

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

March 7, 2016
3:03 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

RICHARD NICOLELLO
Chairman

VINCENT MUSCARELLA
Vice-Chair

ROSE MARIE WALKER

DONALD MACKENZIE

DELIA DeRIGGI-WHITTON
Ranking

SIELA A. BYNOE

LAURA CURRAN

FRANK MORONEY, Clerk Pro Tempore

LIST OF SPEAKERS

DEIDRE CALLEY	7
BEAUMONT JEFFERSON.	24
JERRY PODLESAK.	28
JOSH MEYER.	35

INSERTS TO TRANSCRIPT

Page 11, Line 17 - Page 22, Line 25
Page 31, Line 5 - Page 32, Line 10

2 CHAIRMAN NICOLELLO: I ask the Clerk Pro
3 Tempore to call the roll, please.

4 MR. MORONEY: Yes, sir.

5 Deputy Presiding Chairman Richard
6 Nicolello

7 CHAIRMAN NICOLELLO: Here.

8 MR. MORONEY: Vice Chairman Vincent
9 Muscarella?

10 LEGISLATOR MUSCARELLA: Here.

11 MR. MORONEY: Legislator Rose Walker?

12 LEGISLATOR WALKER: Here.

13 MR. MORONEY: Legislator Donald
14 Mackenzie?

15 LEGISLATOR MACKENZIE: Here.

16 MR. MORONEY: Legislator Delia DeRiggi-
17 Whitton?

18 LEGISLATOR DeRIGGI-WHITTON: Here.

19 MR. MORONEY: Legislator Laura Curran?

20 LEGISLATOR CURRAN: Here.

21 MR. MORONEY: Legislator Seila Bynoe?

22 LEGISLATOR BYNOE: Here.

23 MR. MORONEY: You have a quorum, Mr.
24 Chairman.

25 CHAIRMAN NICOLELLO: Thank you.

There was a number of items before the Public Safety Committee that will also be on this committee, and I would just ask that the minutes be incorporated by reference to this committee.

Item 58-2016 is a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the Department of Parks and Recreation and Museums and the Seaford Historical Society.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Mackenzie.

Any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Item 59-2016 is a resolution providing for the issuance of a warrant directing the

treasurer of the County of Nassau to pay to the supervisors of the several towns and the treasurers of several villages and the cities within the County of Nassau, the sums as apportioned by the Nassau County Legislature based on a report filed by the County Treasurer and the County Clerk, showing deposits from mortgage taxes for the quarter beginning October 1, 2016 through December 31, 2016; pursuant to the County Government Law of Nassau County and the Nassau County Administrative Code.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Muscarella, seconded by Legislator Walker.

This is the mortgage taxes, obviously.

Any discussion? Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I have a question.

CHAIRMAN NICOLELLO: Do we have someone to speak on this item?

MS. CALLEY: Hi. Deidre Calley, Office of Legislative Budget Review.

LEGISLATOR DeRIGGI-WHITTON: Should it be budget review for this?

CHAIRMAN NICOLELLO: She's at the mic, so let's give her a shot at answering the question. Who else do you want?

LEGISLATOR DeRIGGI-WHITTON: Someone from the administration, I thought.

MS. CALLEY: The reason we came is because we allocate the money between the different villages. That's what our office does.

LEGISLATOR DeRIGGI-WHITTON: If it's okay with you, maybe the county attorney should just make a statement on the record.

CHAIRMAN NICOLELLO: The county attorney to make a statement about what?

LEGISLATOR DeRIGGI-WHITTON: Okay. Then I would just like to put a question on the record. Are any of these proceeds being withheld in connection with the dispute of the reimbursement of the FIT tuition?

CHAIRMAN NICOLELLO: The question is whether any of the mortgage taxes are being withheld because of the dispute over FIT, with the towns over the FIT tuition. Does anyone have

an answer to that question? So the question is on the record. Obviously, this is the first step in the process, in terms of the committees. So you will have an answer, if not by Rules --

LEGISLATOR DeRIGGI-WHITTON: If they could provide that and also just when they expect to have the towns and villages reimbursed completely, like how long of a delay this is going to be.

