

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 9, 2016
3:36 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

LAURA CURRAN

SIELA A. BYNOE

MICHAEL C. PULITZER
Clerk of the Legislature

LIST OF SPEAKERS

GREG MAY.	6
KEN ARNOLD.	20
ROSEANNE D'ALLEVA	35
BOB MCMANUS	71

INSERTS TO TRANSCRIPT

Page 9, Line 25 through Page 19, Line 6
Page 24, Line 20 through Page 34, Line 36
Page 43, Line 3 through Page 48, Line 16
Page 57, Line 7 through Page 62, Line 5
Page 63, Line 22 through Page 67, Line 12

1 Finance Committee - 5-9-16 5

2 CHAIRMAN NICOLELLO: I call the Finance

3 Committee to order. I ask the clerk to call the

4 roll, please.

5 CLERK PULITZER: Legislator Siela Bynoe?

6 LEGISLATOR BYNOE: Here.

7 CLERK PULITZER: Legislator Laura

8 Curran?

9 LEGISLATOR CURRAN: Here.

10 CLERK PULITZER: Ranking Member Delia

11 DeRiggi-Whitton?

12 LEGISLATOR DeRIGGI-WHITTON: Here.

13 CLERK PULITZER: Legislator Donald

14 MacKenzie?

15 LEGISLATOR MACKENZIE: Here.

16 CLERK PULITZER: Legislator Rose Marie

17 Walker?

18 LEGISLATOR WALKER: Here.

19 CLERK PULITZER: Vice Chairman Vincent

20 Muscarella?

21 LEGISLATOR MUSCARELLA: Here.

22 CLERK PULITZER: Chairman Richard

23 Nicolello?

24 CHAIRMAN NICOLELLO: Here.

25 CLERK PULITZER: We have a quorum.

2 CHAIRMAN NICOLELLO: Thank you.

3 First two items are going to be executive
4 session items and we will call those last.

5 Item 149-2016 is a resolution authorizing
6 the county executive to execute a grant agreement
7 between the County of Nassau, acting on behalf of
8 the Department of Parks, Recreation and Museums,
9 and the Oyster Bay Historical Society.

10 Moved by Legislator MacKenzie, seconded
11 by Legislator Muscarella.

12 Any discussion?

13 (No verbal response.)

14 Public comment?

15 (No verbal response.)

16 All in favor signify by saying aye.

17 (Aye.)

18 I didn't hear you. We will withdraw that
19 vote on that. Legislator DeRiggi-Whitton.

20 LEGISLATOR DeRIGGI-WHITTON: When we
21 looked at the business history form, the
22 Historical Society had a yes answer to number 16.

23 MR. MAY: Okay. I see that.

24 LEGISLATOR DeRIGGI-WHITTON: We just
25 basically need on the record that as far as you

2 know that everything has been resolved, as far as
3 the taxes that were --

4 MR. MAY: It states, you know, right
5 after yes, underline, the Oyster Bay Historical
6 Society filed late IRS 990 returns for 2012 and
7 2013. However, all penalties were removed, see
8 attached, and the filings were completed.

9 LEGISLATOR DeRIGGI-WHITTON: So
10 basically they were just late but everything has
11 been paid to date?

12 MR. MAY: That is what they are
13 representing to us.

14 LEGISLATOR DeRIGGI-WHITTON: It does say
15 all penalties but I'm also worried about the
16 taxes as well.

17 MR. MAY: That's what they are
18 representing to us.

19 LEGISLATOR DeRIGGI-WHITTON: I didn't
20 see anything where it says - it says the
21 penalties but not the taxes.

22 MR. MAY: I would imagine you would pay
23 the penalties after you pay the taxes, but that's
24 what they are representing.

25 LEGISLATOR DeRIGGI-WHITTON: I would

2 think, but I just wanted to have it on the
3 record.

4 MR. MAY: That's what they're
5 representing to us.

6 LEGISLATOR DeRIGGI-WHITTON: All right.
7 Then I guess we're okay with it. Thank you.

8 MR. MAY: Excellent. Thank you.

9 CHAIRMAN NICOLELLO: Any further
10 discussion?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All in favor signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 The item carries unanimously.

19 Items 150, 151-2016 are resolutions to
20 authorize the transfer of appropriations
21 heretofore made within the budget for the year
22 2016.

23 Moved by Legislator Walker, seconded by
24 Legislator MacKenzie.

25 Any discussion on these two items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

They carry unanimously.

Items 152, 153, 154, 155-2016 are ordinances supplemental to the annual appropriation ordinance in connection with the Department of Toxicology/Medical Examiner, Department of Health, Office of Housing and Community Development.

Moved by Legislator Muscarella, seconded by Legislator Walker.

I just ask that these -- these items went through committee before. I just ask that the committee minutes of these items and other items be incorporated by reference.

(Whereupon, the following is the minutes of the May 9, 2016, Public Safety Committee meeting pertaining to Clerk Item 152-16.)

CHAIRMAN DUNNE: Thank you. The first

1 Finance Committee - 5-9-16 10
2 item to come before this committee is Item 152-
3 16, an ordinance supplemental to the annual
4 appropriation ordinance in connection with the
5 Department of Toxicology/Medical Examiner.
6 Motion by Vincent Muscarella, seconded by
7 Denise Ford.
8 Who do we have from the Medical
9 Examiner's Office? Please state your name and
10 title.
11 DR. AVELLA: Dr. Joe Avella. I'm the
12 director of the toxicology laboratory. This item
13 is a DCGS sponsored grant. It's a supplemental
14 grant, one time, that the toxicology lab applied
15 for.
16 CHAIRMAN DUNNE: Any questions from any
17 of the legislators?
18 (No verbal response.)
19 Any public comment?
20 (No verbal response.)
21 There being none; all in favor indicate
22 by saying aye.
23 (Aye.)
24 Any against?
25 (No verbal response.)

2 It passes on to the Finance Committee.

3 (Whereupon, the following is the minutes
4 of the May 9, 2016, Health Committee meeting
5 pertaining to Clerk Items 153-16 and 154-16.)

6 Clerk Item 153-16, Clerk Item 154-16, and
7 Clerk Item 163-16, they are all ordinances
8 supplemental to the annual appropriation
9 ordinance in connection with the Department of
10 Health.

11 May I have a motion, please?

12 LEGISLATOR SCHAEFER: So moved.

13 LEGISLATOR KENNEDY: Second.

14 CHAIRWOMAN WALKER: Motion by Legislator
15 Schaefer, seconded by Legislator Kennedy.

16 And we have Ms. Mary Ellen Laurain.

17 MS. LAURAIN: Good afternoon. Ms. Mary
18 Ellen Laurain, Department of Health.

19 Item 153-16 is a supplemental
20 appropriation in the amount of \$297,646. This is
21 for the Adolescent Tobacco Use Prevention Act,
22 funded through New York State Department of
23 Health. This funding allows us to conduct our
24 certification checks on tobacco retailers
25 throughout the county.

2 CHAIRWOMAN WALKER: Are there any
3 questions or comments from the legislators?

4 LEGISLATOR JACOBS: I just wanted to get
5 on record my concerns with the tobacco program in
6 Nassau County.

7 There is no question that growing by
8 leaps and bounds in other counties is Tobacco 21.
9 They're doing it because it has nothing to do
10 with the ATUPA money that this is involved with,
11 which allows the sting for 18 or under. They
12 don't care if the county raises their limit to 35
13 for buying, as long as we sting for 18 or under.

14 The argument that's been given - and you
15 know I'm not trajecting this at you but I just
16 want it on the record.

17 MS. LAURAIN: Right.

18 LEGISLATOR JACOBS: The argument that
19 has been given by the commissioner of health here
20 and the attorney here that the ATUPA money will
21 be in jeopardy, I've cleared that up on my own,
22 just by knowing, obviously, that Suffolk and New
23 York City both have Tobacco 21. Now there are two
24 or three other counties in the Westchester area
25 that have gone to Tobacco 21, including states,

2 by the way, complete states, and they all still
3 have sting operations of 18 or under. So,
4 honestly, there's a very logical reason for it,
5 by the way, that everyone should realize.

