:51, 6:54, 7:6, 8:28, 11:49, 13:27, 14:15, 14:20, 15:43, 21:10
thanks [4] - 3:43, 3:47, 3:50, 6:48
That [2] - 18:37,

DATE

18:38
that [196] - 2:23,
 2:30, 2:31, 2:32, 2:33,
 2:37, 2:38, 2:41, 2:42,
 2:45, 2:49, 2:50, 3:1,
 3:6, 3:9, 3:12, 3:13,
 3:15, 3:16, 3:23, 3:25,
 3:26, 3:27, 3:35, 3:45,
 4:3, 4:4, 4:8, 4:9,
 4:10, 4:11, 4:12, 4:13,
 4:15, 4:17, 4:19, 4:22,
 4:23, 4:27, 4:29, 4:33,
 4:34, 4:36, 4:42, 4:50,
 4:53, 5:1, 5:3, 5:4,
 5:7, 5:8, 5:9, 5:10,
 5:14, 5:17, 5:21, 5:23,
 5:27, 5:28, 5:35, 5:42,
 5:44, 5:45, 5:48, 5:51,
 6:12, 6:38, 6:42, 8:5,
 8:7, 8:10, 8:12, 8:14,
 8:19, 8:22, 8:28, 8:32,
 8:33, 8:34, 8:42, 8:43,
 8:44, 8:52, 9:3, 9:30,
 9:31, 9:46, 9:48, 9:49,
 9:54, 10:15, 10:24,
 10:25, 10:26, 10:28,
 10:30, 10:31, 10:36,
 10:40, 10:42, 10:54,
 12:22, 12:30, 12:41,
 12:42, 12:46, 13:5,
 13:11, 13:17, 14:7,
 14:8, 14:21, 14:32,
 14:37, 14:47, 14:50,
 14:52, 14:53, 14:56,
 15:1, 15:2, 15:6,
 15:12, 15:14, 15:15,
 15:16, 15:19, 15:20,
 15:34, 15:45, 16:4,
 16:9, 16:13, 16:15,
 16:19, 16:25, 16:26,
 16:31, 16:32, 16:34,
 16:35, 16:38, 16:39,
 16:40, 16:49, 16:51,
 16:52, 16:53, 16:54,
 16:55, 16:56, 17:1,
 17:4, 17:6, 17:11,
 17:12, 17:39, 18:3,
 18:19, 18:20, 18:26,
 18:30, 18:34, 18:35,
 18:36, 21:9
that's [22] - 2:56,
 3:17, 5:2, 5:46, 5:47,
 8:19, 9:1, 9:8, 9:10,
 9:28, 10:9, 10:25,
 11:1, 14:4, 14:9,
 14:44, 14:48, 16:20,
 16:21, 16:27, 17:14
The [2] - 9:6, 17:52
THE [3] - 1:4, 2:1,
 21:13