CHAIRMAN NICOLELLO: Doesn't that depend on how long the lawsuit lasts?

LEGISLATOR DeRIGGI-WHITTON: Yeah. It depends on what's going on. If it something with FIT or not, I don't know if it is connected or not.

CHAIRMAN NICOLELLO: I think there is litigation.

LEGISLATOR DeRIGGI-WHITTON: If that's what this is.

CHAIRMAN NICOLELLO: I don't know if it's the mortgage taxes or sales taxes that are being withheld. If there is litigation over the issue, if there is then it won't be disbursed until after the litigation is completed.

LEGISLATOR DeRIGGI-WHITTON: Right. So if it's connected to FIT, that's just something we need to know. I don't even know if that's the case. As long as we know by Monday, the 21st.

CHAIRMAN NICOLELLO: All right.

Any other questions or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Items 60, 61, 62, 67, 68, 69, 71, 72, 73, and 74, these are all ordinances supplemental to the annual appropriation ordinance in connection with the Traffic Safety Board, Office of Emergency Management, District Attorney's Office, Police Department, Department of Toxicology/Medical Examiner, and the Office of Housing and Community Development.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Mackenzie.

Any discussion on these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

(Whereupon, the following are the minutes of the March 7, 2016, Public Safety Committee pertaining to Clerk Items 60-16, 61-16, 62-16, 67-16, 68-16, 69-19, 71-16, and 72-16.)

The first item to come before us, we're going to call together, Item 60-16, together with 68-16 and 69-16. They are all ordinances supplemental to the annual appropriation ordinance in connection with the Traffic Safety Board.

Who do we have for traffic safety? We have Chris.

Motion by Rose Walker, seconded by Donald Mackenzie on all three of those items.

MR. MISTRON: Christopher Mistron,
Director of Traffic Safety.

The first item which was called, the 60-
16, was a grant for \$3,000 dedicated for the
Child Passenger Safety Program provided by
Traffic Safety. The grant allows for Traffic
Safety to purchase car seats and equipment for
doing specifically our mobile traffic child
safety seat checks, which actually we do in the
legislative districts.

CHAIRMAN DUNNE: Which is a great
program. We might as well as well vote on them
individually. We called them all together but
we're going to vote on them individually.

The motion is made and passed.

Does anybody have any questions on this
item?

(No verbal response.)

There being none; all those in favor
indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It passes on to Finance.

The next one was 68-16.

MR. MISTRON: 68-16, again is a grant that we received. There is surcharge money charged for people that park in handicapped parking spaces. The legislation in the State calls for that surcharge to be able to be used for educational programs involved for physically challenged people. We utilize that money through another organization to do everything from child specialized traffic safety programs to mobility programs.

CHAIRMAN DUNNE: Okay. Any questions on this from any of the legislators?

(No verbal response.)

All in favor indicate by saying aye.

(Aye.)

Against?

(No verbal response.)

It passes on to Finance also.

Now 69-16.

MR. MISTRON: The final one is the police traffic services grant, that again, Traffic Safety applied for on behalf of all the police departments in Nassau County, the Nassau

2 County PD and the village and city police.

3 This particular enforcement is split
4 between the annual Buckle-Up enforcement wave
5 that takes place the end of May, as well as
6 specialized enforcement for everything from
7 pedestrian safety to speed enforcement and
8 aggressive driving enforcement, as well as the
9 new component for cell phone use.

10 CHAIRMAN DUNNE: Any questions on this?

11 (No verbal response.)

12 There being none; all in favor indicate
13 by saying aye.

14 (Aye.)

15 Any against?

16 (No verbal response.)

17 It passes unanimously on to Finance.

18 Thank you, Mr. Mistrion.

19 The next item coming up before us will be
20 Item 61-16, an annual appropriation ordinance in
21 connection with the Office of Emergency
22 Management.

23 Who do we have?

24 LEGISLATOR WALKER: So moved.

25 CHAIRMAN DUNNE: Moved by Rose Walker,

seconded by Vincent Muscarella, Legislator
Muscarella.

MR. DELANEY: Hi, everyone. Tom
Delaney, Nassau County OEM. This is a New York
State grant funded by cellular surcharge revenue.
When you look on your cell phone bills, now you
know where some of this money is going to.