6 I've been living, eating, and breathing
7 these tobacco laws from when I first started as a
8 legislator. The reason is they have found there
9 is actually certified, you know, reports that if
10 you can catch a young person from starting
11 smoking before they are 21 the chances of their
12 becoming addicted are lowered by a tremendous
13 percentage. So the truth of the matter is I do
14 not know. Mary Ellen, you know me well enough.
15 I'm not talking to you but I want the record to
16 show I don't know what our Health Department is
17 thinking of because - of course I'm going to vote
18 for this today. We have to do this. But the
19 bottom line is how could we be going against what
20 the federal government has already recognized as
21 a fact, not even a though, a fact.

22 MS. LAURAIN: We can't legislate. But I
23 have talked to Dr. Eisenstein at length and he is
24 quite aware that our ATUPA money wouldn't be
25 jeopardized and I believe he even wrote a letter

2 attesting to that. It's mutually exclusive.

3 LEGISLATOR JACOBS: That's new. That's
4 important.

5 MS. LAURAIN: I believe he wrote a letter
6 to the legislature.

7 LEGISLATOR JACOBS: Not to me. In my
8 office, that's not what I was told. I had to
9 call the New York State Department of Health.

10 I happen to like Dr. Eisenstein very
11 much. And I wanted to call just to make sure I'm
12 not crazy in what I'm telling you.

13 I just want it on record that I really
14 would urge - it doesn't have to be my name on the
15 bill, it could be Rose's or anybody on this side
16 of the aisle. I think we're missing out on an
17 opportunity here to protect our children, just as
18 other people are doing all over the country and
19 especially all over New York State.

20 I'm not going to vote against this.

21 MS. LAURAIN: The state law is 18 so we
22 must use this funding for 18. 19 is mutually
23 exclusive --

24 LEGISLATOR JACOBS: And I agree with you
25 100 percent. We do need this law for the ATUPA

2 money. But I'm just saying to pass something on
3 this legislative level, Tobacco 21, we're letting
4 things slip through our fingers and really it's
5 children's lives. That's the only thing I wanted
6 to say. But I'm for it.

7 You know what Mary Ellen? When it's
8 possible, when you have a chance - I know you
9 have other things to do when you get into work -
10 if you could get a copy of that letter to me, I
11 would appreciate it.

12 MS. LAURAIN: I will speak to him.

13 LEGISLATOR JACOBS: Okay. Thank you.
14 I'm finished.

15 CHAIRWOMAN WALKER: Any other
16 legislators have any comments?

17 LEGISLATOR BYNOE: I do.

18 CHAIRWOMAN WALKER: Legislator Bynoe.

19 LEGISLATOR BYNOE: Thank you,
20 Chairwoman.

21 I see that this is a preventative measure
22 and it's going to be really centered around
23 signage and the like and doing stings. Do we
24 have something that's set up for preventative,
25 like, educational for the students, that we're

2 going into the schools?

3 MS. LAURAIN: This funding is for the
4 compliance. This funding - when we get our state
5 funding we are mandated by the deliverables of
6 what we can and can't do with that funding. We
7 do educate on tobacco and the dangers just as a
8 health department, and many of us are health care
9 providers. But this money is specifically
10 earmarked for compliance checks. There is
11 certain signage that is required, you can't have
12 certain signs by the candy and there are
13 requirements within the state law of what can be
14 posted and not.

15 LEGISLATOR BYNOE: I recognize that this
16 is for compliance. But what I'm asking is that
17 when - for the preventative piece, where there's
18 education involved, I just - and I was trying to
19 get it up through Google. I've been reading that
20 the E-cigarettes are exploding and that people
21 are being harmed. I would like to make sure that
22 we expand in our educational endeavors, that we
23 speak to that. This is not just from the
24 National Enquirer. These are legitimate media
25 outlets that are covering this. It seems to be a

2 reality, and I'd like to make sure that the
3 county is embracing that and moving forward to
4 let our young people know about it.

5 MS. LAURAIN: Yes.

6 LEGISLATOR BYNOE: Thank you.

7 LEGISLATOR JACOBS: And we have a bill
8 that has been filed concerning E-cigarettes and
9 Tobacco 21, and I think they are in unison with
10 each other. I'd like to send you a copy of that
11 too.

12 MS. LAURAIN: Sure.

13 CHAIRWOMAN WALKER: Any other
14 legislators have any comments?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 Clerk Item 154-16.

19 MS. LAURAIN: Item 154-16 is a
20 supplemental appropriation in the amount of
21 \$75,000. This is for sexually transmitted
22 disease public health campaign and is funded
23 through New York State Department of Health. The
24 mission is to reduce the spread of STDs and
25 verify treatment and contact investigation.

2 CHAIRWOMAN WALKER: Any questions or
3 comments from the legislators?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 Clerk Item 163-16.

8 MS. LAURAIN: 163-16 is a supplemental
9 appropriation in the amount of \$615,196. This is
10 for our public health emergency preparedness
11 grant. This is grant funded through the Center
12 for Disease Control and Prevention. It's federal
13 pass-through money. This allows us to develop
14 local public health infrastructure in regard to
15 emergency preparedness.

16 CHAIRWOMAN WALKER: Any questions or
17 comments from the legislators?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 Okay. I'm hearing none. All those in
22 favor of Clerk Items 153-16, 154-16, and 163-16
23 signify by saying aye.

24 (Aye.)

25 Any nos?

1 Finance Committee - 5-9-16 19
2 (No verbal response.)
3 Any abstain?
4 (No verbal response.)
5 It's seven to zero and it will move on
6 the Finance Committee.
7 (Whereupon, the following is the
8 continuation of the minutes of the May 9, 2016,
9 Finance Committee meeting.)
10 CHAIRMAN NICOLELLO: Any discussion on
11 these four items?
12 (No verbal response.)
13 Any public comment?
14 (No verbal response.)
15 All in favor signify by saying aye.
16 (Aye.)
17 Any opposed?
18 (No verbal response.)
19 The items carry unanimously.
20 157, 158-2016 are bond ordinances
21 providing for capital expenditures to finance the
22 capital project specified herein with the County
23 of Nassau and authorizing, with respect to 157,
24 three million of bonds of the County of Nassau,
25 and, with respect to 158, 11,600,000 of bonds of

2 the County of Nassau, and making certain
3 determinations pursuant to SEQRA.

4 Moved by Legislator Walker, seconded by
5 Legislator Muscarella.

6 These two items are before the committee.

7 Mr. May, can you briefly describe what
8 these two items are?

9 MR. MAY: I'm going to take a flyer on
10 that one and let Ken Arnold give a proper
11 description of the items.

12 CHAIRMAN NICOLELLO: Okay. That sounds
13 good.

14 MR. ARNOLD: Ken Arnold, Public Works.
15 These two items associated with bond ordinances
16 for three projects that are critical for the
17 county. One is increase bond ordinance for the
18 Department of Technology equipment replacement.
19 That is required for two-fold, one is that there
20 are new police cars that are coming in that
21 require equipment and some older police cars that
22 need new upgrades of equipment in them. There is
23 also a cyber security concern that the police
24 want to enter a contract with on their systems.

25 The ADAPT capital project was requested

2 by the treasurer's office. This is to modify an
3 additional functionality as required to implement
4 the disputed assessment fund. This is time
5 sensitive, as they need to have this completed
6 and they wanted to move forward with that
7 program.

8 Finally, the last one is the \$11.6
9 million for our fuel tank program. As you are
10 aware, the county is under a consent order with
11 the EPA to implement various modifications and
12 additions to our program, and this would fund
13 what we need to accomplish this coming year.

14 CHAIRMAN NICOLELLO: So these items will
15 be added in a moment to the capital plan as well,
16 correct?

17 MR. ARNOLD: They are already in the
18 capital plan.

19 CHAIRMAN NICOLELLO: Okay.

20 MR. ARNOLD: This is just a bond
21 ordinance piece that was not approved.

22 CHAIRMAN NICOLELLO: All right.

23 Any questions on these items?

24 (No verbal response.)