the [349] - 1:13, 1:14,
 1:15, 1:35, 2:4, 2:5,
 2:7, 2:8, 2:14, 2:15,
 2:20, 2:21, 2:22, 2:23,
 2:24, 2:29, 2:32, 2:34,
 2:36, 2:38, 2:39, 2:40,
 2:42, 2:47, 2:49, 2:53,
 3:1, 3:3, 3:6, 3:9,
 3:10, 3:14, 3:16, 3:22,
 3:33, 3:34, 3:37, 3:41,
 3:42, 3:44, 3:48, 3:50,
 3:51, 3:52, 3:55, 3:56,
 4:2, 4:3, 4:6, 4:7, 4:8,
 4:10, 4:12, 4:13, 4:14,
 4:15, 4:16, 4:17, 4:18,
 4:22, 4:24, 4:28, 4:29,
 4:35, 4:36, 4:51, 5:2,
 5:3, 5:7, 5:8, 5:12,
 5:22, 5:23, 5:24, 5:25,
 5:26, 5:27, 5:33, 5:39,
 5:40, 5:41, 5:43, 5:44,
 5:46, 5:47, 6:17, 6:35,
 6:38, 7:3, 7:32, 7:48,
 7:50, 7:51, 7:55, 8:2,
 8:10, 8:11, 8:18, 8:19,
 8:22, 8:31, 8:38, 8:42,
 8:43, 8:44, 8:52, 9:1,
 9:2, 9:6, 9:10, 9:15,
 9:18, 9:20, 9:21, 9:23,
 9:24, 9:25, 9:30, 9:46,
 9:47, 9:51, 9:56, 10:2,
 10:6, 10:22, 10:23,
 10:29, 10:30, 10:36,
 10:54, 10:55, 11:1,
 11:2, 11:7, 11:10,
 11:24, 11:27, 11:52,
 12:12, 12:13, 12:16,
 12:17, 12:18, 12:19,
 12:21, 12:22, 12:23,
 12:24, 12:27, 12:29,
 12:30, 12:32, 12:35,
 12:45, 12:47, 13:8,
 13:12, 13:26, 13:31,
 13:32, 13:47, 13:52,
 13:55, 14:5, 14:6,
 14:10, 14:12, 14:15,
 14:17, 14:20, 14:27,
 14:28, 14:29, 14:30,
 14:32, 14:38, 14:39,
 14:41, 14:42, 14:43,
 14:45, 14:46, 14:47,
 14:49, 14:52, 14:54,
 14:55, 15:3, 15:6,
 15:7, 15:9, 15:10,
 15:11, 15:14, 15:16,
 15:18, 15:19, 15:20,
 15:26, 15:29, 15:43,
 15:44, 15:46, 15:48,
 15:53, 15:54, 15:55,
 16:1, 16:2, 16:4, 16:6,
 16:10, 16:11, 16:13,
 16:15, 16:17, 16:19,
 16:20, 16:22, 16:27,
 16:28, 16:30, 16:31,
 16:36, 16:47, 16:48,
 16:49, 16:51, 16:53,
 16:55, 16:56, 17:1,
 17:4, 17:5, 17:6, 17:7,
 17:9, 17:13, 17:30,
 17:36, 17:39, 17:40,
 17:51, 18:6, 18:7,
 18:8, 18:9, 18:10,
 18:12, 18:14, 18:18,
 18:19, 18:20, 18:25,
 18:26, 18:27, 18:33,
 18:34, 18:35, 18:37,
 18:41, 18:42, 18:43,
 18:46, 18:48, 18:51,
 18:52, 19:1, 19:2,
 19:7, 19:8, 19:10,
 19:11, 19:14, 19:15,
 19:21, 19:22, 19:27,
 19:28, 19:34, 19:35,
 19:40, 19:41, 19:42,
 19:48, 19:49, 20:12,
 20:54, 20:56, 21:1,
 21:2, 21:3, 21:4, 21:5,
 21:10
their [3] - 4:24, 5:15,
 14:11
them [14] - 3:52, 4:8,
 8:11, 8:14, 8:19, 8:35,
 8:45, 8:53, 10:1,
 12:28, 16:6, 16:48
then [8] - 4:10, 9:32,
 9:48, 10:17, 10:18,
 10:27, 12:18, 14:29
there [32] - 2:13, 4:6,
 4:9, 4:11, 4:27, 5:12,
 5:14, 5:20, 5:35, 5:43,
 6:2, 7:48, 8:42, 8:55,
 9:8, 9:46, 10:3, 10:23,
 10:25, 10:26, 10:42,
 14:48, 14:53, 15:1,
 15:28, 16:4, 16:27,
 16:29, 16:41, 18:26
there's [18] - 3:56,
 4:33, 5:36, 8:39, 8:44,
 8:50, 9:14, 14:34,
 15:27, 15:44, 15:50,
 16:12, 16:15, 16:25,
 16:40, 21:8
these [3] - 2:37,
 4:19, 11:2
they [25] - 2:39, 2:41,
 4:4, 4:12, 4:15, 4:17,
 4:27, 5:15, 8:5, 8:8,
 8:22, 8:46, 9:23, 10:1,
 10:13, 12:30, 13:21,
 16:3, 16:22, 16:49,
 18:18, 18:35