This is called the public safety
answering point grant. We applied for \$163,406
last year to upgrade the Firecom dispatch system,
which, as many people are aware, suffered two
outages last year, not just affecting the county
dispatch system but potentially, even though
they're a fire department that do self dispatch
because Firecom is a backup. What the system is
going to do is allow them to start transitioning
into newer technology. This system is very
expandable. We're going to start off with
something small, still utilizing the current
system and then build onto that.

The award amount that we received was for
\$137,000. Like I said, the system was 163.
We're going to be able to backfill this with
money from our other homeland security grants

because this involves interoperable communications. So we will be able to meet the goal that was originally asked for.

CHAIRMAN DUNNE: Welcome to the future.

Any questions from any of the legislators?

(No verbal response.)

There being none; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

Okay. Thank you kindly. This goes on to Finance.

The next item is Item 62-16, and we're going to call also 67-16 and 74-16 because they are all dealing with the district attorney's office. They are all ordinances supplemental to the annual appropriations ordinance in connection with the district attorney's office.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN DUNNE: Moved by Legislator Walker, seconded by Legislator Muscarella.

MR. MCMANUS: Bob McManus, District Attorney's Office.

Item 62 is for the Nassau County District Attorney's Office rapid intervention and services model. Funds will be used by the district attorney's office to reduce DWI repeat offenses by addressing two specific issues within the criminal justice system: predicting which offenders are likely to reoffend by utilizing non-traditional assessment tools and reducing the amount of time between arrest and disposition of the case.

Research conducted by the state has shown that offenders respond to intervention, but only if there are swift and clear consequences for recidivistic behavior. Offenders will be tracked throughout the process in order to evaluate compliance with the program and sanctions will be imposed accordingly. This is funded entirely by grant money.

CHAIRMAN DUNNE: You might as well do all three while you're there. Do the other two.

MR. MCMANUS: Excuse me, sir?

CHAIRMAN DUNNE: 67 also.

MR. MCMANUS: Yes. This item is the motor vehicle theft and insurance fraud prevention grant program. The Nassau County District Attorney's Office motor vehicle theft and insurance fraud prevention program investigate and prosecute motor vehicle theft and motor vehicle insurance fraud cases.

Investigative efforts target medical mills and auto body shops suspected of no-fault fraud, with an emphasis of undercover investigations. The program also facilitates cooperation between law enforcement agencies and the insurance industry in combating the program of auto-related insurance fraud.

CHAIRMAN DUNNE: And that's funded through?

MR. MCMANUS: It's a grant funded through New York State Division of Criminal Justice Services.

CHAIRMAN DUNNE: Excellent. And then 74-16.

MR. MCMANUS: Item Number 74 is the crimes against revenue program. Funds will be used by the Nassau County District Attorney's

Office for continuation of the crimes against revenue program. This program will provide effective investigation and prosecution of cases that have adverse affects on all government revenues, including, but not limited to, sales and personal income tax evasion, Medicaid fraud, and enforcement of prevailing wage laws. And this is also 100 percent funded.

CHAIRMAN DUNNE: Excellent.

Any questions for Mr. McManus from any of the legislators?

(No verbal response.)

There being none; all those in favor of all three of these items indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

Thank you, Mr. McManus. All three will go on to Finance.

MR. MCMANUS: Thank you.

CHAIRMAN DUNNE: The next item to come before us is Item 71-16, which is an ordinance supplemental to the annual appropriation ordinance in connection with the police

department.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN DUNNE: Rose Walker makes the motion, and Don Mackenzie seconds.

Lieutenant. Lieutenant, can I just ask you when did you get the promotion?

LIEUTENANT STEPHANOFF: December.

CHAIRMAN DUNNE: Excellent.
Congratulations.

LIEUTENANT STEPHANOFF: Thank you.

CHAIRMAN DUNNE: Great job. We used to call you Serg. Now it's Lieutenant.

LIEUTENANT STEPHANOFF: Thank you.

CHAIRMAN DUNNE: Okay. Item 71, can you tell us about this?

