

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

June 27, 2016
3:14 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

RICHARD NICOLELLO
Chairman

VINCENT MUSCARELLA (Not Present)
Vice-Chair

HOWARD KOPEL (Sitting in for Vincent Muscarella)

ROSE MARIE WALKER

DONALD MACKENZIE

DELIA DeRIGGI-WHITTON
Ranking

SIELA A. BYNOE

LAURA CURRAN

MICHAEL C. PULITZER
Clerk of the Legislature

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META MEREDAY	37
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2 CHAIRMAN NICOLELLO: I call the Finance

3 Committee to order. The Clerk is on his way back

4 so I'll just call the roll.

5 Legislator Bynoe?

6 LEGISLATOR BYNOE: Here.

7 CHAIRMAN NICOLELLO: Legislator Curran?

8 LEGISLATOR CURRAN: Here.

9 CHAIRMAN NICOLELLO: Ranking Member

10 DeRiggi-Whitton?

11 LEGISLATOR DERIGGI-WHITTON: Here.

12 CHAIRMAN NICOLELLO: Legislator

13 MacKenzie?

14 LEGISLATOR MACKENZIE: Here.

15 CHAIRMAN NICOLELLO: Legislator Walker?

16 LEGISLATOR WALKER: Here.

17 CHAIRMAN NICOLELLO: Legislator Kopel,

18 sitting in for Legislator Muscarella?

19 LEGISLATOR KOPEL: Here.

20 CHAIRMAN NICOLELLO: And myself, that

21 makes a quorum.

22 Item 217-16 is a bond ordinance providing

23 for a capital expenditure to finance the capital

24 projects identified herein within the County of

25 Nassau and authorizing \$722,572 of bonds of the

2 County to finance such expenditure.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by Legislator
6 Kopel, seconded by Legislator Walker.

7 The item is now before us. Do we have
8 someone here to speak on this?

9 MS. GOETZ: Yes. We have Ken Arnold.

10 CHAIRMAN NICOLELLO: Okay.

11 MR. ARNOLD: Good afternoon. Ken
12 Arnold, Public Works. Item 217-16 is a bond
13 ordinance associated with asbestos abatement at
14 county facilities. It's a health and safety
15 issue. We use this capital project to fund
16 asbestos-related remediations and monitoring at
17 buildings, whether they're under renovation or
18 there are hazards that are uncovered during our
19 maintenance activities.

20 CHAIRMAN NICOLELLO: Is this something
21 we've done in the past?

22 MR. ARNOLD: That is correct.

23 CHAIRMAN NICOLELLO: Any other questions
24 among the legislators? Legislator DeRiggi-
25 Whitton.

LEGISLATOR DeRIGGI-WHITTON: I know that NIFA passed a resolution on May 17 stating that up to 20 million may be used for legal settlements or other uses permitted by NIFA other than for termination pay. It's really my opinion that this type of project, we should be able to find, you know, room in the 20 million to fit something like this in. I guess it's more of a statement than a question. I really do think that we could, if we're careful, this is less than, you know, less than five percent than what is allotted there for this item. I hope that that's what we use that funding for.

CHAIRMAN NICOLELLO: Just to note for the record, the bond premium may be used for settlements, which NIFA has indicated they will not allow bonded monies to be used for settlements. So to the extent that we use capital projects, we use the bond premiums to pay for capital projects, that money is no longer available for settlement. I would note also that today we have several settlements that we will be considering, and each one of those settlements will erode that amount of bond premium. In my

2 opinion, to spend the bond premium for that
3 purpose, for bonding purposes, which is
4 traditionally done by governments is not prudent
5 or reckless, depending on which way you want to
6 look at it.

7 Any other comments?

8 LEGISLATOR DeRIGGI-WHITTON: Just the
9 fact that NIFA approved it for that reason, I
10 think it's something that we should look into.
11 Rather than borrowing more money again, it's - it
12 was recommended by NIFA, otherwise I wouldn't be
13 saying it. I agree with NIFA.

14 LEGISLATOR MACKENZIE: So you no longer
15 have a problem with a contracting process? Is
16 your problem then with the way that these
17 contracts are being paid for? There seems to be
18 a change in position.

19 LEGISLATOR DeRIGGI-WHITTON: Not at all.
20 I just think as a thinking legislator we should
21 look at all aspects of what's going on in our
22 county. I also think we should be careful with
23 how we spend county money in letters and things
24 like that to other people's districts. I just
25 think it's totally improper.

2 CHAIRMAN NICOLELLO: Last week we were
3 considering a number of different items, bonded
4 items, some of which passed. Two of them are
5 back on the agenda this week, monies with respect
6 to the match for NICE Bus and \$11.6 million for
7 tank replacement, which is about 17 million or
8 so. It was suggested last week that we use the
9 bond premium for that. Apparently, this is an
10 unending pool of money that the democrats think
11 we can tap into.

12 As I said before, the bond premium -
13 since NIFA will not allow us to borrow for
14 settlements, to exhaust the bond premium, erode
15 the bond premium when we know we have settlements
16 coming to us would be a foolish thing to do.

17 LEGISLATOR DeRIGGI-WHITTON: You guys
18 haven't agreed to use any of it, so I don't think
19 we're exhausting anything at this point.

20 CHAIRMAN NICOLELLO: Didn't we approve a
21 \$20 million settlement with, what was it, the
22 Town of Oyster Bay?

23 LEGISLATOR DeRIGGI-WHITTON: Which was
24 already from the prior amount. Remember that?
25 This is a new amount.

2 CHAIRMAN NICOLELLO: But we have used it
3 this year. Again, this is another 20 million,
4 but today we are exhausting a part of it with
5 settlements -

6 LEGISLATOR DeRIGGI-WHITTON: Right.

7 CHAIRMAN NICOLELLO: and this only half
8 way through the year. So if we exhaust all the
9 money, it's gone and you can't use it again. If
10 we have settlements, something of an emergency
11 nature at that point, we can't use it.

12 LEGISLATOR DeRIGGI-WHITTON: Listen. I
13 think it's good if we're careful we could really
14 lower the bonding and lower the borrowing that
15 we're doing. I also think that before we give
16 any further funds we really have to consider an
17 independent IG. If you read the article that
18 Kevan Abrahams referenced before, there have been
19 attempts by employees sitting in this room to
20 stop certain contracts from going out and those
21 attempts were completely ignore.

22 I sat here while we saw Singh, we've seen
23 - just in the few years that I've been here we've
24 seen so many contracts be given. I'm tired of
25 seeing the waste. I don't trust the process.

2 Listen. We've said it before. I don't
3 understand why you're not considering giving
4 independent clarification to an inspector
5 general. The whole purpose being, it would avoid
6 a situation like we saw with Blue Chips. If
7 someone doesn't agree with the independent, you
8 know, inspector general, that person cannot be
9 fired. And what we saw in that article just
10 exploited the fact that the employees did not
11 agree, they protested the contracts and yet it
12 still got passed. The reason why no one said
13 anything publicly or nothing else happened is
14 because they could have been afraid for their
15 jobs, possibly.

16 Until we address the elephant in the room
17 - again, I have been here through a number of
18 things, like I mentioned, with Singh and,
19 honestly, Looks Great Service - I know you
20 mentioned that that settled, I haven't been told
21 that, I haven't seen a release. So I don't feel
22 comfortable with this process and I'm not going
23 to give any more bonding until I do.

24 CHAIRMAN NICOLELLO: The elephant in the
25 room, from my perspective, is legislators who are

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2 elected to do a job, who are here not doing that
3 job, who are slowing down and grinding to a halt
4 this county government for a political agenda.
5 So if we want to talk about elephants, let's look
6 -
7 LEGISLATOR DeRIGGI-WHITTON: In my
8 opinion, I think if you -
9 CHAIRMAN NICOLELLO: Wait. Are you
10 going to let me finish speaking, because I
11 usually let you finish speaking.
12 LEGISLATOR DeRIGGI-WHITTON: Go ahead.
13 CHAIRMAN NICOLELLO: Go ahead. Go
14 ahead. Thank you. I appreciate that.
15 Again, the elephant in the room is a
16 group of legislators who are abstaining on a vast
17 majority of contracts, who are voting no for
18 bonding, who are not doing their jobs, and who
19 are bringing this government to a grinding halt
20 for --
21 LEGISLATOR DeRIGGI-WHITTON: In my
22 opinion - are you done?
23 CHAIRMAN NICOLELLO: a political agenda.
24 LEGISLATOR DeRIGGI-WHITTON: In my
25 opinion -

2 CHAIRMAN NICOLELLO: Legislator DeRiggi-
3 Whitton.

4 LEGISLATOR DeRIGGI-WHITTON: Thank you,
5 Chairman.

6 Listen. I received a number of calls and
7 I spoke to a number of mayors about bonding for
8 different projects and they all, by the end of
9 the conversation, agreed with me that we need
10 some kind of reform, as well as 80 percent of the
11 population, according to certain surveys agree.