they're [5] - 3:53,
 4:7, 10:1, 10:2, 18:18
they've [1] - 9:19
thing [4] - 3:41, 9:50,
 10:6, 17:7
things [8] - 4:17,
 4:27, 4:29, 8:38, 8:50,
 8:51, 9:29, 17:8
think [59] - 3:12,
 3:13, 4:45, 5:2, 5:4,
 5:20, 5:23, 5:27, 5:40,
 5:51, 6:38, 8:18, 8:28,
 8:29, 8:30, 8:32, 8:33,
 8:38, 9:1, 9:29, 10:2,
 10:24, 10:25, 10:29,
 10:32, 12:20, 12:21,
 12:34, 12:41, 12:43,
 12:44, 13:15, 13:16,
 13:21, 14:3, 14:5,
 14:8, 14:10, 14:16,
 14:37, 14:44, 14:49,
 14:52, 15:1, 15:2,
 15:4, 15:14, 16:25,
 16:29, 16:34, 16:38,
 16:39, 16:52, 16:53,
 16:56, 17:7, 17:12
this [59] - 3:23, 3:26,
 3:38, 3:55, 4:19, 4:48,
 5:4, 5:8, 5:9, 5:11,
 8:6, 8:7, 8:20, 8:33,
 8:36, 9:39, 9:40,
 10:54, 12:16, 12:44,
 12:47, 12:56, 13:11,
 13:17, 14:2, 14:3,
 14:6, 14:7, 14:29,
 14:37, 14:46, 15:2,
 15:11, 15:14, 15:15,
 15:17, 15:18, 15:28,
 15:44, 15:55, 15:56,
 16:26, 16:34, 16:35,
 16:38, 16:39, 16:50,
 17:1, 17:7, 17:9,
 17:15, 17:18, 18:17,
 18:18, 18:35, 21:5,
 21:8
thomas [1] - 1:38
those [11] - 3:27,
 4:20, 8:51, 9:55,
 10:24, 12:35, 15:29,
 15:54, 16:2, 16:3,
 18:27
though [2] - 9:14,
 16:16
thought [8] - 2:50,
 2:56, 5:16, 5:47, 8:49,
 8:55, 9:46, 17:9
thoughts [3] - 3:19,
 5:12, 5:17
three [4] - 2:15,
 12:24, 15:53, 16:1

three-person [1] -
 15:53
three-fourths [1] -
 14:32
through [3] - 10:14,
 12:48, 18:13
Tiber [1] - 19:56
tied [1] - 8:45
Tim [1] - 1:49
time [13] - 3:48,
 10:27, 12:17, 14:2,
 14:11, 14:38, 16:14,
 16:20, 16:21, 16:35,
 16:37, 16:39, 21:6
times [4] - 8:39,
 10:28, 15:48, 15:51
tireless [1] - 3:49
title [5] - 12:47,
 12:49, 13:12, 13:27,
 17:36
to [285] - 1:35, 1:44,
 1:45, 1:46, 1:47, 1:48,
 1:49, 2:4, 2:7, 2:8,
 2:14, 2:21, 2:22, 2:23,
 2:24, 2:28, 2:29, 2:31,
 2:32, 2:34, 2:37, 2:38,
 2:47, 2:49, 3:3, 3:4,
 3:5, 3:6, 3:10, 3:12,
 3:15, 3:19, 3:20, 3:21,
 3:22, 3:24, 3:37, 3:41,
 3:43, 3:44, 3:45, 3:47,
 3:48, 3:49, 3:52, 4:3,
 4:4, 4:7, 4:8, 4:12,
 4:14, 4:16, 4:23, 4:25,
 4:27, 4:29, 4:34, 4:49,
 4:51, 5:7, 5:10, 5:16,
 5:24, 5:27, 5:30, 5:39,
 5:42, 5:44, 6:13, 6:48,
 7:12, 7:14, 7:15, 7:26,
 7:32, 7:39, 7:42, 7:45,
 7:48, 7:49, 7:51, 8:6,
 8:7, 8:14, 8:18, 8:19,
 8:20, 8:32, 8:35, 8:41,
 8:46, 8:51, 8:53, 8:56,
 9:8, 9:9, 9:17, 9:19,
 9:22, 9:29, 9:30, 9:31,
 9:32, 9:39, 9:49, 9:55,
 10:1, 10:2, 10:12,
 10:16, 10:18, 10:22,
 10:25, 10:26, 10:29,
 10:31, 10:32, 10:35,
 10:39, 10:56, 11:2,
 11:6, 11:7, 11:10,
 11:56, 12:5, 12:8,
 12:11, 12:12, 12:17,
 12:19, 12:27, 12:30,
 12:33, 12:35, 12:41,
 12:43, 12:44, 12:47,
 12:50, 13:11, 13:15,
 13:16, 13:17, 13:21,