25 Any public comment?

1 Finance Committee - 5-9-16 22

2 (No verbal response.)

3 Thank you, Ken.

4 All in favor signify by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Abstain?

9 (Abstain.)

10 It's four-zero-two on both items.

11 Item 159-2016 is an ordinance to amend

12 Ordinance Number 13-2016 adopting the capital

13 budget for the year 2016 for the County of

14 Nassau, corresponding to the first year of the

15 four-year capital plan pursuant to the provisions

16 of Section 310 of the County Government Law.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR MACKENZIE: Second.

19 CHAIRMAN NICOLELLO: Moved by Legislator

20 Walker, seconded by Legislator MacKenzie.

21 Any discussion on this item?

22 (No verbal response.)

23 Public comment?

24 (No verbal response.)

25 All in favor signify by saying aye.

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 That item carries unanimously.

6 Item 161-2016 is a resolution providing
7 for the issuance of a warrant directing the
8 treasurer of the County of Nassau to pay to the
9 supervisors of the several towns and to the
10 treasurers of the several villages and cities
11 within the County of Nassau, the sums as
12 apportioned by the Nassau County Legislature
13 based on a report filed by the county treasurer
14 and county clerk, showing deposits from mortgage
15 taxes.

16 LEGISLATOR MUSCARELLA: So moved.

17 LEGISLATOR WALKER: Second.

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

20 This item is before the committee. This
21 is for the first quarter of 2016.

22 Any discussion?

23 (No verbal response.)

24 Public comment?

25 (No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Items 163, 164, 165-2016 are ordinances supplemental to the annual appropriation ordinances in connection with the Department of Health, district attorney's office, and with the general fund and a transfer of appropriations.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

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

These items went before the committees.

(Whereupon, the following is the minutes of the May 9, 2016, Health Committee pertaining to Clerk Item 163-2016.)

Clerk Item 153-16, Clerk Item 154-16, and Clerk Item 163-16, they are all ordinances supplemental to the annual appropriation ordinance in connection with the Department of Health.

May I have a motion, please?

LEGISLATOR SCHAEFER: So moved.

LEGISLATOR KENNEDY: Second.

CHAIRWOMAN WALKER: Motion by Legislator Schaefer, seconded by Legislator Kennedy.

And we have Ms. Mary Ellen Laurain.

MS. LAURAIN: Good afternoon. Ms. Mary Ellen Laurain, Department of Health.

Item 153-16 is a supplemental appropriation in the amount of \$297,646. This is for the Adolescent Tobacco Use Prevention Act, funded through New York State Department of Health. This funding allows us to conduct our certification checks on tobacco retailers throughout the county.

CHAIRWOMAN WALKER: Are there any questions or comments from the legislators?

LEGISLATOR JACOBS: I just wanted to get on record my concerns with the tobacco program in Nassau County.

There is no question that growing by leaps and bounds in other counties is Tobacco 21. They're doing it because it has nothing to do with the ATUPA money that this is involved with, which allows the sting for 18 or under. They

2 don't care if the county raises their limit to 35
3 for buying, as long as we sting for 18 or under.

4 The argument that's been given - and you
5 know I'm not trajecting this at you but I just
6 want it on the record.

7 MS. LAURAIN: Right.

8 LEGISLATOR JACOBS: The argument that
9 has been given by the commissioner of health here
10 and the attorney here that the ATUPA money will
11 be in jeopardy, I've cleared that up on my own,
12 just by knowing, obviously, that Suffolk and New
13 York City both have Tobacco 21. Now there are two
14 or three other counties in the Westchester area
15 that have gone to Tobacco 21, including states,
16 by the way, complete states, and they all still
17 have sting operations of 18 or under. So,
18 honestly, there's a very logical reason for it,
19 by the way, that everyone should realize.

20 I've been living, eating, and breathing
21 these tobacco laws from when I first started as a
22 legislator. The reason is they have found there
23 is actually certified, you know, reports that if
24 you can catch a young person from starting
25 smoking before they are 21 the chances of their

2 becoming addicted are lowered by a tremendous
3 percentage. So the truth of the matter is I do
4 not know. Mary Ellen, you know me well enough.
5 I'm not talking to you but I want the record to
6 show I don't know what our Health Department is
7 thinking of because - of course I'm going to vote
8 for this today. We have to do this. But the
9 bottom line is how could we be going against what
10 the federal government has already recognized as
11 a fact, not even a though, a fact.

12 MS. LAURAIN: We can't legislate. But I
13 have talked to Dr. Eisenstein at length and he is
14 quite aware that our ATUPA money wouldn't be
15 jeopardized and I believe he even wrote a letter
16 attesting to that. It's mutually exclusive.

17 LEGISLATOR JACOBS: That's new. That's
18 important.

19 MS. LAURAIN: I believe he wrote a letter
20 to the legislature.

21 LEGISLATOR JACOBS: Not to me. In my
22 office, that's not what I was told. I had to
23 call the New York State Department of Health.

24 I happen to like Dr. Eisenstein very
25 much. And I wanted to call just to make sure I'm

2 not crazy in what I'm telling you.

3 I just want it on record that I really
4 would urge - it doesn't have to be my name on the
5 bill, it could be Rose's or anybody on this side
6 of the aisle. I think we're missing out on an
7 opportunity here to protect our children, just as
8 other people are doing all over the country and
9 especially all over New York State.

10 I'm not going to vote against this.

11 MS. LAURAIN: The state law is 18 so we
12 must use this funding for 18. 19 is mutually
13 exclusive --

14 LEGISLATOR JACOBS: And I agree with you
15 100 percent. We do need this law for the ATUPA
16 money. But I'm just saying to pass something on
17 this legislative level, Tobacco 21, we're letting
18 things slip through our fingers and really it's
19 children's lives. That's the only thing I wanted
20 to say. But I'm for it.

21 You know what Mary Ellen? When it's
22 possible, when you have a chance - I know you
23 have other things to do when you get into work -
24 if you could get a copy of that letter to me, I
25 would appreciate it.

2 MS. LAURAIN: I will speak to him.

3 LEGISLATOR JACOBS: Okay. Thank you.

4 I'm finished.

5 CHAIRWOMAN WALKER: Any other
6 legislators have any comments?

7 LEGISLATOR BYNOE: I do.

8 CHAIRWOMAN WALKER: Legislator Bynoe.

9 LEGISLATOR BYNOE: Thank you,
10 Chairwoman.

11 I see that this is a preventative measure
12 and it's going to be really centered around
13 signage and the like and doing stings. Do we
14 have something that's set up for preventative,
15 like, educational for the students, that we're
16 going into the schools?

17 MS. LAURAIN: This funding is for the
18 compliance. This funding - when we get our state
19 funding we are mandated by the deliverables of
20 what we can and can't do with that funding. We
21 do educate on tobacco and the dangers just as a
22 health department, and many of us are health care
23 providers. But this money is specifically
24 earmarked for compliance checks. There is
25 certain signage that is required, you can't have

2 certain signs by the candy and there are
3 requirements within the state law of what can be
4 posted and not.

5 LEGISLATOR BYNOE: I recognize that this
6 is for compliance. But what I'm asking is that
7 when - for the preventative piece, where there's
8 education involved, I just - and I was trying to
9 get it up through Google. I've been reading that
10 the E-cigarettes are exploding and that people
11 are being harmed. I would like to make sure that
12 we expand in our educational endeavors, that we
13 speak to that. This is not just from the
14 National Enquirer. These are legitimate media
15 outlets that are covering this. It seems to be a
16 reality, and I'd like to make sure that the
17 county is embracing that and moving forward to
18 let our young people know about it.

19 MS. LAURAIN: Yes.

20 LEGISLATOR BYNOE: Thank you.

21 LEGISLATOR JACOBS: And we have a bill
22 that has been filed concerning E-cigarettes and
23 Tobacco 21, and I think they are in unison with
24 each other. I'd like to send you a copy of that
25 too.