12 We're going to have a referendum in
13 November. I can't even tell you the number of
14 republicans, democrats, independents that are all
15 happy to sign the petitions for it. There is a
16 need here. Unfortunately, things were abused.

17 I'm glad that we no longer have the
18 25,000 and under contracts. I'm glad that there
19 is some type of disclosure. But the real thing
20 that we need, which is an independent inspector
21 general, I mean, you're really the obstructionist
22 because you absolutely refuse to even consider
23 it. You refuse to give any protection to the
24 person in this position. Without that, I don't
25 think that the person could function in this

2 position. So I honestly think you're the
3 obstructionist in this situation.

4 CHAIRMAN NICOLELLO: We have implemented
5 a number of reforms to the process and we have
6 implemented a number of reforms to the process
7 including the appointment of an individual who is
8 in the position of commissioner of investigation,
9 the procurement officer, lowering the threshold,
10 vendor disclosures, etcetera, etcetera, etcetera.
11 So the minority now is stopping government
12 because they want the commissioner of
13 investigations to have a contract. Now, if that
14 is a reason to stop government from working then
15 - let me say this - it's not a reason to stop
16 government from working.

17 I'm going to say this again. You can
18 have that position. You're free to do that.
19 This is simply a political attempt to keep this
20 issue alive as long as possible. And if you want
21 to stop the government from working, you're not
22 doing what the public elected you to come here
23 and do.

24 Legislator Bynoe.

25 LEGISLATOR DeRIGGI-WHITTON: I just

2 wanted to finish this. Is that okay?

3 CHAIRMAN NICOLELLO: I recognized
4 Legislator Bynoe, she has been waiting. Are you
5 ceding your time to Legislator DeRiggi-Whitton?

6 LEGISLATOR BYNOE: I don't think that
7 there is a time limit on us.

8 CHAIRMAN NICOLELLO: There isn't.

9 LEGISLATOR BYNOE: I'm allowing her to
10 go ahead, to finish her thought.

11 CHAIRMAN NICOLELLO: Right.

12 LEGISLATOR DeRIGGI-WHITTON: Those steps
13 that we've put in, which you have mentioned, I do
14 agree. Most of them came from this side as
15 recommendations. I do agree with what we've one
16 so far, but nothing we've done would have stopped
17 the Abtec or other contracts that I have a real
18 problem with.

19 The fact that the procurement officer
20 cannot subpoena is a real issue. This is all
21 things that we need to protect our taxpayers
22 money. Honestly, I hear - and I don't know what
23 you hear from your constituents. But I'm
24 actually stopped at the bus stop with people
25 asking me what we're doing to make sure that this

2 stops and applauding the fact that we're not
3 bonding, we're not putting more money into this
4 system that we know is flawed.

5 I don't think government is stopped. But
6 I do think that we hopefully are stopping things
7 like Blue Chip from proceeding in the future.

8 CHAIRMAN NICOLELLO: By voting against
9 the bonding for the capital plan in March you
10 don't think government's been stopped. It's been
11 three months. These projects take years to
12 start. When you slow them down, when you stop
13 them over that three month period things come to
14 a grinding halt. You may not see it today but,
15 for example, what Mr. Setzer spoke about last
16 time, if you don't approve the NICE Bus match,
17 you have buses that are two years down the road
18 that are not going to arrive and possible issues
19 at that date. So to sit here and to willfully to
20 believe nothing's happened is just silly.

21 The movement of government has come to a
22 stop in many, many different ways. I could tell
23 you some issues I have had in my district is
24 getting emergency repaving done because we're
25 getting to the point where the funds that were

2 supposed to be approved for that haven't been
3 approved yet. To think that's nothing's happened
4 just shows that you don't have an understanding
5 of how government works.

6 Legislator Bynoe.

7 LEGISLATOR DeRIGGI-WHITTON: I just have
8 one last question. Rich, why is it that you have
9 - why will you not vote for someone being given
10 the guarantee of an independence so they feel
11 free to convey what information and what opinion
12 they have? I'm honestly, like, wait, I'm not
13 done.

14 I have a lot of respect for you. I think
15 you are smart, and I think that you don't like
16 what's going on either. And this is a way that
17 we can stop anything but highest criteria, which
18 our residents deserve.

19 CHAIRMAN NICOLELLO: Look. I have a lot
20 respect for you and all the members of your
21 caucus, and I think the same thing of all of you;
22 I think you are all bright individuals. I think
23 to argue over semantics, because you want an
24 inspector general and we have a commissioner of
25 investigations and you want this person to have a

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2 contract so, therefore, you have to shut down the
3 government; in my opinion, that is either
4 completely irrational or it's political. One of
5 the two. So why won't you -
6 LEGISLATOR DeRIGGI-WHITTON: Can you
7 answer my question?
8 CHAIRMAN NICOLELLO: Because I don't
9 think it's necessary. It's not necessary.
10 LEGISLATOR DeRIGGI-WHITTON: Why not
11 give the person -
12 CHAIRMAN NICOLELLO: It's not necessary.
13 LEGISLATOR DeRIGGI-WHITTON: It is.
14 CHAIRMAN NICOLELLO: I'm answering your
15 question.
16 LEGISLATOR DeRIGGI-WHITTON: Look -
17 CHAIRMAN NICOLELLO: I answered your
18 question.
19 LEGISLATOR DeRIGGI-WHITTON: We say in
20 the Blue Chips article -
21 CHAIRMAN NICOLELLO: You asked me a
22 question, I answered it.
23 LEGISLATOR DeRIGGI-WHITTON: You didn't
24 answer it.
25 CHAIRMAN NICOLELLO: Why? Because I

2 didn't say yes?

3 LEGISLATOR DeRIGGI-WHITTON: Why don't
4 you feel comfortable giving someone the security
5 of a contract? Let's just go back to what
6 happened with Blue Chips. Other employees did
7 come up. Other, you know, people that are in
8 charge of different - I don't want to name anyone
9 - but different groups did come up and say that
10 they were not comfortable with this situation.
11 If we had someone that was secure in their job
12 and had a contract and did not have to worry
13 about the ramification of this situation that
14 could have been avoided. And that's \$50,000. It
15 doesn't sound like much, but that's just part of
16 it.

17 Just tell me why you don't feel
18 comfortable -

19 CHAIRMAN NICOLELLO: I told you why. I
20 don't believe after all - well, after all of the
21 reforms that we put into place, number one.
22 Number two. After surveying most of the counties
23 in the state, we have the most transparent
24 process in New York State.

25 That's real nice. We have a lot of

2 respect. We let you come up here all the time
3 and talk and nobody interrupts you. Right. But
4 we have the respect for you. We have the respect
5 for you, Ms. Mereday. We have the respect for
6 you to let you do what your rights say you are
7 able to do. But we sit here quietly. We sit
8 here quietly and listen to you. So when we're
9 having a discussion up here, you have to make let
10 out this fake cough. Obviously, it's not a two-
11 way street with you. It's obvious to us.

12 LEGISLATOR DeRIGGI-WHITTON: Let's sum
13 this up, Rich, just so I understand, Mr.
14 Nicoletto.

15 CHAIRMAN NICOLELLO: I wasn't finished
16 talking, before Ms. Mereday decided she was going
17 to give that phony cough of hers, the loudest in
18 the room. I'm not insulting you. I'm just
19 asking you to have the same amount of respect for
20 us as human beings as we have for you.