DATE

13:25, 13:30, 13:31,
13:32, 13:47, 14:2,
14:3, 14:4, 14:5, 14:6,
14:8, 14:10, 14:11,
14:15, 14:20, 14:24,
14:27, 14:33, 14:42,
14:46, 14:47, 14:48,
14:53, 15:1, 15:5,
15:9, 15:16, 15:17,
15:19, 15:20, 15:30,
15:44, 15:46, 15:49,
15:50, 15:51, 15:55,
16:5, 16:12, 16:22,
16:29, 16:34, 16:36,
16:41, 16:47, 16:50,
16:53, 17:6, 17:7,
17:8, 17:10, 17:11,
17:13, 17:14, 17:15,
17:19, 17:28, 17:40,
17:41, 17:42, 17:45,
17:48, 17:49, 17:52,
17:55, 18:1, 18:8,
18:10, 18:13, 18:19,
18:25, 18:26, 18:30,
18:35, 18:36, 18:41,
18:45, 18:51, 19:1,
19:7, 19:14, 19:21,
19:27, 19:29, 19:34,
19:40, 19:48, 19:54,
20:7, 20:13, 20:15,
20:19, 20:25, 20:28,
20:33, 20:34, 20:41,
20:47, 20:48, 21:6,
21:9
TO [1] - 2:1
today [2] - 3:32, 3:36
told [3] - 2:42, 8:8,
9:40
Tom [1] - 1:25
too [3] - 10:39,
10:42, 14:6
topic [1] - 2:15
touch [1] - 3:21
town [1] - 4:23
tremendous [1] -
5:29
trials [2] - 10:22,
10:23
triggered [1] - 5:45
Trotta [9] - 1:28, 2:9,
6:32, 10:21, 12:13,
13:48, 15:23, 16:9,
20:41
TROTТА [17] - 6:28,
6:34, 6:41, 6:47, 7:38,
11:32, 11:55, 12:15,
12:52, 13:14, 13:24,
13:40, 15:25, 15:36,
17:32, 17:44, 20:37
Trotta's [1] - 14:9

Trotta [2] - 11:53,
20:35
trouble [1] - 18:13
true [1] - 17:14
trusted [1] - 4:37
try [2] - 5:48, 9:55
trying [1] - 5:42
Tuesday [1] - 9:33
two [5] - 3:42, 12:23,
15:11, 15:27, 17:41
types [1] - 4:11

U

unable [1] - 12:19
unanimously [4] -
20:56, 21:2, 21:3,
21:5
unbelievable [1] -
3:51
under [15] - 2:41,
4:18, 10:54, 15:48,
18:9, 18:42, 18:52,
19:2, 19:8, 19:15,
19:22, 19:28, 19:35,
19:41, 19:49
undermine [1] -
14:47
understand [4] -
9:31, 10:28, 10:35,
18:33
understanding [2] -
3:7, 3:9
unfair [1] - 14:10
unfettered [1] -
10:30
unfounded [1] - 14:8
unintended [1] -
8:40
unions [1] - 20:35
unlawful [1] - 4:21
unless [4] - 3:13,
9:17, 9:19, 21:8
unlimited [2] - 8:16,
10:18
until [1] - 3:10
up [12] - 2:32, 4:49,
9:2, 9:55, 10:1, 10:2,
10:13, 10:15, 10:31,
12:23, 14:27
update [1] - 4:13
Upstate [1] - 18:6
urge [1] - 15:20
us [7] - 2:28, 2:42,
3:36, 4:23, 5:2, 10:36,
15:50
USA [1] - 21:1
use [2] - 10:30, 18:35

V

vacated [1] - 9:18
valid [1] - 12:41
value [3] - 4:4, 4:29,
4:34
Vanderbilt [1] - 9:24
various [1] - 8:10
vendors [1] - 3:17
verify [1] - 4:8
versus [3] - 21:1,
21:3, 21:4
very [7] - 3:24, 5:51,
8:28, 12:43, 14:44,
21:10
Veterans [2] - 1:16,
9:7
veto [2] - 12:17,
14:29
vetoed [2] - 12:17,
14:45
vetoing [1] - 14:30
Vice [2] - 1:23, 20:48
vigilant [1] - 4:53
visit [1] - 15:17
voice [1] - 17:2
VOTE [32] - 7:3, 7:4,
7:23, 7:24, 7:29, 7:30,
11:49, 11:50, 17:28,
17:53, 18:3, 18:4,
18:39, 18:48, 18:55,
19:4, 19:11, 19:18,
19:24, 19:31, 19:37,
19:45, 19:51, 20:10,
20:17, 20:30, 20:31,
20:43, 20:44
vote [17] - 4:49, 8:56,
10:1, 12:19, 12:28,
12:33, 14:2, 16:54,
18:55, 19:4, 19:11,
19:18, 19:24, 19:31,
19:37, 19:45, 19:51
VOTE [1] - 17:30
VOTE/CONSENT
[11] - 18:39, 18:49,
18:55, 19:5, 19:12,
19:18, 19:25, 19:31,
19:38, 19:46, 19:52
voted [3] - 14:2,
16:26, 21:5
voters [2] - 10:36,
16:22
votes [2] - 12:18,
12:31
voting [3] - 11:24,
11:27, 16:30