2 MS. LAURAIN: Sure.

3 CHAIRWOMAN WALKER: Any other
4 legislators have any comments?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 Clerk Item 154-16.

9 MS. LAURAIN: Item 154-16 is a
10 supplemental appropriation in the amount of
11 \$75,000. This is for sexually transmitted
12 disease public health campaign and is funded
13 through New York State Department of Health. The
14 mission is to reduce the spread of STDs and
15 verify treatment and contact investigation.

16 CHAIRWOMAN WALKER: Any questions or
17 comments from the legislators?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 Clerk Item 163-16.

22 MS. LAURAIN: 163-16 is a supplemental
23 appropriation in the amount of \$615,196. This is
24 for our public health emergency preparedness
25 grant. This is grant funded through the Center

2 for Disease Control and Prevention. It's federal
3 pass-through money. This allows us to develop
4 local public health infrastructure in regard to
5 emergency preparedness.

6 CHAIRWOMAN WALKER: Any questions or
7 comments from the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 Okay. I'm hearing none. All those in
12 favor of Clerk Items 153-16, 154-16, and 163-16
13 signify by saying aye.

14 (Aye.)

15 Any nos?

16 (No verbal response.)

17 Any abstain?

18 (No verbal response.)

19 It's seven to zero and it will move on
20 the Finance Committee.

21 (Whereupon, the following is the minutes
22 of the May 9, 2016, Public Safety Committee
23 pertaining to Clerk Item 164-16.)

24 We will call 164 and 171. Motion by
25 Legislator Denise Ford, seconded by Legislator

2 Vincent Muscarella.

3 We have the district attorney's office
4 coming up.

5 MR. MCMANUS: Bob McManus, district
6 attorney's office.

7 Item 171 is a federal forfeiture award
8 that we are seeking your approval for, the
9 appropriation. This award resulted in our
10 participation in cases involving federal law
11 enforcement agencies. The money - we are
12 required by law to use the money for the same
13 purpose in the future after it is appropriated.

14 CHAIRMAN DUNNE: So you are asking for
15 the appropriation.

16 MR. MCMANUS: Yes, sir.

17 CHAIRMAN DUNNE: Any questions on 171
18 from any legislators?

19 (No verbal response.)

20 No public comment.

21 164.

22 MR. MCMANUS: 164 is also a supplemental
23 appropriation. This is a grant awarded by the
24 New York State Division of Criminal Justice
25 Services. It's the gun involved violence

2 elimination initiative. This grant money is
3 intended to help investigate and prosecute cases
4 where guns are involved in the County of Nassau.

5 CHAIRMAN DUNNE: That's legal and
6 illegal guns?

7 MR. MCMANUS: No, sir. Just illegal
8 guns.

9 CHAIRMAN DUNNE: Illegal guns. I'm glad
10 we clarified that. Thank you.

11 MR. MCMANUS: If it's used to commit a
12 crime.

13 CHAIRMAN DUNNE: Thank you. Thank you
14 so much.

15 Any questions on that?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

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

21 (Aye.)

22 Any against?

23 (No verbal response.)

24 They both move on to Finance.

25 (Whereupon, the following is the

2 continuation of the minutes of the May 9, 2016,
3 Finance Committee meeting.)

4 CHAIRMAN NICOLELLO: Mr. May, can you
5 give us an indication, at least with respect to
6 165-2016?

7 MR. MAY: Yes. Ms. D'Alleva is going to
8 handle this one. Thank you.

9 CHAIRMAN NICOLELLO: Thanks.

10 MS. D'ALLEVA: The item before you is to
11 transfer \$20 million for 2016 to increase the
12 appropriation in the litigation fund.

13 This item should also be discussed in
14 tandem with Item 166 as well.

15 CHAIRMAN NICOLELLO: All right. I will
16 call 166 also so we will have them all before the
17 committee.

18 Item 166 is a resolution to authorize the
19 transfer of appropriations heretofore made to
20 close the budget for the year 2015.

21 LEGISLATOR MUSCARELLA: So moved.

22 LEGISLATOR WALKER: Second.

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

25 Why don't you just connect the two for

2 us?

3 MS. D'ALLEVA: I believe at the last
4 legislative session we had presented a year-end
5 board transfer to close out, as prescribed by the
6 comptroller's office, to close out 2015. This
7 piece, in terms of recognizing the revenue
8 associated with the litigation fund, the \$20.2
9 million that was appropriated this year. This
10 was - they left this off of that board transfer
11 at the last legislative session and that was due
12 to some accounting, in terms of discussing with
13 the CAFR, where exactly the fund was going to be
14 constructed within the financial statements. Now
15 that we know all of that, we can put this before
16 you so you can vote on it.

17 CHAIRMAN NICOLELLO: Legislator DeRiggi-
18 Whitton.

19 LEGISLATOR DeRIGGI-WHITTON: For this
20 transfer from debt service to the litigation
21 fund, that was money that came from the capital
22 originally?

23 MS. D'ALLEVA: No. 2015 is pure
24 surplus, as well as we project in 2016 there will
25 be a \$20 million availability as well of surplus

2 and that's being transferred to the litigation
3 fund.

4 As you know, at the last legislative
5 session you all also voted on a large settlement
6 and that was all in conjunction with the planning
7 of this transfer to the litigation fund.

8 LEGISLATOR DeRIGGI-WHITTON: So when we
9 said there was a \$20 million balance in -

10 MS. D'ALLEVA: It was appropriated for
11 '15. It was appropriated but the revenue - the
12 cash receipt, in order to fund that
13 appropriation, wasn't there until we could
14 transfer it from the 2015 surplus.

15 LEGISLATOR DeRIGGI-WHITTON: I have to
16 just say I understand what happened, but when we
17 ask how much is in the litigation fund and we're
18 told 20 million yet it hasn't been moved in yet,
19 you know -

20 MS. D'ALLEVA: It was appropriated.
21 Theoretically, you could spend it but the
22 comptroller's office would not allow us to charge
23 the fund unless the cash receipts were there.
24 So, therefore, that's why the surplus in 2015 is
25 now funding that. And in order to actually not

2 be in that position again through '16, because we
3 know what we're spending in '15, we're now
4 anticipating that we're going to move in another
5 20 million for '16.

6 LEGISLATOR DeRIGGI-WHITTON: Right. I
7 do recall all that.

8 Again, may it's just semantics, but I
9 just think when we say it - I just would have
10 loved to have heard it's appropriated rather than
11 it's in the account.

12 MS. D'ALLEVA: I did say that many
13 times. \$20 million was appropriated.

14 LEGISLATOR DeRIGGI-WHITTON: But it
15 wasn't in the account until now.

16 MS. D'ALLEVA: It was appropriated as of
17 the 2016 budget. It was appropriated.

18 LEGISLATOR DeRIGGI-WHITTON: But now
19 we're going to be putting it in as of today, the
20 transfer, correct?

21 MS. D'ALLEVA: Cash receipt. It will
22 be a revenue actual in the 2016 budget.

23 LEGISLATOR DeRIGGI-WHITTON: We're
24 putting the money in today for this account once
25 this is past.

2 MR. MAY: At the full legislature,
3 Legislator DeRiggi-Whitton. It's not today.
4 This is just --

5 LEGISLATOR DeRIGGI-WHITTON: Right.

6 MR. MAY: At the full legislature.

7 LEGISLATOR DeRIGGI-WHITTON: So the fund
8 will be funded in about two weeks from now or a
9 week from now.

10 Could I ask you something else? This
11 20,200,000 that we're moving in today, is there a
12 balance at all right now or is this going to be
13 the full balance?

14 MS. D'ALLEVA: A balance in terms of
15 what?

16 LEGISLATOR DeRIGGI-WHITTON: In the
17 legislation.

18 MS. D'ALLEVA: 2016 budget was funded at
19 \$20.2 million.

20 LEGISLATOR DeRIGGI-WHITTON: Today.

21 MS. D'ALLEVA: The fund will be
22 balanced. We project that we will be spending
23 that between the \$13 million of the Oyster Bay
24 settlement that has to be paid out in '16, plus
25 all of the other settlements that must be charged

2 to the litigation fund that the comptroller is
3 holding up right now. We feel that, yes, we will
4 spend in excess of \$20 million this year. So
5 that is why we are appropriating an additional 20
6 in '16.