LIEUTENANT STEPHANOFF: This item appropriates \$145,783 in funds from the New York State Division of Criminal Justice Services. This is our surveillance apprehension and enforcement program. We use this for extra patrols for stolen autos in high theft areas, and we also send detectives for extra work for insurance fraud.

CHAIRMAN DUNNE: Excellent. Any questions from any legislator on this?

(No verbal response.)

All in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It passes on to Finance.

Thank you, Lieutenant.

LIEUTENANT STEPHANOFF: Thank you.

CHAIRMAN DUNNE: The next item to come before us is Item 72-16, an ordinance supplemental to the annual appropriation ordinance in connection with the Toxicology/Medical Examiner.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN DUNNE: Legislator Walker made the motion, seconded by Vincent Muscarella.

Now, on the item. Yes, ma'am

MS. DOOLING: Hi. Karen Dooling, Crime Laboratory, Medical Examiner's Office on behalf of toxicology.

This award is \$21,542 from the federal

government. It's a pass-through no match through the state. It will be used for conferences, the temperature monitoring system for the lab, and for overtime to perform casework.

CHAIRMAN DUNNE: What discipline is that?

MS. DOOLING: This is toxicology, which is separate from crime laboratory, but a toxicology person wasn't available today.

CHAIRMAN DUNNE: We do all that in-house here?

MS. DOOLING: Yeah. Toxicology deals with the death investigations in the medical examiner's office.

CHAIRMAN DUNNE: Excellent.

Any questions from any legislator?

(No verbal response.)

There being none; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It passes on to Finance.

Thank you, Karen.

(Whereupon, the following is the continuation of the March 7, 2016, Finance Committee meeting.)

CHAIRMAN NICOLELLO: Items 75 and 76, resolutions authorizing the county executive to execute grant agreements between the County of Nassau, acting on behalf of the Department of Parks, Recreation and Museums, and the Freeport Historical Society, and the St. John of Jerusalem Cemetery Inc.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Muscarella, seconded by Legislator Walker.

Any questions or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two items carry unanimously.

Item 77 is a resolution to authorize the

2 transfer of appropriations heretofore made within
3 the budget for the year 2016.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR MACKENZIE: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator
7 Walker, seconded by Legislator Mackenzie.

8 Any discussion on this item?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All in favor signify by saying aye.

13 (Aye.)

14 Mr. Jefferson.

15 MR. JEFFERSON: I just wanted to answer
16 the question on the mortgage tax.

17 CHAIRMAN NICOLELLO: Sure.

18 MR. JEFFERSON: We do not net on the
19 mortgage tax. There is no net on the mortgage
20 tax. That's paid in full. The netting is done
21 on the sales tax for FIT.

22 CHAIRMAN NICOLELLO: Okay. I think you
23 have your answer.

24 MR. JEFFERSON: Is that it?

25 LEGISLATOR DeRIGGI-WHITTON: So you're

not withholding because of the lawsuit? So, just on the record, they're getting the full amount of the sales tax?

MR. JEFFERSON: That is correct.

LEGISLATOR DeRIGGI-WHITTON: Thank you.

CHAIRMAN NICOLELLO: Thank you, Mr. Jefferson.

Next items are 78, 79, 80, 81, 82, 83, 84, 85, and 86. These are resolutions to authorize the county assessor and/or the county treasurer and/or the receiver of taxes of the Towns of Hempstead, North Hempstead, Oyster Bay, and the City of Long Beach to partially exempt from real property taxation, certain real properties situated in various school districts to correct a rate code error and taxes in accordance with petitions of the County Assessor; and to correct erroneous assessments and taxes in accordance with petitions.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

These items are before the committee.

Any discussion on the items? Legislator
DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I have one
quick question. I don't know who is here.

I just wanted to make sure it's not an
oversight that Glen Cove is not listed here. I
see Long Beach. Usually when Long Beach and all
the others towns are listed, Glen Cove is usually
there.

CHAIRMAN NICOLELLO: I think that may be
coincidental. I don't think they have to be.

LEGISLATOR DeRIGGI-WHITTON: It just
seems like everyone else is represented. If it's
zero, then okay.

CHAIRMAN NICOLELLO: I think it's when
these types of items come up, whether it's
correcting erroneous assessments or exempting
real property. If nothing is before or is in the
process at this point, it won't come to us.