21 You have the right to speak. You have
22 the right to speak. We understand that. But we
23 sit and listen to you respectfully. All right.
24 We're talking up here and you don't have the
25 respect to sit and listen to us. Yeah, you are

2 now.

3 LEGISLATOR DeRIGGI-WHITTON: Rich, just
4 to wrap this up.

5 CHAIRMAN NICOLELLO: Wait a second.
6 Let's wrap this up because I wasn't finished
7 speaking.

8 Very simply, it's completely unnecessary.
9 We have the most transparent contracting process
10 in the State of New York. We put in, in fact,
11 all these reforms. We have a commissioner of
12 investigations that's going to be doing exactly
13 what you want them to do. So to say, okay,
14 you've done all those things, we have the most
15 transparent system in the State of New York but
16 we want you to do more and we're going to shut
17 down government. That makes no sense to me.
18 It's irrational. So just for the sake of
19 principle I'm not going to agree to you.

20 You are using your power as a minority to
21 grind things to a halt, and as a sense of
22 principle I'm not going to sit here and agree
23 with you to do that, under no circumstances.

24 LEGISLATOR DeRIGGI-WHITTON: So just to
25 be clear, you object to having an independent

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2 inspector general with the protection -
3 CHAIRMAN NICOLELLO: This is going
4 around in a circle.
5 LEGISLATOR DeRIGGI-WHITTON: to
6 investigate - no.
7 CHAIRMAN NICOLELLO: Legislator Bynoe.
8 LEGISLATOR DeRIGGI-WHITTON: No.
9 CHAIRMAN NICOLELLO: This is going
10 around in a circle.
11 LEGISLATOR DeRIGGI-WHITTON: Just
12 explain to me one last time -
13 CHAIRMAN NICOLELLO: Legislator Bynoe,
14 you're up.
15 LEGISLATOR DeRIGGI-WHITTON: Mr.
16 Nicoletto -
17 CHAIRMAN NICOLELLO: It's going around
18 in a circle.
19 LEGISLATOR DeRIGGI-WHITTON: I haven't
20 finished. So you are objecting to the idea of an
21 independent inspector general with a contract to
22 investigate public corruption?
23 CHAIRMAN NICOLELLO: I'm objecting to
24 you politically shutting down this government for
25 a political agenda.

2 LEGISLATOR DeRIGGI-WHITTON: Forget it.
3 You know what?

4 CHAIRMAN NICOLELLO: That's my
5 statement.

6 LEGISLATOR DeRIGGI-WHITTON: I've never
7 seen anything like it. But are you objecting to
8 -

9 CHAIRMAN NICOLELLO: I'm objecting to
10 you voting down contractual items for buses,
11 things we've done forever, for political basis.

12 LEGISLATOR DeRIGGI-WHITTON: On the
13 record you're going to object to having an
14 independent inspector with a contract to protect
15 their position -

16 CHAIRMAN NICOLELLO: We have an
17 independent inspector.

18 LEGISLATOR DeRIGGI-WHITTON: I'm not
19 finished, wait - to investigate public
20 corruption. Yes or no?

21 CHAIRMAN NICOLELLO: Yes or no?

22 LEGISLATOR DeRIGGI-WHITTON: Yes or no?

23 CHAIRMAN NICOLELLO: The answer to the
24 question is this - we have a commissioner of
25 investigations -

2 LEGISLATOR DeRIGGI-WHITTON: No. No.

3 CHAIRMAN NICOLELLO: who -

4 LEGISLATOR DeRIGGI-WHITTON: Yes or no?

5 Yes or no?

6 CHAIRMAN NICOLELLO: Wait. Wait. This
7 is not a cross examination. Are you out of your
8 mind?

9 LEGISLATOR DeRIGGI-WHITTON: No.

10 CHAIRMAN NICOLELLO: That's enough of
11 this. Legislator Bynoe, go ahead.

12 LEGISLATOR DeRIGGI-WHITTON: What is
13 that? Will we leave it blank? Is it a yes or a
14 no?

15 CHAIRMAN NICOLELLO: Do you want me to
16 tell you again? I think it's completely
17 irrational and a derogation of your public duties
18 to sit there and vote no for these public safety
19 health items for political reasons. So why do
20 you do that? Yes or no?

21 LEGISLATOR DeRIGGI-WHITTON: Because I
22 think that you're doing -

23 CHAIRMAN NICOLELLO: Why would you to do
24 something like that?

25 LEGISLATOR DeRIGGI-WHITTON: You are

2 being the obstructionist.

3 CHAIRMAN NICOLELLO: Why would you be an
4 obstructionist?

5 LEGISLATOR DeRIGGI-WHITTON: There is a
6 clear need and there is a political -

7 CHAIRMAN NICOLELLO: I'm an
8 obstructionist?

9 LEGISLATOR DeRIGGI-WHITTON: There is --
10 all of our constituents -

11 CHAIRMAN NICOLELLO: All right.

12 LEGISLATOR DeRIGGI-WHITTON: 80 percent
13 of our constituents agree that we need this.
14 This is something that our residents want. You
15 are obstructing it because we're basically at the
16 point where we're saying, look, this is what we
17 need. It's not a huge thing. It's basically
18 just securing their occupation and their job and
19 allowing them to investigate possible public
20 corruption. How you can object to it as a
21 finance ranking member, I think you would want
22 that. I would think you would want to be
23 protected.

24 We've been embarrassed enough. So I
25 guess your answer is no.

2 CHAIRMAN NICOLELLO: I'm glad you're
3 bringing up obstructionist, because I'm assuming
4 when we get to the part of the calendar in which
5 we vote for the county match to make sure that we
6 still have buses running in this county for the
7 people who most need it - the students, the poor
8 people, that you're going to vote yes. If you
9 vote no, you are a 100 percent obstructionist.

10 LEGISLATOR DeRIGGI-WHITTON: That's
11 really not true. I believe, number one, number
12 one, I'm not ready to give more money without
13 this reassurance. All you have to do is say, you
14 know what? You're right. We've lived through
15 it. We've lived through -

16 CHAIRMAN NICOLELLO: Isn't that the
17 essence of extortion?

18 LEGISLATOR DeRIGGI-WHITTON: We've lived
19 through everything else.

20 CHAIRMAN NICOLELLO: Isn't that the
21 essence of extortion? We're not going to let you
22 run this government. We're not going to let the
23 buses roll -

24 LEGISLATOR DeRIGGI-WHITTON: Until we
25 know you're being careful.

2 CHAIRMAN NICOLELLO: We're going to make
3 sure that people who most desperately need buses
4 don't get them unless you do what we want.
5 That's extortion. It's not going to work here.

6 LEGISLATOR DeRIGGI-WHITTON: I think the
7 people want this referendum, and I think that the
8 people want to see their money being accounted
9 for.

10 I don't understand how you don't agree
11 with that.

12 CHAIRMAN NICOLELLO: The people have a
13 say every two years.

14 LEGISLATOR DeRIGGI-WHITTON: I really
15 don't see how you don't agree with the fact that
16 we need this protection.

17 CHAIRMAN NICOLELLO: It boggles my mind
18 that you can't understand this very simple
19 position that we have. I don't think the issue
20 is with us. I honestly think the issue is with
21 you not understanding a very simple concept of
22 how government operates, but that's -

23 LEGISLATOR DeRIGGI-WHITTON: I don't
24 think government should operate this way, not
25 after seeing the Abtec, sitting here through the

2 Singh contract, and the VIP Splash. We've seen
3 one example after another. This is not the way
4 government should work. I think we have to fix
5 it.

6 CHAIRMAN NICOLELLO: Actually, the
7 process that this legislature has followed has -
8 you mentioned a number of different contracts.
9 But this legislature has been above reproach and
10 I would say both sides since we've been in the
11 majority. I think we've asked the appropriate
12 questions. Do we always get all of the
13 information that we need? Is it possible that
14 somebody could always work the system? Yeah,
15 it's always the case. But I think governmentally
16 this legislature, as a body, has functioned the
17 way it should for the last few years. And I
18 think with the additional reforms in place, some
19 of which are going to help, let's be honest, some
20 of which are simply going to slow the process up
21 further. But, with the reforms in place and the
22 way this legislature works, I think the
23 legislature, itself, has been above reproach, and
24 I think we've actually done the job - until now,
25 we've done the job we're supposed to do.