W

waiver [2] - 11:53,

16:31
Waiver [7] - 12:19,
12:21, 12:22, 12:27,
14:11, 14:42, 14:54
waivers [1] - 14:33
waiving [2] - 12:21,
12:22
want [9] - 2:49, 3:37,
3:47, 5:42, 8:7, 9:39,
10:31, 12:30, 12:44
wants [3] - 12:32,
12:33, 21:9
warning [1] - 8:47
WAS [1] - 2:1
was [29] - 1:14, 2:31,
2:33, 2:50, 2:56, 5:14,
5:26, 5:35, 5:51, 6:38,
8:55, 9:6, 9:7, 12:16,
12:19, 14:29, 14:38,
14:45, 15:2, 15:9,
15:53, 15:56, 16:27,
16:31, 16:32, 16:38,
17:11
wasn't [2] - 8:51,
16:26
wastewater [1] -
5:11
way [8] - 2:4, 5:42,
5:44, 13:22, 14:17,
15:46, 16:50, 17:9
WAYS [1] - 1:2
Ways [4] - 1:13, 2:4,
2:8, 20:54
we [80] - 2:15, 2:20,
2:27, 2:45, 3:4, 3:7,
3:17, 3:23, 3:32, 3:38,
4:21, 5:7, 5:12, 5:21,
7:2, 7:12, 7:42, 8:10,
8:14, 8:15, 8:18, 8:19,
9:28, 9:30, 9:40, 9:44,
9:45, 9:48, 10:12,
10:14, 10:27, 10:28,
10:39, 10:42, 11:6,
12:5, 12:17, 12:18,
12:29, 12:34, 13:2,
13:5, 13:11, 13:16,
13:30, 13:47, 14:16,
14:17, 14:44, 14:45,
14:49, 14:52, 14:56,
15:1, 15:2, 15:5, 15:7,
15:8, 15:20, 15:27,
15:48, 15:49, 15:51,
16:54, 17:18, 17:30,
17:39, 18:33, 18:36,
20:46, 20:47, 20:50,
20:54, 21:11
We'll [1] - 11:13
we'll [4] - 2:8, 3:21,
13:8, 19:10
we're [9] - 3:5, 3:51,

5:10, 9:29, 11:48,
12:31, 13:15, 15:26,
15:45
we've [4] - 2:56,
3:22, 14:15, 15:10
week [1] - 14:21
Weekes [1] - 19:23
weeks [2] - 9:8, 9:11
weigh [1] - 15:51
welcome [4] - 2:7,
2:14, 3:19, 14:16
well [10] - 4:25, 5:23,
5:28, 5:51, 8:49, 9:44,
9:45, 10:6, 10:9, 14:8
well-reasoned [3] -
5:23, 5:28, 5:51
went [4] - 2:20, 5:10,
9:8, 10:21
were [18] - 2:23,
2:29, 2:37, 2:39, 2:41,
4:23, 5:7, 5:10, 5:15,
8:30, 9:40, 10:23,
10:24, 15:55, 16:3,
16:4, 16:29
weren't [2] - 16:2,
16:3
what [21] - 4:4, 4:50,
8:28, 8:33, 8:42, 8:50,
9:28, 9:40, 9:47, 9:54,
10:9, 10:56, 12:21,
12:42, 12:46, 14:4,
14:6, 14:31, 16:49,
17:13
what's [3] - 6:35,
14:9, 18:14
whatever [5] - 4:34,
5:14, 10:31, 12:32,
12:33
whatsoever [2] -
8:16, 10:19
when [10] - 3:15,
5:10, 6:17, 8:7, 8:14,
10:2, 14:29, 14:45,
16:22, 16:53
where [7] - 3:17,
4:52, 10:1, 14:34,
15:31, 15:49, 15:51
whether [7] - 2:33,
2:37, 2:38, 2:39, 8:13,
10:13, 16:56
which [14] - 2:21,
2:28, 7:50, 9:50,
10:29, 12:11, 13:30,
13:48, 14:32, 14:54,
15:4, 15:9, 15:10,
18:17
while [3] - 9:54,
10:27, 16:9
who [12] - 2:14, 3:47,
5:22, 6:13, 6:17, 8:41,