LEGISLATOR DeRIGGI-WHITTON: Thank you.

CHAIRMAN NICOLELLO: Any other
discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

Items 87 and 88-2016 are resolutions to authorize the transfer of appropriations heretofore made within the budget for the year 2016.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Mackenzie.

Any discussion?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two items carry unanimously.

Item 89-2016, an ordinance supplemental

2 to the annual appropriation ordinance in
3 connection with the Office of Management and
4 Budget.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN NICOLELLO: Moved by Legislator
8 Walker, seconded by Legislator Muscarella.

9 Any discussion? Legislator DeRiggi-
10 Whitton.

11 LEGISLATOR DeRIGGI-WHITTON: On Item 89,
12 is there anyone here for that?

13 CHAIRMAN NICOLELLO: That would be OMB.

14 MR. PODLESAK: OMB asked me to speak on
15 this.

16 LEGISLATOR DeRIGGI-WHITTON: It was just
17 mentioned that there will be improvements made;
18 can you just discuss what improvements they are?

19 MR. PODLESAK: I don't know about that.
20 All I know is that this is one of four recurring
21 payments for the year for this period.

22 LEGISLATOR DeRIGGI-WHITTON: All right.
23 Maybe, again, for Monday, Chair, if that's okay.

24 CHAIRMAN NICOLELLO: For the 21st.

25 LEGISLATOR DeRIGGI-WHITTON: For the

21st. It just states in there that we are going to have improvements for the legal service system. I just want to see what the improvements are.

MR. PODLESAK: I will inquire.

LEGISLATOR DeRIGGI-WHITTON: Just so we know what we're voting on.

Thank you.

CHAIRMAN NICOLELLO: Thank you, Mr. Podlesak.

Any other discussion?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

The item carries unanimously.

93 and 94-2016, resolutions authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the Parks, Recreation and Museums Department and Hood African Methodist Episcopal Zion Church and the Long Island Children's Museum.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Mackenzie.

Any discussion on these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two items carry unanimously.

We have a motion to suspend by Legislator Muscarella, seconded by Legislator Walker.

All in favor of suspending the rules for the addendum signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The addendum is suspended.

Item 70 is an ordinance supplemental to the annual appropriation ordinance in connection with the Medical Examiner, Division of Forensic Services.

(Whereupon, the following is the minutes of the March 7, 2016, Public Safety Committee pertaining to Clerk Item 70-16.)

The item is Item 70-16, an ordinance supplemental to the annual appropriations ordinance in connection with the medical examiner's division of forensic services.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN DUNNE: It is moved by Legislator Walker, seconded by Legislator Mackenzie.

Now, on this item.

MS. DOOLING: Hi. Karen Dooling, Crime Lab.

This is actually the same grant I was discussing before; one gets awarded to the toxicology laboratory from the state and another for the same amount, \$21,542 gets awarded to the crime laboratory.

For the crime laboratory, this money will be used to support our laboratory information management system, which is what we use to process all casework and keep track of our QC

records.

CHAIRMAN DUNNE: Okay. Any questions?

(No verbal response.)

There being none; all in favor indicate
by saying aye.

(Aye.)

Any against?

(No verbal response.)

This also passes and goes on to Finance.

(The following is the continuation of the
minutes of the March 7, 2016, Finance Committee
meeting.)

CHAIRMAN NICOLELLO: Moved by Legislator
Walker, seconded by Legislator Muscarella.

Any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

It carries unanimously.

Item 96-2016, a resolution authorizing
the county attorney to compromise and settle any
and all claims between Lighthouse Development

2 Group, LLC, and the County of Nassau; pursuant to
3 the County Law, County Government Law, and the
4 Nassau County Administrative Code.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by Legislator
8 Muscarella, seconded by Legislator Walker.

9 This item is before the Committee. It is
10 a settlement, so we are going to go into
11 executive session on this. I think we should
12 invite everyone in so we don't have to do this
13 again with the Rules Committee.

14 A motion to go into executive session?

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR DeRIGGI-WHITTON: Wait.