LEGISLATOR DeRIGGI-WHITTON: First of all, I don't see how you can think that with all this going on.

Number two. I don't think any of the things we put in place to this date would have stopped an Abtec from being passed. Honestly, like you said, we are dependent on getting the correct information, but we've already seen that that's not enough for us to depend on. We need someone who can subpoena, and we need someone who is secure enough to say what is going on before the taxpayers' money is wasted.

CHAIRMAN NICOLELLO: All right. You get the last word.

Legislator Bynoe.

LEGISLATOR BYNOE: All right. I wanted to talk about this specific issue, and I see that we've kind of gone beyond that. I think you're probably going to assert some of your same arguments, but I'm going to go have it out and speak to this anyway.

In our OMB report, the monthly report, as of May 31, 2016, it stated that we're expected to have a \$3.7 million surplus, and I'm suggesting

2 that we use that to pay this three-quarters of a
3 million dollars in expenses for the abatement.
4 So while I believe that we are going to be voting
5 no on issues, I do think that the administration
6 has the ability to administer government because
7 we have identified several pools of money to
8 which the administration has the ability to
9 utilize to make sure that essential services are
10 being provided.

11 So, I don't think this government needs
12 to grind to a halt. I think what this government
13 needs to, as the administration needs to, look at
14 the money that is available for use, disencumber
15 some of the contracts that aren't essential, and
16 I also think and agree wholeheartedly that the IG
17 or the corrections - I'm sorry - commissioner of
18 contracts needs to be independent. I think that
19 every single individual that is here - I don't
20 think anyone is listening. Are you listening?
21 Every individual that is here, if they had put
22 themselves in the shoes of the new hire and was
23 required to now investigate the actual people who
24 hired them and did not have any particular
25 protections, that they, themselves, would have to

2 feel that in some way or another they could have
3 a potential compromise if this, in some way, is
4 not a totally objective position.

5 I am in favor of us moving forward with
6 an IG. I think while we vote no, we have
7 identified several pools of money that is
8 available to this administration, and I think the
9 administration should do just that, administer
10 government.

11 Thank you.

12 CHAIRMAN NICOLELLO: Just two quick
13 points. I respectfully disagree with your
14 position.

15 Number one is that, you know, even if you
16 look at this \$3 million and we have a \$278
17 million capital plan which requires capital
18 borrowing, so that three million is a small
19 fraction.

20 Number two - we may even have a projected
21 \$3 million surplus at this point, but you only
22 look on television to see what's going on in the
23 financial markets, because of what happened with
24 Britain apparently, and you see also job reports
25 that are extremely discouraging. This county is

2 extremely reliant on sales taxes. So to blindly
3 go into the next six months and think that the
4 sales taxes are going to continue to perform is a
5 very risky proposition. We could very well see
6 the beginnings of a recession. We could see
7 impacts because of the loss of what's happening
8 in the stock market and people lose their
9 disposable income. You could see sales taxes
10 drop. So to go out and spend a projected surplus
11 in June when you have six months to go is not
12 something that is wise, in my opinion.

13 LEGISLATOR BYNOE: Okay. But again,
14 there are capital funds that could be
15 disencumbered to deal with some of these issues
16 and I think we need to look at that. We didn't
17 just identify one pool of money that would allow
18 the administration to move forward and govern
19 appropriately; we identified a few, at least
20 three or four different pools of money. Each
21 time we speak to those pools of money there is
22 some argument or some contention as to why we
23 won't do it. Not why we can't do it, why we
24 won't do it. So I think we need to look passed
25 why we won't do it and start doing the work of

2 the people with that money. The money is there.
3 Prioritize. You've clearly identified those
4 issues that you think are essential or the
5 administration, or whoever else. Now we are
6 seeing things in piecemeal that are considered to
7 be essential, and we've identified pools of money
8 that can address those things.

9 LEGISLATOR MACKENZIE: Okay. So is it
10 clear then you would no longer have any problem
11 with the process and how they got to this body
12 and how those contracts were evaluated as long as
13 the money came from a different place? The
14 position seems to be inconsistent to me.

15 On the one hand you all keep saying that
16 you don't want to pass any contracts because
17 there is no - I'm sorry, what do you call it -
18 investigator general, and then once we get passed
19 that stage and we bring up an item that you know
20 is essential and you know you should be voting
21 for, then you say there are other monies
22 somewhere else that should be paying for it.

23 I'll tell you what I hear in my district.
24 When I go around my district, we have capital
25 projects there that severely impact the health

and safety of some of the communities there. And many legislators on this body formerly represented those areas and campaigned very strongly for those projects to go forward. Now that they no longer represent that area their positions have changed. There are no allegations of any, any impropriety in the awarding of the contracts that are at issue there or the bonding. So, when I go around my district people say to me how come all of a sudden they want an investigator general; when they were in charge it wasn't such a high moment of principle. When they had members of their body being indicted nobody asked for an investigator general. Now you have one contract in this body that's actually being investigated and resulted in a criminal charge and all of a sudden an investigator general is needed.

Every day you put articles in the paper about bus routes, when one or two of them get cut. But then you vote against, last week, \$6 million in funding that would have got this county \$60 million in match and not a word is said from anyone.

2 I think the hypocrisy of this is clear,
3 and I think the fact that your history on this
4 issue is so inconsistent really reveals it to be
5 what it is is - it's a political agenda. It's
6 been well reported that it's being dictated to
7 you by other people, by political bosses, and we
8 all see through that. So I think for you to get
9 on a high horse and talk to us about these things
10 day after day gets a little bit tiresome for
11 everyone.

12 If we could just deal with the items in
13 front of us it would save us a lot of time and a
14 lot of theater.

15 LEGISLATOR BYNOE: Well, I just want to
16 - I'm sorry, Mr. MacKenzie, Legislator MacKenzie
17 -

18 CHAIRMAN NICOLELLO: Legislator Bynoe.

19 LEGISLATOR BYNOE: To that point - thank
20 you, Chair.

21 I think the message has been pretty
22 consistent. The message is that we are not
23 comfortable giving you yet another pool of
24 capital funds to move forward unless we have an
25 independent inspector general. Until that time,

2 we are not just going to approve the capital
3 plan. We will look at emergency items, items
4 related to emergency responders. However, we are
5 not going to support even some of the contracts
6 that come forward because we don't know that they
7 are vetted properly. Okay. So I think our
8 message has been very consistent and very clear
9 that we're not going to give you any additional
10 money. However, there is money that is available
11 to you for the use of addressing these emergency
12 items, to which you guys have pulled out of I
13 guess the capital plan, and you should move
14 forward in using that money.

15 LEGISLATOR MACKENZIE: So then -

16 LEGISLATOR BYNOE: I think that's pretty
17 clear.

18 LEGISLATOR MACKENZIE: So then there's
19 no problem with the contracting process that gets
20 those items here, it's the problem with where the
21 money comes from. It's completely inconsistent to
22 say that certain items you're going to consider
23 and if there is other money available you will
24 vote for them -

25 LEGISLATOR BYNOE: There's a problem

2 with the -

3 LEGISLATOR MACKENZIE: when you're
4 saying it's the contracting process that you have
5 a problem with. Because those items that you
6 want to find other money for to pay for go
7 through the same contracting process. It's a
8 completely inconsistent position.

9 LEGISLATOR BYNOE: It's the procurement
10 process. Further, let me just be clear, we did
11 speak, last week, with the police department at
12 length about the body armor and it was very clear
13 to us that the body armor is suggested by the end
14 users. It's suggested by the police department.
15 There is a process, a methodology that I was
16 comfortable with when I heard from the police
17 department directly, last week, as to how the
18 vest was selected.

19 I think we can go back and forth, and I'm
20 comfortable doing this all day. But, as you
21 mentioned, there are some items before us. Until
22 I think both sides decide to get serious about
23 what our constituents are asking for, that 84
24 percent of the people that were polled about
25 reform want to see something that's serious. And

2 while I agree that we have made tremendous
3 lengths to this point - and to be mentioned that
4 it was really with the pressure of this caucus
5 and at the suggestions of this caucus that a lot
6 of those changes were made - I don't think we
7 should fall short of really doing a complete job.
8 Just to say that you've done something doesn't
9 mean that you don't do all that you can, and I
10 think that we're falling short of that. Let's do
11 something meaningful. Let's not waste our time.