7 LEGISLATOR DeRIGGI-WHITTON: I get all
8 of that. But we're moving 20 million in. Is
9 there any balance in there right now? So, in
10 other words, the total balance will be 20.2?

11 MS. D'ALLEVA: Nothing has been charged
12 there, to my knowledge.

13 LEGISLATOR DeRIGGI-WHITTON: So it has a
14 zero balance right now?

15 MS. D'ALLEVA: Nothing's been charged.
16 The appropriation is there but nothing is
17 charged.

18 LEGISLATOR DeRIGGI-WHITTON: Okay. I
19 just wanted to know in my mind exactly how much
20 is in there. So this will be it. It's just 20.2
21 unless we do something further in a couple of
22 months to move more money in.

23 MS. D'ALLEVA: You have two items. So
24 \$40 million will be appropriated, approximately,
25 in 2016 after both of these items are passed,

1 Finance Committee - 5-9-16 41
2 once it goes to Full Leg.
3 LEGISLATOR DeRIGGI-WHITTON: Thank you.
4 CHAIRMAN NICOLELLO: Thank you.
5 Any other discussion?
6 (No verbal response.)
7 Thank you, Ms. D'Alleva.
8 Any public comment?
9 (No verbal response.)
10 All in favor of these items signify by
11 saying aye.
12 (Aye.)
13 Those opposed?
14 (No verbal response.)
15 The items carry unanimously.
16 I'm told that Item 116-2016 was not
17 called -- 162-2016 was not called. I will call
18 it again just in case it wasn't.
19 162-16 is a resolution declaring a
20 capital budget emergency pursuant to §310(D) of
21 the County Government Law of Nassau County.
22 LEGISLATOR WALKER: So moved.
23 LEGISLATOR MACKENZIE: Second.
24 CHAIRMAN NICOLELLO: Moved by Legislator
25 Walker, seconded by Legislator MacKenzie.

Any discussion?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor of this item signify by
saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Items 168, 169, 170, 171 are all
ordinances supplemental to the annual
appropriation ordinance in connection with the
Department of Public Works, Office of Housing and
Community Development, and the Nassau County
Department of Probation and the District
Attorney's Office.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

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

(Whereupon, the following are the minutes
of the May 9, 2016 Public Works Committee

1 Finance Committee - 5-9-16 43
2 pertaining to Clerk Item 168.)
3 The first item on the agenda is Item 168-16, an
4 ordinance supplemental to the annual
5 appropriation ordinance in connection with the
6 Department of Public Works.
7 Motion, please?
8 LEGISLATOR MACKENZIE: So moved.
9 LEGISLATOR GAYLOR: Second.
10 CHAIRMAN MUSCARELLA: Motion by Mr.
11 MacKenzie, seconded by Mr. Gaylor.
12 Do we have someone from DPW?
13 MR. ARNOLD: Ken Arnold, Public Works.
14 Item 168 is a supplemental appropriation
15 associated with the grants received by the
16 federal government on our NICE bus program, in
17 the total of \$52.1 million.
18 CHAIRMAN MUSCARELLA: Do we have any
19 questions? Ms. Jacobs, do you have questions?
20 LEGISLATOR JACOBS: Yes. I'm so sorry.
21 Yes. I'm sorry.
22 Ken, just a question. NIFA is meeting on
23 May 17. I understand they're asking for a
24 special session on this. Am I understanding this
25 correctly?

2 MS. D'ALLEVA: What I believe your
3 understanding is before you, I think what was
4 filed today is the bond ordinance - this is
5 Roseanne D'Alleva from the Office of Management
6 and Budget. The bond ordinance was filed today
7 to support the ten percent required match on
8 these FTA and state funding.

9 LEGISLATOR JACOBS: Okay.

10 MS. D'ALLEVA: So if we do not have the
11 bond ordinance approved, the county cannot fund
12 the ten percent local match that's required for
13 the supplemental, to purchase the buses and the
14 equipment.

15 LEGISLATOR JACOBS: But this is
16 supplemental funding we're voting on right now.

17 MS. D'ALLEVA: It's \$47 million is
18 outside funding from the state and the federal
19 government.

20 LEGISLATOR JACOBS: Right.

21 MS. D'ALLEVA: That \$47 million requires
22 a ten percent match from the county, which is
23 4.7. Hence, you see the \$52 million on the
24 supplemental, because 4.7 million - because they
25 are capitally eligible projects with a five year

2 useful life, five year or more useful life,
3 that's why we have to fund it from capital.
4 Therefore, you have a supplemental appropriation
5 of that amount as well.

6 LEGISLATOR JACOBS: Okay.

7 MS. D'ALLEVA: And I just wanted to say
8 that's in the capital budget plan that is before
9 you for passing or that you did pass.

10 LEGISLATOR JACOBS: But today we're
11 voting for the supplemental.

12 MS. D'ALLEVA: Yes, the supplemental
13 which includes the appropriation of the ten
14 percent local match as well.

15 LEGISLATOR JACOBS: Okay. Roseanne, can
16 I ask you a question? Just from my experience
17 through the years, why can't the county pay for
18 the \$4.7 million instead of bonding for it?
19 Don't you think NIFA is going to ask that same
20 question?

21 MS. D'ALLEVA: Well, basically,
22 normally anything above a five year useful life
23 we normally bond for. That's what - large
24 repairs to your home, that's what you would do.
25 Huge capital investment, you would borrow for it

2 over time. Buses have 20 year lives.

3 LEGISLATOR JACOBS: I understand that.

4 MS. D'ALLEVA: It's a policy decision.

5 LEGISLATOR JACOBS: I know. I
6 understand that. It could come from the bond
7 premiums too, right, for this instead of bonding?

8 MS. D'ALLEVA: If we had surpluses from
9 debt service, which I believe the next one of the
10 items that you are going to be considering today,
11 that's obviously been earmarked. There are
12 discussions in terms of debt service surplus that
13 we would use it for litigation and/or tax certs,
14 in terms of judgments and settlements.

15 LEGISLATOR JACOBS: Okay. Thank you.

16 CHAIRMAN MUSCARELLA: Any other
17 questions?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 Hearing none; all those in favor of
22 moving this item signify by aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

The item carries.

(Whereupon, the following is the minutes of the May 9, 2016, Public Safety Committee pertaining to Clerk Items 170 and 171-16.)

CHAIRMAN DUNNE: The next item to come before us is Item 170-16, an ordinance supplemental to the annual appropriation ordinance in connection with the Nassau County Department of Probation.

MR. SHANK: Edward Shank, Nassau County Probation Department.

This item appropriates \$316,245 as part of the county's alternatives to incarceration service plan. It's funded by the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives. It's renewable annually. The service plan requires counties to operate programs that divert offenders from costly local incarceration, especially at the pre-trial level. A release of an offender provides the most substantial cost savings, as the first several days of confinement are typically the most expensive.

CHAIRMAN DUNNE: Thank you, Mr. Shank.

It was moved by Legislator Muscarella,

2 and seconded by Denise Ford, Legislator Ford.

3 Are there any questions on this?

4 (No verbal response.)

5 It sounds like a good program.

6 Any public comment?

7 (No verbal response.)

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

10 (Aye.)

11 Any against?

12 (No verbal response.)

13 This moves on to Finance.

14 (Whereupon, the following is the
15 continuation of the minutes of the May 9, 2016,
16 Finance Committee meeting.)

17 CHAIRMAN NICOLELLO: Any discussion on
18 these four items?

19 Just to be clear, 168, 169, 170, and 171
20 are before the committee.

21 Any questions?

22 (No verbal response.)

23 Discussion? We're on items 168, 169,
24 170, and 171. They are all together.

25 Actually, I have a question on 168

2 myself. Mr. May?