9:16, 10:56, 14:10,
14:38, 16:1, 16:37
who's [3] - 5:25,
10:56, 14:20
whole [1] - 14:7
wholly [2] - 15:54,
16:1
why [6] - 8:20, 9:8,
9:10, 11:1, 14:48,
17:14
will [19] - 2:15, 3:9,
3:24, 3:25, 3:26, 3:32,
3:37, 6:13, 6:17, 7:15,
9:14, 12:11, 13:25,
16:11, 16:12, 16:16,
16:36, 16:37, 18:20
William [2] - 1:15,
1:23
win [1] - 16:15
window [1] - 15:29
with [34] - 2:8, 2:22,
2:27, 3:21, 3:36, 4:7,
4:20, 5:3, 5:22, 5:30,
5:33, 8:6, 8:8, 8:21,
8:49, 9:10, 9:50,
12:33, 12:42, 14:3,
14:29, 14:31, 14:39,
14:52, 15:3, 15:6,
16:37, 16:48, 16:50,
16:53, 17:5, 17:10,
18:9, 18:25
within [2] - 15:54,
18:27
without [1] - 5:47
withstand [1] - 14:31
women [1] - 3:50
Women's [2] - 9:6,
9:7
wonderful [1] - 4:50
word [3] - 10:30,
17:11, 17:14
work [7] - 3:49, 4:9,
4:15, 4:38, 8:56,
14:12
worked [2] - 15:3,
16:1
working [4] - 15:9,
15:15, 15:16, 16:48
worry [1] - 11:13
would [23] - 2:14,
3:20, 3:43, 4:19, 4:33,
4:34, 5:8, 5:13, 5:16,
5:42, 5:48, 8:5, 8:20,
9:9, 9:32, 9:50, 12:49,
14:32, 14:42, 14:52,
15:4, 15:20, 18:36
writing [1] - 9:45
written [1] - 10:29
wrong [1] - 15:30
wrote [1] - 2:22

Wyandanch [1] -
20:21

Y

Y [1] - 1:14
yeah [2] - 9:9, 12:16
year [10] - 2:24, 2:27,
2:30, 3:5, 12:16, 15:7,
15:11, 16:12
years [8] - 4:2, 4:36,
4:50, 12:28, 16:17,
17:41
yes [4] - 6:32, 9:44,
15:37, 17:33
Yes [1] - 17:48
yet [3] - 3:2, 6:38,
8:15
York [3] - 1:16, 18:7,
20:13
You [1] - 8:53
you [107] - 2:13,
2:36, 2:49, 3:36, 3:37,
3:41, 3:43, 3:44, 4:10,
4:25, 4:33, 4:34, 4:36,
4:38, 4:42, 4:50, 4:51,
4:52, 4:53, 5:9, 5:16,
5:20, 5:26, 5:28, 5:30,
5:52, 5:55, 6:5, 6:8,
6:11, 6:13, 6:17, 6:26,
6:42, 6:51, 6:54, 7:6,
8:18, 8:20, 8:28, 8:30,
8:31, 8:52, 8:53, 9:2,
9:9, 9:28, 9:29, 9:39,
9:40, 9:41, 9:44, 9:45,
9:46, 9:48, 9:54, 10:6,
10:12, 10:13, 10:14,
10:15, 10:17, 10:18,
10:21, 10:22, 10:23,
10:25, 10:27, 10:29,
10:31, 10:40, 10:42,
10:45, 10:54, 11:49,
12:34, 12:41, 12:49,
13:8, 13:27, 14:5,
14:6, 14:11, 14:15,
14:20, 14:41, 15:26,
15:43, 15:44, 16:9,
16:13, 16:21, 17:8,
17:30, 18:25, 18:30,
21:10
you'd [1] - 9:31
you're [8] - 2:14,
2:50, 3:19, 4:52, 8:28,
13:15, 14:4, 17:4
you've [1] - 8:39
your [16] - 2:4, 4:35,
4:37, 4:38, 5:5, 5:9,
5:17, 5:39, 6:14, 8:32,
8:40, 8:49, 10:35,
13:31, 14:17

Z

zero [1] - 9:12