12 CHAIRMAN NICOLELLO: Thank you. Mr.
13 Arnold, I guess you've given your presentation.

14 MR. ARNOLD: Just on the procurement of
15 asbestos. That would be a publicly bid contract.
16 We go with the lowest responsible bidder. It
17 would not be an RFP process. It would be a
18 publicly bid contract through our procurement
19 process.

20 CHAIRMAN NICOLELLO: Thank you.
21 Any public comment? Ms. Mereday.

22 MS. MEREDAY: Meta Mereday, Baldwin,
23 taxpayer and one who has a right, as do many
24 other residents, to speak before this body, not
25 because someone let me.

Some people seem to forget, on this body, that they are elected by the people and some people seem to be in need of being informed that those of us who sit out here are not doing this for your entertainment or for my pleasure; it's to protect my investment.

Just from a historical background, Deputy Nicolello, you don't know me nor do I know you. I'll try to be respectful of you, but I require the same. So your comments to me were highly uncalled for.

Now with regard to this issue, the bond issue. Just from a point of personal reference. If you might recall, and the record should dictate, that I was in full support of the total body pushing for the buses because, again, there are individuals out here who are being detrimentally harmed by this back and forth. I understand what this side of the room is dealing with but I also disagree in regard to those issues that pertain to the residents who cannot speak for themselves. I am here to be a voice for the voiceless. On top of that is veterans. Because I am again appalled at the fact that we

2 are once again detailing information about major
3 contracts and the veterans services initiative
4 for this county is again blank. Where is an
5 initiative that is focusing on involving veteran
6 businesses in this process? Just to say it's
7 going to go to an open bid process, to who?

8 We again have a bill on the books that I
9 was personally involved with putting together
10 with Legislator Curran that addressed veteran-
11 owned businesses in this county. But just to
12 have it on the books, probably 9,000 pages under
13 all this other nonsense, without having anything
14 active or mandated to really push it through so
15 that we could create business opportunities for
16 veteran-owned businesses and jobs for our
17 returning veterans and to keep those veterans,
18 who are among the 8,000-plus who are sitting on
19 the court records for foreclosure, who would not
20 qualify for the victims fund when they get put
21 out of their home, which to me is criminal, and
22 you're going to sit there and try to judge me and
23 admonish me. How dare you. How dare you.

24 This whole situation right here is a
25 farce. It's ridiculous, it's sad, but most

2 importantly it is costly to the residents. This
3 room can't be filled because most of the people
4 who are impacted by this are working two and
5 three jobs just to try to stay in this county.

6 CLERK PULITZER: Ma'am, your three
7 minutes are up.

8 MS. MEREDAY: So somebody has got to
9 stop it, whether it is this side - trust me, at
10 this point they are not going to agree to an
11 inspector general. If they're not even going to
12 give you the courtesy of a discussion, you need
13 to move forward.

14 This side. Start thinking for yourselves
15 and start representing your constituency.
16 Because people are tired. Tired. It's about
17 time. It is about time that you start speaking
18 your own mind and representing your constituency.

19 CHAIRMAN NICOLELLO: Ms. Mereday, could
20 you wrap up, please.

21 MS. MEREDAY: I will wrap up when I'm
22 ready to wrap up.

23 9-11 responders. \$500,000 was invested
24 in this and you got to find more money to fix
25 this. And you want to authorize more money to

2 try to do something, to do it wrong.

3 And as I said to you before when I was
4 sitting there, I will give you your respect and
5 apologize to you because I was not allowed to -
6 it was not public comment at that point. I will
7 give you that respect and apologize to you for
8 that.

9 CHAIRMAN NICOLELLO: You do not have to
10 apologize.

11 All in favor of 217-16 signify by saying
12 aye.

13 (Aye.)

14 Those opposed?

15 (Nay.)

16 LEGISLATOR CURRAN: I abstain.

17 CHAIRMAN NICOLELLO: Four-two-one. Four
18 votes in the affirmative, two negative, and one
19 abstention.

20 Item 231-2016 is an ordinance
21 supplemental to the annual appropriation
22 ordinance in connection with the Department of
23 Social Services.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MACKENZIE: Second.

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

4 The item is before the committee. Any
5 discussion among the legislators?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All in favor signify by saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 The item carries unanimously.

14 (Whereupon, the following is the minutes
15 of the Health and June 27, 2016, Public Safety
16 Committee pertaining to Clerk Item 231-16.)

17 CHAIRWOMAN WALKER: We have one item on
18 the original agenda, which is Clerk Item 231-16,
19 an ordinance supplemental to the annual
20 appropriation ordinance in connection with the
21 Department of Social Services.

22 May I have a motion, please?

23 LEGISLATOR KOPEL: So moved.

24 LEGISLATOR KENNEDY: Second.

25 CHAIRWOMAN WALKER: Motion by Legislator

2 Kopel, seconded by Legislator Kennedy.

3 We have Mr. Paul Broderick here.

4 MR. BRODERICK: Legislators, good
5 afternoon. Paul Broderick, Deputy Commissioner,
6 Department of Social Services.

7 The item before you is a supplemental
8 appropriation for \$41,400 to finance a local re-
9 entry task force called STEERS Program. Do you
10 have any questions?

11 CHAIRWOMAN WALKER: Any questions by the
12 legislators? Legislator Bynoe.

13 LEGISLATOR BYNOE: Hi, Paul. How are
14 you?

15 MR. BRODERICK: Good afternoon.

16 LEGISLATOR BYNOE: Could you tell me a
17 little bit more about what this re-entry task for
18 strategic plan is actually supposed to achieve
19 and who is going to be on the task force?

20 MR. BRODERICK: Absolutely. The STEERS
21 re-entry is basically reintroducing individuals
22 that are currently incarcerated back into the
23 community. It is a program which is run by DOCS,
24 correctional services. When people are
25 incarcerated they are selected for the program

2 and they work with individuals down here in the
3 county to seek employment and reintroduce them
4 back into the community, basically casework to
5 help them integrate back and, I guess, mend their
6 ways.

7 LEGISLATOR BYNOE: Okay. And who is
8 going to be part of the task force?

9 MR. BRODERICK: Actually, right now
10 there are funds in outside contract with FCA, and
11 they work in collaboration with the Department of
12 Social Services and New York State Parole.

13 LEGISLATOR BYNOE: Sorry. This amount
14 has been reduced from previous?

15 MR. BRODERICK: Actually, it's extending
16 the contract. New York State Corrections, they
17 are the ones who oversee the funding of this.
18 They are re-RFPing this contract. It was ending
19 July 1. They are re-RFPing, New York State is.
20 And I believe this for a period of July, August,
21 and September, and they are looking to re-
22 solicit. Really, it's an extension of the
23 contract.

24 LEGISLATOR BYNOE: Have we been able to
25 isolate some data that could tell us whether we

2 are actually achieving our projections or?

3 MR. BRODERICK: We have data. I don't
4 have anything with me unfortunately. But we have
5 different targets that we have to achieve for New
6 York State which we can, by all means, share with
7 you.

8 LEGISLATOR BYNOE: And does this include
9 going into the community at all and meeting the
10 folks where they reside?

11 MR. BRODERICK: That might be more on
12 the parole side, as opposed to more, you know,
13 find suitable housing, suitable employment. It's
14 really primarily employment, to try to get people
15 working in a meaningful manner.

16 LEGISLATOR BYNOE: Part of my concern is
17 that individuals who have been out of the jail
18 system for some time, still finding themselves
19 flounder and they're not really able to connect
20 in and find employment. I wanted to know if this
21 would help those individuals at all.

22 MR. BRODERICK: It does. However, I
23 mentioned earlier that they select the
24 individuals. This is a subset of the population
25 who are being reintroduced to their

2 neighborhoods. Not everyone fits in this
3 program. There is only so much volume that they
4 can manage to do case management for.

5 LEGISLATOR BYNOE: I guess then I would
6 like to see what is the selection criteria, how
7 you're determining who goes into the program.

8 MR. BRODERICK: Let me just assure you
9 that we don't. We are told who is. But we can
10 share that with you. We can get that from the
11 funding source.