3 MR. MAY: Yes.

4 CHAIRMAN NICOLELLO: Who is here to
5 answer questions on 168?

6 MR. MAY: We have both Mr. Ken Arnold and
7 Ms. Roseanne D'Alleva to answer questions on
8 these items or this item.

9 CHAIRMAN NICOLELLO: Okay. There was
10 some discussion earlier in the Public Works
11 Committee. With respect to the monies that are
12 dedicated to NICE Bus and equipment, is there a
13 county match to what's being provided to us?

14 MS. D'ALLEVA: Yes. In most of the
15 grants listed here, there is a ten percent county
16 match.

17 CHAIRMAN NICOLELLO: Okay. And we are
18 using capital funds to pay the county match?

19 MS. D'ALLEVA: Yes, we are.

20 CHAIRMAN NICOLELLO: Is that money in
21 the capital borrowing that's being held up?

22 MS. D'ALLEVA: It's - I believe a bond
23 ordinance was filed today. Yes, it is in the
24 capital budget and plan that was filed with the
25 legislature and passed, I believe. The plan was

2 but the bond ordinance was not.

3 CHAIRMAN NICOLELLO: So how do we access
4 the \$52 million if we can't borrow for the county
5 match?

6 MS. D'ALLEVA: We wouldn't be able to
7 leverage the federal and state funding.

8 CHAIRMAN NICOLELLO: So that has to wait
9 until such time as we pass -

10 MS. D'ALLEVA: The bond ordinance, yes.

11 CHAIRMAN NICOLELLO: All right.

12 Any other questions or discussion?

13 MS. D'ALLEVA: But I do want to say,
14 just as an FYI, I know that a lot of the
15 equipment, some of the buses have been ordered.
16 We are taking delivery in September, I believe.
17 There are two deliveries scheduled, one September
18 and one I think is early December or late
19 November.

20 CHAIRMAN NICOLELLO: So we have already
21 ordered some of the equipment. At some point is
22 the federal government or the state government,
23 if we're not meeting our obligations under our
24 ten percent for the county match to stop the
25 money from flowing to us?

2 MS. D'ALLEVA: The money will now flow
3 until we actually - the money does not flow. We
4 have to pay in 72 hours. So once the federal
5 government sees that we paid our share then they
6 wire their money within 72 hours.

7 CHAIRMAN NICOLELLO: So we don't get a
8 cent until we do our share.

9 MS. D'ALLEVA: Right.

10 CHAIRMAN NICOLELLO: Any discussion?

11 LEGISLATOR MACKENZIE: Is there a risk
12 of losing it if we don't bond? If you could
13 please explain that.

14 MS. D'ALLEVA: I haven't dealt with them
15 on this - I haven't dealt with the federal
16 government on this particular grant, the FTA.
17 Sharon Persad (phonetic) is dealing with the
18 triennial review, deals with currently at the bus
19 today and tomorrow. She usually deals with this
20 particular grant. But I do believe if we don't
21 fund the ten percent we will not receive the FTA
22 funding.

23 CHAIRMAN NICOLELLO: Legislator DeRiggi-
24 Whitton.

25 LEGISLATOR DeRIGGI-WHITTON: And that is

2 in September, correct, Roseanne?

3 MR. ARNOLD: We have deliveries coming
4 in September, that's correct. But anything with
5 FTA, there is timely payment. If the county does
6 not do timely payment, that will jeopardize
7 future grant opportunities.

8 LEGISLATOR DeRIGGI-WHITTON: Are there
9 any operational costs in this?

10 MR. ARNOLD: There is a piece,
11 preventative maintenance, that is part of the FTA
12 funding that is passed.

13 LEGISLATOR DeRIGGI-WHITTON: How can we
14 bond for operational?

15 MR. ARNOLD: There has been research
16 done on that. As part of the FTA funding, our
17 bond counsel has said that this is eligible for
18 capital reimbursement.

19 LEGISLATOR DeRIGGI-WHITTON: I've never
20 seen that. I've always heard that we really
21 weren't supposed to bond for operational.

22 MR. ARNOLD: These questions have come
23 up in past sessions that I've been at. I can go
24 back and we can pull that out for you.

25 LEGISLATOR DeRIGGI-WHITTON: I heard

2 about the bus - how much is going to operational?

3 MS. D'ALLEVA: I'm actually not 100
4 percent sure on that.

5 LEGISLATOR DeRIGGI-WHITTON: Can you get
6 that information for us? Because I know we're
7 really not supposed to bond for it.

8 MS. D'ALLEVA: We can get it for you for
9 the next leg session.

10 LEGISLATOR DeRIGGI-WHITTON: Yeah.

11 MS. D'ALLEVA: We have done preventative
12 maintenance for several years now. We've been
13 awarded that grant several years. We've
14 definitely used it before.

15 LEGISLATOR DeRIGGI-WHITTON: I'm not
16 questioning the grant. I'm questioning whether
17 or not we should bond for operational. It's
18 really bad, you know, government, bad practice to
19 bond for the operational portion. If we don't
20 really know what the operational portion is, it's
21 a real question.

22 What I would like to do, if you could
23 just send me what is operational.

24 MS. D'ALLEVA: It's a \$6 million grant
25 which we basically fund ten percent capital

2 because we're allowed to, in terms of the
3 preventative maintenance grant. We leverage \$5.2
4 million comes into the operating fund to support
5 the bus system that's a revenue source.

6 LEGISLATOR DeRIGGI-WHITTON: So we have
7 five million you're saying?

8 MS. D'ALLEVA: The grant, it's a \$6
9 million grant, ten percent of it is funded
10 through our capital budget. In order to draw
11 down a \$6 million grant that funds operations,
12 the county puts up \$600,000, which is funded out
13 of the capital program.

14 LEGISLATOR DeRIGGI-WHITTON: Why would
15 we do that for operational?

16 MS. D'ALLEVA: Because the grant allows
17 it.

18 LEGISLATOR DeRIGGI-WHITTON: Why would we
19 bond for operational? That should be coming out
20 of our operational budget.

21 MS. D'ALLEVA: I think we leverage our
22 resources to the best of our abilities.

23 LEGISLATOR DeRIGGI-WHITTON: Okay. We
24 just have a disagreement on that. If you could
25 just get me that information in writing, I'd

2 appreciate it.

3 CHAIRMAN NICOLELLO: Any other
4 questions?

5 (No verbal response.)

6 Public comment?

7 (No verbal response.)

8 Thank you, Mr. Arnold, Ms. D'Alleva.

9 All in favor of these items, which are
10 168, 169, 170, and 171, signify by saying aye.

11 Sure. Do you want any one in particular
12 separated out? Okay.

13 We're just going to vote on Item 168 at
14 the moment. All in favor of Item 168 signify by
15 saying aye.

16 (Aye.)

17 Opposed?

18 (No verbal response.)

19 Abstention?

20 (Abstain.)

21 That's five-zero-two in favor of this
22 item, so it passes along.

23 Items 169, 170, 171; all in favor signify
24 by saying aye.

25 (Aye.)

2 Those opposed?

3 (No verbal response.)

4 Those carry unanimously.

5 Item 174-2016 is a resolution authorizing
6 a federal aid project administered by the New
7 York State Office of Parks, Recreation and
8 Historic Preservation and authorizing the County
9 of Nassau to participate in the non-federal share
10 of the cost of construction, and in construction,
11 supervision and inspection of the project and
12 authorizing the county executive of the county of
13 Nassau to execute an agreement, on behalf of the
14 County with the New York State Office of Parks,
15 Recreation and Historic Preservation for the
16 performance of such work for the project and for
17 the participation by the county in the non-
18 federal share of the cost of the project,
19 identified as C131494, to provide an
20 interconnected set of pathways for residents and
21 tourists to walk, bike, and ride neighborhood
22 electric vehicles.

23 This went through Public Works before.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MUSCARELLA: Second.

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

(Whereupon, the following is the minutes of the May 9, 2016, Public Works Committee pertaining to Clerk Item 174-16.)