17 Rich, can I ask one question that would just not
18 be executive session related?

19 CHAIRMAN NICOLELLO: Because it does
20 involve a settlement of a pending claim.

21 LEGISLATOR DeRIGGI-WHITTON: The
22 question is whether or not --

23 CHAIRMAN NICOLELLO: You have a question
24 you want to ask before?

25 LEGISLATOR DeRIGGI-WHITTON: Yeah.

CHAIRMAN NICOLELLO: All right.

LEGISLATOR DeRIGGI-WHITTON: It's just a question of the abandonment of parkland. It's just whether or not the question of abandoning parkland was resolved, alienation of parkland was resolved.

CHAIRMAN NICOLELLO: I think what Legislator Mackenzie is suggesting is that we do executive session and if you still have the question you want posed on the record, then you could do it at that time.

LEGISLATOR DeRIGGI-WHITTON: Okay. I would feel better if that was on the record at some point. We could do it after, if you want.

CHAIRMAN NICOLELLO: Just note for the record - they're not in the committee, but we'll note for the committee that Legislator Jacobs and Minority Leader Kevan Abrahams will not be participating in this executive session; they are, in fact, recusing themselves on this item.

I think we need a motion to go into executive session.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Mackenzie.

All in favor of going into executive session signify by saying aye.

(Aye.)

We are in executive session.

(Whereupon, the Finance Committee went into executive session at 3:16 p.m.)

(Whereupon, the Finance Committee reconvened at 3:40 p.m.)

CHAIRMAN NICOLELLO: We are out of executive session. We have Josh Meyers and Zach Klein here from Pinnone Lopes who would just like to - we would like you to give us some of the details of this, which I believe we can do in public session.

MR. MEYERS: Thank you very much, Legislator. Josh Meyer, Pinnone Lopes Deveroux and West, 81 Main Street, White Plains, New York 07450.

So, as you indicated, Legislator, in executive session we indicated we would come out and make a brief statement as to the terms of the settlement agreement with the Lighthouse

Development Group.

As part of that agreement, Lighthouse Development Group will release any right to seek reimbursement for its rezoning expenses. The Islanders will be permitted to use up to \$3.5 million of the \$4.5 million in disputed funds toward the construction and/or renovation of a new practice and training facility at Twin Rinks. The County will retain \$1 million of that amount for various improvements to county parks.

The renovation and construction will be fully contained in the interior of the building at Twin Rinks, within the existing footprint. The Islanders agree to use Twin Rinks as their primary practice facility for at least ten years. If the Islanders fail to use Twin Rinks as their primary practice facility in any given year, the Lighthouse must reimburse the county, as follows: Reduce the \$3.5 million amount by \$450,000 in the first five years, and reduce the \$3.5 million amount by \$250,000 in years six through ten.

The Islanders also agree to enter into -- sorry. Twin Rinks Acquisition Company also agree to enter into an agreement for use of Twin Rinks

as their primary practice and training facility for at least ten years, commencing on September 1, 2016, which will improve and enhance the recreational offerings at Twin Rinks, maintain a county connection with the Islanders, and continue to offer the residence of the county the ability to interact with the professional sports franchise.

The Islanders will also agree to provide five free and open-to-the-public practices per year, two free and open-to-the-public scrimmages per year, three free to the public player signing events per year, free to the public tours of the Islanders' locker rooms, weight room, and training room at mutually agreeable times, and open houses and special events.

That's all we have at this time.

CHAIRMAN NICOLELLO: Just one point of clarification.

During that ten year period, for the first five years it's 450,000, then 250,000 for the second five years. So the first year, if they fail to meet the terms of the settlement, if they left the first year then the amount owing

will be \$3,050,000.

MR. MEYER: That's correct.

CHAIRMAN NICOLELLO: And then each year that number will go down, either the 450,000 or 250,000.

MR. MEYER: That's correct. So if in the first year if it's determined that they have not used Twin Rinks as their primary practice facility, it would be \$3.5 million in that first year and from there it decreases by 450,000.

CHAIRMAN NICOLELLO: Okay. Thanks.

Any questions or discussion?

LEGISLATOR DeRIGGI-WHITTON: Hi, Josh. Just to put on the record, the fact that any construction, as we said before, would be in the same footprint; do you mind putting that on the record?