12 LEGISLATOR BYNOE: Thank you.

13 LEGISLATOR GAYLOR: Madam Chairwoman,
14 question.

15 CHAIRWOMAN WALKER: Sure.

16 LEGISLATOR GAYLOR: This grant applies
17 to drug offenders that are currently in state
18 prisons being returned to the county, is that
19 correct?

20 MR. BRODERICK: I don't know what their
21 crimes WIA. We can definitely find out.

22 LEGISLATOR GAYLOR: My understanding is
23 it's the chemically dependent offenders that are
24 in the state prisons returning back to the county
25 that would get this outreach kind of help, I

2 guess.

3 These are state dollars we're talking
4 about, correct?

5 MR. BRODERICK: That is correct.

6 LEGISLATOR GAYLOR: Okay.

7 MR. BRODERICK: I'm not really sure of
8 their criteria, but I'm sure it captures across
9 all type of infractions.

10 LEGISLATOR GAYLOR: I'm not so sure of
11 that. I think it's only the chemically dependent
12 that we are specifically addressing today.

13 CHAIRWOMAN WALKER: That was my
14 understanding also.

15 LEGISLATOR BYNOE: I'm sorry. I'm sure
16 it's not addressing every single person that's
17 going to be entered back into the community that
18 had a drug-related, chemically-dependent related
19 arrest. There are some other criteria they're
20 using to then identify which one of those will
21 then be assisted. So I would like to know how
22 they do that, how it's determined.

23 MR. BRODERICK: They could be chemically
24 dependent but that might not be the nature of
25 their crime. We can definitely share information

2 with you on that.

3 CHAIRWOMAN WALKER: If you could get
4 that information to us as soon as possible, and
5 we will make sure we share it with everyone.

6 MR. BRODERICK: Absolutely.

7 CHAIRWOMAN WALKER: Thank you, Mr.
8 Broderick.

9 Any other questions or comments?

10 (No verbal response.)

11 Any public comment? Ms. Mereday.

12 MS. MEREDAY: Meta Mereday, Baldwin.

13 Again, Legislator Bynoe continues to encourage me
14 because she does ask the questions as it pertains
15 to my tax dollars. As I sit back and I'm
16 frustrated with the fact that my elected
17 officials continue to just nod heads when it
18 comes down to our money and you have these
19 questions that sit there but you just continue to
20 pass it along as if somebody else is going to be
21 responsible for it.

22 I can't see how you can fund an
23 initiative where you don't have all the
24 information presented to you - how this money is
25 actually being utilized, what is the success

2 rate? What are the benchmarks in place? The
3 determination of the participants. What is the
4 level of recidivism within that group set itself?
5 How can you just sit there and justify, well,
6 we're just going to move it forward? What will
7 it take to actually get that emphasis in place
8 that we have to stop somewhere? The bleeding has
9 to stop somewhere. We have to look at what we
10 are doing with people's money and their lives.
11 You have to stop somewhere.

12 And to have presentations - and no
13 offense to the presenters. But to have
14 presentations that are ill prepared and you're
15 still just voting for it anyway. That just
16 smacks to me of an ongoing systemic problem
17 within this body that does not seem to get any
18 relief.

19 Hearings don't do it. Criminal
20 convictions don't do it. The district attorney
21 coming here doesn't do it. You're renewing
22 contracts, extending deals. You're acting like
23 you want to do what is right by the people but
24 you are still, you know, embodying the same
25 nonsense that is costing people. The fact that

2 you have to legislate about zombie houses. You
3 have to address the issue that we have to do
4 something about re-entry.

5 Re-entry is not just about, you know,
6 helping them to mend their ways when they get out
7 and then they still don't have a job or they
8 don't have a job that gives them enough money so
9 that they can stay here. We don't provide them
10 enough resources so that they can move themselves
11 from their chemical dependency. So they repeat
12 those same bad habits, go back to those same
13 scenarios, and they look like all of us.

14 What is it going to take for you to
15 realize that this bleeding has to stop? And I
16 know my words are just bouncing in the air
17 because you got this side and you got that side.
18 But you're killing us. In the meantime, you're
19 killing us, killing us, because we're all one
20 body.

21 CLERK PULITZER: Ma'am your three
22 minutes are up.

23 CHAIRWOMAN WALKER: Any other comments?

24 (No verbal response.)

25 Any other public comments?

2 (No verbal response.)

3 All those in favor of Clerk Item 231-16
4 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Any abstentions?

9 (No verbal response.)

10 Then this will move on to Finance.

11 (Whereupon, the following is the
12 continuation of the minutes of the June 27, 2016,
13 Finance Committee meeting.)

14 CHAIRMAN NICOLELLO: The next item is
15 going to be an executive session so we will hold
16 that. We are going to hold 236-16 is also
17 executive session.

18 245-16 is a resolution authorizing the
19 County of Nassau to file an application for
20 federal assistance with the U.S. Department of
21 Housing and Urban Development.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRMAN NICOLELLO: Moved by Legislator
25 Walker, seconded by Legislator Kopel.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Item 235-16 is a resolution authorizing the signing of a New York State Department of Transportation Supplemental Grant Agreement for funds to support enforcement of high occupancy vehicle, H.O.V., traffic laws on the Long Island Expressway.

LEGISLATOR MACKENZIE: So moved.

LEGISLATOR WALKER: Second.

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

That item is before this committee.

I didn't say this before, but we ask that the testimony of the previous committees be incorporated by reference.

(Whereupon, the following is the minutes

1 Finance Committee - 6-27-16 54
2 of the June 27, 2016, Public Safety Committee
3 pertaining to Clerk Item 235-16.)

4 CHAIRMAN DUNNE: The first item to come
5 before this committee is Item 235-16, a
6 resolution authorizing the signing of the New
7 York State Department of Transportation
8 supplemental grant agreement for funds to support
9 enforcement of high occupancy vehicle (HOV)
10 traffic laws on the Long Island Expressway.

11 I have a motion by Denise Ford, seconded
12 by Rose Walker.

13 On this item, yes.

14 LIEUTENANT STEPHANOFF: Lieutenant Greg
15 Stephanoff from the police department.

16 Item 235 -

17 CHAIRMAN DUNNE: The motion was by
18 Denise Ford, seconded by Rose Walker. I'm sorry.

19 LIEUTENANT STEPHANOFF: Item 235-16 is a
20 grant from New York State for HOV lane
21 enforcement. It's for \$501,800. This is a - the
22 state supplemented just for the first six months
23 for this year. This is not a full year. This is
24 going to be a six-month grant.

25 This money is going to be used for extra

2 personnel to go out and patrol the HOV to enforce
3 the laws in relation to the HOV lanes. Also,
4 they will do auto accident, anything that comes
5 up in those HOV lanes will be enforced as well.

6 CHAIRMAN DUNNE: And this comes from the
7 state?

8 LIEUTENANT STEPHANOFF: Yes.

9 CHAIRMAN DUNNE: Fully funded. Okay.
10 Any questions by any of the legislators?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any against?

18 (No verbal response.)

19 This passes on to Finance.

20 (Whereupon, the following is the
21 continuation of the minutes of the June 27, 2016,
22 Finance Committee meeting.)

23 CHAIRMAN NICOLELLO: Any discussion on
24 this item?

25 (No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

It carries unanimously.

Item 236-16 is also an executive session item so we will come back to that.

Item 237-16 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, Recreation, and Museums, and the African American Genealogical Society.

LEGISLATOR WALKER: So moved.

LEGISLATOR KOPEL: Second.

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

Any discussion?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

2 It carries unanimously.

3 Item 241-2016 is a resolution to
4 authorize the transfer of appropriations
5 heretofore made within the budget for the year
6 2016.

7 LEGISLATOR MACKENZIE: So moved.

8 LEGISLATOR KOPEL: Second.

9 CHAIRMAN NICOLELLO: Moved by Legislator
10 MacKenzie, seconded by Legislator Kopel.

11 That item is before the committee.

12 Any discussion?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 That item carries unanimously.

21 Legislator Walker, do you want to make a
22 motion to suspend the rules?

23 LEGISLATOR WALKER: Yes. I'd like to
24 make a motion to suspend the rules.

25 LEGISLATOR KOPEL: Second.

2 CHAIRMAN NICOLELLO: Seconded by
3 Legislator Kopel.

4 All in favor of suspending the rules
5 signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 The rules are suspended.