Next up is Item 174-16, a resolution approving a federal-aid project administered by the New York State Office of Parks, Recreation and Historic Preservation and authorizing the County of Nassau to participate in the non-federal share of the cost of construction, and in construction, supervision and inspection of the project and authorizing the county executive of the county of Nassau to execute an agreement, on behalf of the County with the New York State Office of Parks, Recreation and Historic Preservation for the performance of such work for the project and for the participation by the county in the non-federal share of the cost of the project, identified as C131494, to provide an interconnected set of pathways for residents and tourists to walk, bike, and ride neighborhood electric vehicles.

Motion, please?

2 LEGISLATOR GAYLOR: So moved.

3 LEGISLATOR RHOADS: Second.

4 CHAIRMAN MUSCARELLA: Moved by Mr.
5 Gaylor, seconded by Mr. Rhoads.

6 The item is before us. Mr. Arnold.

7 MR. ARNOLD: This is a grant that the
8 department received associated with access on our
9 trails. The grant is for \$250,000, of which 80
10 percent is reimbursed. The department intends on
11 using this money to improve one or two grade
12 crossings at the existing trails located within
13 the county.

14 CHAIRMAN MUSCARELLA: And how much is
15 the County's, 20 percent?

16 MR. ARNOLD: Twenty percent. We are
17 responsible for \$50,000.

18 CHAIRMAN MUSCARELLA: Any questions?
19 Ms. Jacobs.

20 LEGISLATOR JACOBS: Yes. Ken, I just
21 wanted to say something to you. I had taken
22 pictures just to show a few people in our area
23 what they do at these crossings. Between you and
24 me, I think it still probably warrants a traffic
25 light. When they are crossing and it's a busy

2 road, I'm talking about where the Bethpage trail
3 goes right through Round Swamp Road, right
4 through Woodbury Road, right across Jericho
5 Turnpike, which I know is not ours, but then goes
6 to Southwoods Road, your heart is in your throat.
7 But these beacons they put up are pretty good and
8 they blink a very bright light. I know this is a
9 state thing. I still think if they were thinking
10 about this you'd have a traffic light that would
11 turn red. It can be very disconcerting when
12 you're driving and a bicycle just goes.

13 I'm glad we're doing this. It's
14 certainly better than not having it.

15 MR. ARNOLD: Understood.

16 LEGISLATOR JACOBS: Okay.

17 CHAIRMAN MUSCARELLA: Any other
18 questions? Ms. Birnbaum.

19 LEGISLATOR BIRNBAUM: So this portion is
20 just for the signs, correct, the flashing signs?

21 MR. ARNOLD: The department will be
22 analyzing a couple of our grade crossings. It
23 will be sign, rapid beacons, or, if warranted, a
24 traffic signal, depending on what the level of
25 protection is required for that crossing of the

2 path on a county road.

3 LEGISLATOR BIRNBAUM: About how many
4 signs would this take care of?

5 MR. ARNOLD: We figure if it's -
6 assuming that it's a flashing beacon, we will
7 probably end up with two crossings accomplished
8 by this.

9 LEGISLATOR JACOBS: I have one more
10 question.

11 CHAIRMAN MUSCARELLA: Ms. Jacobs.

12 LEGISLATOR JACOBS: Can I ask one more
13 question? Do we have a map? Do you have a map
14 you could share with us -- not for now, I'm not
15 talking about today -- about where all the trails
16 are?

17 MR. ARNOLD: I'd have to speak with my
18 staff. I'm sure there's something either we
19 produced or the state produced in the bike trails
20 and the hiking trails.

21 LEGISLATOR JACOBS: Okay. There's got
22 to be more than the Bethpage to Syosset, right?
23 There's got to be.

24 MR. ARNOLD: I'd have to check. I
25 believe there is. I'd have to check.

2 LEGISLATOR JACOBS: Okay. It would be
3 good for us to know. Thank you.

4 CHAIRMAN MUSCARELLA: Any other
5 questions? Ms. Curran.

6 LEGISLATOR CURRAN: Thank you. So this
7 sounds to me like a great initiative to get
8 people out of their cars. I don't know how many
9 will actually do it. But the more of this sort
10 of alternative we can provide the better.

11 In that vein, what exactly is a
12 neighborhood electric vehicle?

13 MR. ARNOLD: Golf cart.

14 LEGISLATOR CURRAN: Ah.

15 MR. ARNOLD: It's a golf cart, I
16 believe. That's what -

17 LEGISLATOR CURRAN: Probably one of
18 those, like rascals.

19 MR. ARNOLD: No. I think it's something
20 that looks like a golf cart that is licensed.

21 LEGISLATOR CURRAN: Got it. Okay.
22 Thanks.

23 CHAIRMAN MUSCARELLA: Hearing no other
24 questions, no public comment; all those in favor
25 please say aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item carries.

6 (Whereupon, the following is the
7 continuation of the minutes of the May 9, 2016,
8 Finance Committee meeting.)

9 CHAIRMAN NICOLELLO: Could you just
10 briefly tell us what this is again?

11 MR. MAY: This is Clerk Item 174-16
12 we're talking about. This was for, I believe,
13 some signals at the grade level crossings for the
14 bike paths and mixed use trails in Nassau County.
15 I think the major one we were talking about is
16 the Bethpage Trail, which runs all the way from
17 Bethpage State Park up through Syosset.

18 CHAIRMAN NICOLELLO: Thank you.

19 Any discussion on this item?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 All in favor signify by saying aye.

24 (Aye.)

25 Those opposed?

(No verbal response.)

That item carries unanimously.

The next two are 175 and 176, resolutions to authorize the County of Nassau to participate in the federal aid transportation project for emergency repairs to the Bayville Bridge over Mill Creek, and a resolution authorizing the County of Nassau to participate in a federal aid project providing for emergency repairs to the Long Beach Bridge over Wreck Lead Channel.

LEGISLATOR MACKENZIE: So moved.

LEGISLATOR WALKER: Second.

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

These went through the Public Works Committee before.

(Whereupon, the following is the minutes of the May 9, 2016, Public Works Committee meeting pertaining to Clerk Items 175 and 176-16.)

Next up, 175-16, a resolution authorizing the County of Nassau to participate in a federal-aid transportation project providing for emergency repairs to the Bayville Bridge over

2 Mill Neck Creek, BIN 330001-0, Capital Project
3 63029, PIN 0989.26, and authorizing the county
4 executive of the County of Nassau to execute the
5 agreement on behalf of the County with the New
6 York State Department of Transportation for the
7 advancement of said federal aid transportation
8 projects in Nassau County, New York.

9 Motion by Mr. Rhoads, seconded by Mr.
10 Gaylor.

11 Mr. Arnold.

12 MR. ARNOLD: The County is eligible for
13 the reimbursement of funds expended after Sandy
14 for repairs required by the storm. The agreement
15 with New York State Department of Transportation
16 permits the state to pay the county these funds.
17 The county made repairs within 180 days of the
18 storm at this location, which was required to get
19 100 percent reimbursement of \$1.2 million. These
20 exact repairs were to the generator facilitator,
21 located outside the bridge pit, and the purchase
22 and installation of a new motor control room and
23 various other electronic equipment. The work is
24 complete. The county has paid for it, and we are
25 looking for our reimbursement; this is the last

2 step in that process.

3 CHAIRMAN MUSCARELLA: It's 100 percent
4 reimbursement.

5 MR. ARNOLD: Yes.

6 CHAIRMAN MUSCARELLA: Any questions?
7 Ms. Jacobs.

8 LEGISLATOR JACOBS: Have all of the
9 motors been replaced during this time of
10 construction, what they're reimbursing us for,
11 because they were under water.

12 MR. ARNOLD: Everything that was damaged
13 was replaced, yes. I know there is future work
14 for Bayville Bridge, I'm not exactly sure what it
15 is. I know there are other things that have to
16 get done on that bridge that is outside this
17 scope of what happened with Sandy.