MR. MEYER: That's correct. I did indicate that.

LEGISLATOR DeRIGGI-WHITTON: I didn't hear that.

MR. MEYER: I'm sorry. It will be contained in the interior of the building and will be within the existing footprint at Twin

Rinks.

LEGISLATOR DeRIGGI-WHITTON: So there is absolutely no problem with the alienation of parkland.

MR. MEYER: That's correct.

LEGISLATOR DeRIGGI-WHITTON: I understand the whole process. There were a lot of Islanders fans. I think it's great that they're coming out here to practice. I hope we get more games at the Coliseum.

I would feel better, just at least with the second portion of this. I understand it doesn't have to come before us again, but I think we should see the final agreement. Basically, to amend this settlement agreement to include the sublicense. Is that a possibility, just to protect, you know, everyone involved?

MR. MEYER: Like I indicated, maybe that's better addressed in executive session again. We just wanted to discuss this. Anything else beyond that, we feel may have an impact on any potential litigation. So that we would prefer to speak about in executive session, but that's up to this body.

CHAIRMAN NICOLELLO: We just had a discussion about that issue in executive session, so I don't really see the point of discussing it.

From my own point of view, I believe the settlement agreement has enough incentives for the Islanders to do what they say they're going to do. Aside from the settlement agreement, I think it's clear that the Islanders are going to want to do this in order to maintain their brand in our county and on Long Island. I think they're going to fully abide by the terms of this agreement, and if they don't we have our rights. If they violate the settlement agreement, we have our rights, as any other litigant would have.

LEGISLATOR DeRIGGI-WHITTON: We're going on a leap of faith. I don't like this feeling. We don't really have any rights, other than withholding some of the money at some point. I don't know. We're doing this without, in my opinion, without us having the final look at the full agreement. I don't feel comfortable with that. I'm still going to vote for it, but this isn't the way I'd like to see it done.

CHAIRMAN NICOLELLO: Again, this is a

binding agreement. If they violate the terms of this agreement we have the rights, under law, to seek to do whatever we have to do to enforce the agreement, whether it's to seek more money, whether it's for a specific performance, to have a court order for them to do what they have to do.

Again, I don't really see it as an issue. Unless the Islanders have left the area completely, they're going to be motivated to maintain their fan base here on Long Island, especially in Nassau County.

LEGISLATOR DeRIGGI-WHITTON: But if we're not happy with this sub-agreement, there is nothing the legislature, as a body, can do about it. It's really not up to us to determine it after this vote. It's an important part of Long Island, Nassau County. People love the Islanders.

CHAIRMAN NICOLELLO: Let me ask you this, Mr. Meyer.

The terms of this agreement, there was an agreement that was to take place with respect to the Islanders at Citi Field. The specific

requirements, in terms of their practice sessions, in terms of their signing days, in terms of the various components, those specifics have been incorporated into the settlement agreement so that the county is protected.

MR. MEYER: That's exactly correct. The ones that I mentioned in here before are contained in the settlement agreement, and what will be in that sublicense agreement, and the administration and the Department of Parks will have the ability to review those terms before the money is released in the settlement.

LEGISLATOR DeRIGGI-WHITTON: I just have one last request. I know that the \$1 million that is going to be allocated to Parks, I really would like, as being on Finance, to get, you know, a list of where that money goes. I just don't want it to disappear. I want to see where that \$1 million goes.

CHAIRMAN NICOLELLO: I think we'd all be interested in that.

LEGISLATOR DeRIGGI-WHITTON: If we could put that on the record, that that's really important. It's a lot of money.

MR. MEYER: Understood. I will pass that along. I will get that information for you.

CHAIRMAN NICOLELLO: Any other discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor of this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item carries unanimously.

Thank you, Josh.

MR. MEYER: Thank you very much.

CHAIRMAN NICOLELLO: Legislator Walker makes a motion to adjourn, seconded by Legislator Muscarella.

All in favor of adjourning signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The Committee is adjourned.

1 Finance Committee - 3-7-16

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2 (Whereupon, the Finance Committee
3 adjourned at 3:49 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 21st day of March, 2016.

FRANK GRAY