10 We have an addendum. We have another
11 item that is going to go into executive session,
12 that's 240-16. We will call them all for
13 executive session at once.

14 Next several items - 242, 243, 244, 245,
15 246, 247, 248, 249, 250 - are all ordinances
16 supplemental to the annual appropriation
17 ordinance in connection with the Office of the
18 County Executive, Department of Health,
19 Department of Social Services, and the Medical
20 Examiner, Division of Forensic Services.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR KOPEL: Second.

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

25 Those items are before the committee.

Any 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.

(The following is the minutes of the June 27, 2016, Health Committee pertaining to Clerk Items 242, 243, 244, 245, 246, 247, 248, 249, 250-16.)

There are six items on the addendum. I first need a motion to suspend the rules.

LEGISLATOR GAYLOR: So moved.

LEGISLATOR KENNEDY: Second.

CHAIRWOMAN WALKER: Moved by Legislator Gaylor, seconded by Legislator Kennedy.

All in favor of suspending the rules?

(Aye.)

Again, there are six items on the agenda. I'm going to put all the health together.

Clerk Item 243-16, it is an ordinance

2 supplemental to the annual appropriation
3 ordinance in connection with the Department of
4 Health.

5 Clerk Item 244-16, Clerk Item 245-16,
6 Clerk Item 249-16, and 250-16 are also all
7 ordinances supplemental to the annual
8 appropriation ordinance in connection with the
9 Department of Health.

10 May I have a motion, please?

11 LEGISLATOR GAYLOR: Motion.

12 LEGISLATOR KOPEL: Second.

13 CHAIRWOMAN WALKER: Motion by Legislator
14 Gaylor, seconded by Legislator Kopel.

15 MS. GOETZ: We have Mary Ellen Laurain.

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

18 Item 243-16 is a supplemental
19 appropriation in the amount of \$54,172. This is
20 for the child and family safety grant. It's 100
21 percent funded through New York State Office of
22 Children and Family Services. This team reviews
23 all deaths of children who reside in Nassau
24 County and whose death is unexplained or
25 unexpected. This program just won a national

2 award for its Safe Sleep Program.

3 CHAIRWOMAN WALKER: Any questions by the
4 legislators for Ms. Laurain?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 Clerk Item 244-16.

9 MS. LAURAIN: Item 244-16 is a
10 supplemental appropriation in the amount of
11 \$43,145. This for our tuberculosis public health
12 campaign. This is an additional COLA award, and
13 it is funded through New York State Department of
14 Health. Total funding after this award is
15 \$566,745.

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

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 Clerk Item 245-16.

22 MS. LAURAIN: Item 245-16 is a
23 supplemental appropriation in the amount of
24 \$24,720. This is for our immunization action
25 plan. It is funded through New York State

2 Department of Health. It is also an additional
3 COLA award. Total funding after the award is
4 \$324,720. This program protects the public from
5 vaccine preventable diseases.

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

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 Clerk Item 249-16.

12 MS. LAURAIN: Item 249-16 is a
13 supplemental appropriation for the HIV
14 surveillance and partner notification in the
15 amount of \$283,552. This is New York State
16 Department of Health funded, and it is a mandated
17 program.

18 CHAIRWOMAN WALKER: Any questions or
19 comments from the legislators?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 Okay. Clerk Item 250-16.

24 MS. LAURAIN: Item 250-16 is a
25 supplemental appropriation in the amount of

2 \$214,775 for the childhood lead poison prevention
3 grant. This is funded through New York State
4 Department of Health and provides comprehensive
5 services to reduce the prevalence of blood lead
6 in children under age six.

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

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 Clerk Items 243, 244, 245, 249, and 250-
13 16, all those in favor signify by saying aye.

14 (Aye.)

15 Any opposed?

16 Any abstentions?

17 These items will move on to the Finance
18 Committee.

19 (Whereupon, the following is the
20 continuation of the June 27, 2016, minutes of the
21 Finance Committee meeting.)

22 CHAIRMAN NICOLELLO: Items 251 and 252
23 are resolutions to authorize the transfer of
24 appropriations heretofore made within the budget
25 for the year 2016.

LEGISLATOR KOPEL: So moved.

LEGISLATOR MACKENZIE: Second.

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

Any 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.

Item 253-2016 is a bond ordinance
providing for a capital expenditure to finance
the capital projects identified herein within the
County of Nassau and authorizing \$11,600,000 of
bonds of the County of Nassau to finance such
expenditure.

LEGISLATOR KOPEL: So moved.

LEGISLATOR WALKER: Second.

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

This is an item that obviously had much

2 debate about at the Full Legislature. It is the
3 attention of the Majority to move this along so
4 that it's in a position for the Full Legislature
5 at some point to be moved - to be passed, in
6 other words, so to expedite the process.

7 Did you have anything to add, Mr. Arnold?

8 MR. ARNOLD: In addition to my testimony
9 from the last Full Leg? No. Just that this is
10 an important project. It's associated with the
11 county's consent order. Under our fuel storage
12 tanks, it's holding up our moving forward with
13 work that is required to be done.

14 CHAIRMAN NICOLELLO: Okay. Thanks.

15 Any questions? Legislator DeRiggi-
16 Whitton.

17 LEGISLATOR DeRIGGI-WHITTON: In our
18 prior conversation, when Legislator MacKenzie
19 brought up a project, honestly, that contract,
20 after it was awarded, was one of the ones that I
21 had an issue with. I'm afraid that some of the
22 people that were involved with the company were
23 not disclosed prior to the vote. It was later
24 determined that there were possible relations,
25 even in the comptroller's office. It's just

2 another example of -

3 LEGISLATOR MACKENZIE: I'm sorry. I
4 didn't bring up any - name any person or any
5 contracts. What contract are you talking about?

6 LEGISLATOR DeRIGGI-WHITTON: You
7 mentioned the contracts when you mentioned with
8 your capital project.

9 LEGISLATOR MACKENZIE: G&M Land Moving
10 is the person who -

11 LEGISLATOR DeRIGGI-WHITTON: No. The
12 prior two contracts were awarded to someone who
13 was a possible relative to someone who worked in
14 the comptroller's office. So it's another
15 example of why we need further investigation into
16 these contracts.

17 LEGISLATOR MACKENZIE: It's not an
18 example of anything.

19 LEGISLATOR DeRIGGI-WHITTON: It
20 definitely is.

21 LEGISLATOR MACKENZIE: You shouldn't
22 make any allegations that there was any
23 impropriety there because there has never been an
24 allegation of any impropriety on those prior two
25 contracts, number one.

2 LEGISLATOR DeRIGGI-WHITTON: I don't
3 know.

4 LEGISLATOR MACKENZIE: And number two -

5 LEGISLATOR DeRIGGI-WHITTON: I know that
6 he's no longer in the comptroller's office.

7 LEGISLATOR MACKENZIE: the contract
8 that's currently was voted upon is with a
9 completely different company. So to try to
10 associate the two is reckless.

11 If you want to make allegations about
12 people and accuse them of wrongdoing on the
13 record that's your own -

14 LEGISLATOR DeRIGGI-WHITTON: I don't
15 take your word for that, MacKenzie, I'm sorry.

16 LEGISLATOR MACKENZIE: business. But
17 I'm not going to allow you to make allegations
18 about people when there were no allegations of -

19 LEGISLATOR DeRIGGI-WHITTON: There were
20 allegations of -

21 LEGISLATOR MACKENZIE: wrongdoing.

22 LEGISLATOR DeRIGGI-WHITTON: a
23 relationship between someone who worked in the
24 comptroller's office and someone who was a
25 principal in the contract, okay.

2 Do you know who the principals are at
3 this new company? Have you seen that list?
4 Because I haven't seen it yet. Do you know the
5 principals of that company that you just
6 mentioned? I haven't gotten a copy of it. So
7 we're hoping to get that.