18 LEGISLATOR JACOBS: Okay. Thank you.

19 CHAIRMAN MUSCARELLA: Any other
20 questions?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 Seeing none; all those in favor of moving
25 this item say aye.

(Aye.)

Any opposed?

(No verbal response.)

That item is reported.

Last on the regular agenda is 176-16, a resolution authorizing the County of Nassau to participate in a federal aid transportation project providing for emergency repairs to the Long Beach Bridge over Wreck Lead Channel, BIN 330030-1 and BIN 330030-2, Capital Project 63029, PIN 0989.27 and authorizing the county executive of the County of Nassau to execute the agreement on behalf of the County with the New York State Department of Transportation for the advancement of said federal aid transportation projects in Nassau County, New York.

Motion by Mr. MacKenzie, seconded by Mr. Gaylor.

Mr. Arnold.

MR. ARNOLD: Similar to the last item, this item is associated with the Long Beach Bridge. In this case, the reimbursement will be \$903,000. Again, it was done within the 180 timeframe, which we are 100 percent reimbursable

2 expense.

3 CHAIRMAN MUSCARELLA: Any questions on
4 this item?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 Hearing none; all those in favor please
9 say aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 (Whereupon, the following is the
14 continuation of the minutes of the May 9, 2016,
15 Finance Committee meeting.)

16 CHAIRMAN NICOLELLO: This is
17 reimbursements, I believe, for Sandy-related
18 expenses that were paid relatively promptly by
19 the county so we're getting 100 percent back.

20 MR. MAY: I believe that is correct,
21 yes.

22 CHAIRMAN NICOLELLO: Okay.

23 Any discussion on these items?

24 LEGISLATOR DeRIGGI-WHITTON: I'm just
25 going to go on record just saying that I know

2 that there have been future concerns, that
3 possibly some of the engines weren't replaced
4 that were underwater, under the salt water.

5 MR. MAY: What engines?

6 LEGISLATOR DeRIGGI-WHITTON: With that
7 drawbridge.

8 MR. MAY: Okay.

9 LEGISLATOR DeRIGGI-WHITTON: I know once
10 it's under water, salt water

11 MR. ARNOLD: The equipment that was
12 submerged and damaged as part of Sandy was all
13 reimbursed and reviewed by the DOT and it was
14 replaced.

15 LEGISLATOR DeRIGGI-WHITTON: They just
16 did additional replacements this last summer,
17 which was after this time, correct?

18 MR. ARNOLD: They are always fixing the
19 bridge, with different issues that the bridge
20 has. I can't speak to what was replaced. This
21 item covers everything that was submerged and
22 damaged because of Sandy and was replaced using
23 this funding.

24 LEGISLATOR DeRIGGI-WHITTON: All of the
25 engines that were submerged have been replaced?

2 MR. ARNOLD: Everything that was
3 identified as being submerged was replaced.

4 LEGISLATOR DeRIGGI-WHITTON: I know that
5 there were concerns that some of them might not
6 have been replaced that had been under salt
7 water. I guess my point is this was the repair
8 work done for the first 180 days. The work that
9 was done last year, were we reimbursed for that
10 as well?

11 MR. ARNOLD: That work was not
12 associated with Sandy.

13 LEGISLATOR DeRIGGI-WHITTON: Okay.

14 MR. ARNOLD: Everything with the two
15 bridges was addressed, at Sandy, was done in the
16 emergency work.

17 LEGISLATOR MUSCARELLA: If I might. Mr.
18 Arnold, this is a grant to reimburse those
19 expenditures due to Sandy, correct?

20 MR. ARNOLD: That is correct.

21 LEGISLATOR MUSCARELLA: And those
22 expenditures were made.

23 MR. ARNOLD: That is correct.

24 LEGISLATOR MUSCARELLA: Any subsequent
25 work that was not due to Sandy is not subject to

2 this reimbursement.

3 MR. ARNOLD: That is correct.

4 LEGISLATOR MUSCARELLA: Thank you.

5 CHAIRMAN NICOLELLO: Thank you.

6 Any other discussion or questions?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All in favor of these two items signify
11 by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Those two items carry unanimously.

16 Legislator MacKenzie makes a motion to
17 suspend, which is seconded by Legislator Walker.

18 All in favor of suspending the rules?

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 The rules are suspended.

23 Item 178 is an ordinance to amend

24 Ordinance 543-1995, as amended, to authorize

25 additional pay for certain assistant district

attorneys.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

MR. MCMANUS: Bob McManus, district attorney's office. This proposal seeks to amend a previous Nassau County ordinance which established a pay rate for assistant district attorneys who voluntarily work extra hours in the early case assessment bureau. This proposal seeks to amend the previous pay structure to increase the current compensation rate. This proposal will only apply to ADAs who work at ECAB in addition to their regular full-time hours in other bureaus. They work in the evenings, overnights, weekends, and on holidays. ECAB operates 24 hours a day, 365 days per year.

In 2015, ECAB attorneys assessed approximately 15,000 cases. ECAB screens all cases resulting from arrests in Nassau County to determine whether the defendant will be prosecuted and if so what charges will be brought. If necessary, ECAB attorneys interview

2 police officers, victims, or witnesses. The
3 bureau drafts the charging document used for the
4 initial arraignments and prepares supporting
5 documents and attempts to ensure that proper
6 charges are filed initially to increase the
7 probability that the case will be successfully
8 prosecuted.

9 We have ample funding in our 2016
10 approved general fund budget to cover the cost of
11 this ordinance.

12 CHAIRMAN NICOLELLO: Thank you, Mr.
13 McManus. Comprehensive, as always.

14 Any discussions or questions on this
15 item?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 Thank you, again.

20 MR. MCMANUS: Thank you.

21 CHAIRMAN NICOLELLO: All in favor
22 signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

The item carries unanimously.

Items 185 and 186-2016 are ordinances supplemental to the annual appropriation ordinance in connection with the Department of Social Services and the police department.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

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

Any discussion on these two items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Item 187-16 is a resolution authorizing the County of Nassau to participate in a federal aid transportation project providing for Long Island Motor Parkway multi-use trail, Capital Project 9E100-014, PIN 0760.98 and authorizing the county executive of the County of Nassau to

2 execute the agreement on behalf of the county
3 with the New York State Department of
4 Transportation for the advancement of said
5 federal aid transportation projects in Nassau
6 County, New York.

7 LEGISLATOR MUSCARELLA: So moved.

8 LEGISLATOR MACKENZIE: Second.

9 CHAIRMAN NICOLELLO: Moved by Legislator
10 Muscarella, seconded by Legislator Mackenzie.

11 This went through Public Works just a
12 while ago.

13 Any discussion?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All in favor signify by saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 That item carries unanimously.

22 Now we have the two executive session
23 items, which are 145 and 146-2016, a resolution
24 authorizing the county attorney to compromise and
25 settle the claim of plaintiff, Joseph Medlin, as

2 set forth in the action entitled *Joseph Medlin v.*
3 *County of Nassau and Kenneth C. Parker*, and a
4 resolution authorizing the County of Nassau to
5 compromise and settle the claim of plaintiff
6 *Laurence Federico v. County of Nassau* pursuant to
7 Nassau County Law.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

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

12 Legislator Muscarella makes a motion to
13 go into executive session, seconded by Legislator
14 Walker.

15 All in favor of executive session signify
16 by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 (Whereupon, the Finance Committee
21 recessed into executive session at 4:09 p.m.)

22 (Whereupon, the Finance Committee
23 reconvened at 4:20 p.m.)

24 CHAIRMAN NICOLELLO: We are out of
25 executive session. I am going to call those two

2 items.

3 145 and 146, any discussion?

4 (No verbal response.)

5 Public comment?

6 (No verbal response.)

7 All in favor signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 Those items carry unanimously.

12 Motion by Legislator Mackenzie to

13 adjourn, seconded by Legislator Walker.

14 All in favor of adjourning?

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 We are in adjournment.

19 (Whereupon, the Finance Committee

20 adjourned at 4:22 p.m.)

21

22

23

24

25

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 24th day of May, 2016.

FRANK GRAY