8 LEGISLATOR MACKENZIE: You'd have to
9 speak to your staff; that's not my department.

10 LEGISLATOR DeRIGGI-WHITTON: I know.
11 It's a question of who the principals are of
12 that.

13 Just continuing on. I just also want to
14 mention that I don't go out of my way by sending
15 emails to elected officials in your district,
16 okay. I really don't. But speaking to a lot of
17 them was very interesting, including 22 phone
18 calls without a phone call back. So, anyway.

19 The Mayor of Bayville called you 22 times
20 before you called him back. I don't know.

21 LEGISLATOR MACKENZIE: I have no idea
22 what you're talking about, number one.

23 LEGISLATOR DeRIGGI-WHITTON: Ask him.
24 Ask him.

25 LEGISLATOR MACKENZIE: Number two. It's

2 absolutely untrue. I actually saw the gentleman
3 on Monday night and not a word was mentioned.
4 It's not true.

5 LEGISLATOR DeRIGGI-WHITTON: Right. But
6 you should talk to him about that.

7 LEGISLATOR MACKENZIE: Delia, I have no
8 idea what you're talking about, quite frankly -

9 CHAIRMAN NICOLELLO: Can we focus on
10 this item?

11 LEGISLATOR MACKENZIE: and I'm not going
12 to do a childish little debate with you. Can we
13 talk about the item?

14 LEGISLATOR DeRIGGI-WHITTON: I don't
15 know why you sent all the emails into my
16 district, but I thought that was childish,
17 honestly. I have copies of them if you want
18 them. Anyway.

19 Getting back to this item. I just wanted
20 to ask you about the - the report that was made
21 regarding these tanks, was there anything in
22 there indicating that there is actual leakage?
23 I'm just curious. That the tanks are actually
24 leaking.

25 MR. ARNOLD: The tanks are not leaking

2 at this moment. We're monitoring them
3 continuously.

4 LEGISLATOR DeRIGGI-WHITTON: Okay.
5 Thank you. I appreciate it. Thank you very
6 much.

7 MR. ARNOLD: But that doesn't solve the
8 point whether they're leaking or not. We have a
9 consent order with the EPA to put monitoring
10 controls on these tanks, and that's what this is
11 about. If these tanks were leaking, we'd be in
12 much worse condition with the EPA.

13 LEGISLATOR DeRIGGI-WHITTON: Thank you
14 very much.

15 CHAIRMAN NICOLELLO: Any other
16 questions?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 Hearing none; all in favor signify by
21 saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 LEGISLATOR CURRAN: I'm abstaining.

2 CHAIRMAN NICOLELLO: The item passes
3 four votes for, two votes no, and one abstention.
4 It moves on the Rules Committee.

5 Item 254-2016 is a bond ordinance
6 providing for a capital expenditure to finance
7 the capital projects identified herein within the
8 County of Nassau and authorizing \$6,088,000 of
9 bonds of the County to finance such expenditure.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN NICOLELLO: Moved by Legislator
13 Kopel, seconded by Legislator Walker.

14 This is the county match on the buses,
15 right?

16 MR. ARNOLD: That is correct. This has
17 presented previously to this body. This is the
18 ten percent match associated with the county bus
19 program.

20 CHAIRMAN NICOLELLO: Thank you. I have
21 a question for Mr. Setzer, who I see is in the
22 room.

23 MR. SETZER: Good afternoon, Mr.
24 Chairman.

25 CHAIRMAN NICOLELLO: Thank you for

joining us Mr. Setzer.

Just, could you tell us again, you went through, to me, a clear presentation of the problems that will result if we don't pass this. But could you give us that in a nutshell again?

MR. SETZER: Yes. I'd be happy to. There are quite a few different capital items in these projects, but the one that I focused on and the one that I think is the most urgent is the 28 bus order that's already been placed with the manufacturer. These are buses that will be delivered later this year and they are replacement buses. They are replacements for buses that are at least 12 years old and have at least half a million miles, some are more.

The issue that may not be apparent to everyone is that the buses that are being replaced have, in effect, an expiration date, a hard expiration date that we cannot go passed. Because they are compressed natural gas fueled, there are some federal rules that apply, they must be taken out of service, and so we must go ahead with this, I would say. We must go ahead with this procurement and we must fund it some

2 way. I suppose the alternative is to fund it out
3 of the operating budget, but that would have
4 other kinds of consequences that I think none of
5 us in the room here would like.

6 CHAIRMAN NICOLELLO: I saw a story in
7 the *Newsday* this week that apparently some bus
8 routes are being restored, as we speak.

9 MR. SETZER: That's correct. Two routes
10 were restored beginning this morning and two
11 routes that had been eliminated earlier in the
12 year were replaced with a different style of
13 route using a smaller bus. Yes, that's correct.

14 CHAIRMAN NICOLELLO: Obviously, we've
15 had meetings, in a bipartisan fashion we were all
16 in support restoration of those bus routes.

17 MR. SETZER: Correct.

18 CHAIRMAN NICOLELLO: But when I saw this
19 story I'm questioning myself. Why are we going
20 ahead with restoring bus routes when the - by
21 failing to pass the match we're in jeopardy of
22 running out of buses at the end of the year, so
23 to speak, because some of them are going to have
24 to be shelved and we're not going to have the new
25 buses in place. How does it make sense to go

2 ahead with restoration under those circumstances?

3 MR. SETZER: Mr. Chairman, my purpose
4 here today is to kind of just make sure that you
5 have all the facts involved here. I think that's
6 really a policy question that I'm in no position
7 to comment on.

8 CHAIRMAN NICOLELLO: All right.
9 Obviously we want to see the restorations, but at
10 the same time we don't want to be in a position
11 when these buses - when the older buses in our
12 fleet are being forced to go to the side and us
13 not having buses to replace them. That's a
14 nightmare scenario for most of us.

15 MR. SETZER: I would say that most any
16 course of action that I can imagine that doesn't
17 include maintaining the capital replacement
18 program as designed ultimately leads to service
19 reductions. Either we take money out of the
20 operating budget or we don't have enough buses or
21 some combination of those things.

22 CHAIRMAN NICOLELLO: Legislator Walker.

23 LEGISLATOR WALKER: I would just like to
24 make sure I understand this right. If we don't
25 move ahead with this - and we obviously have -

2 these buses have been ordered to your
3 specification. These buses are coming in.

4 MR. SETZER: That's correct, Legislator.

5 LEGISLATOR WALKER: Without this money
6 you will then really be forced to take it out of
7 your operating budget.

8 MR. SETZER: I think that would be the
9 alternative - that would be one alternative or
10 the county would have to find some other source
11 of local match for these buses.

12 LEGISLATOR WALKER: Now if you had to
13 take the money out of your operating budget,
14 would you still get the match from the federal
15 government?

16 MR. SETZER: No. These grants are ten
17 percent county, ten percent state, 80 percent
18 federal, and the county has to provide the local
19 match in order for the other dollars to flow.
20 So, no, we would not get any of it.

21 LEGISLATOR WALKER: So you - if you took
22 it out of your operating budget you would then be
23 lost without the other monies that you would have
24 received.

25 MR. SETZER: We would have to take 100

2 percent of the cost of the buses out of the
3 operating budget, which would be about 16 million
4 or else we'd have to take the local match out of
5 the operating budget, which would be 1.6 million,
6 either of which would have a huge effect.

7 LEGISLATOR WALKER: Huge effect.

8 MR. SETZER: Right.

9 LEGISLATOR WALKER: So, basically we
10 might then have a lot of new buses that might not
11 be going anywhere.

12 MR. SETZER: Yes. We'd have a newer
13 fleet but we wouldn't ultimately be able to
14 operate it.

15 LEGISLATOR WALKER: Operate the fleet,
16 right. Okay. Thank you.

17 CHAIRMAN NICOLELLO: Any other
18 questions? Legislator Bynoe.

19 LEGISLATOR BYNOE: Thank you, Chair.
20 Hi, Mr. Setzer.

21 MR. SETZER: Hello, Legislator Bynoe.

22 LEGISLATOR BYNOE: Quick question. When
23 are we required to pay or you, NICE Bus, required
24 to pay for those buses?

25 LEGISLATOR BYNOE: Each individual bus

2 is about 460,000 -

3 LEGISLATOR BYNOE: Yeah. When?

4 MR. SETZER: Oh. When?

5 LEGISLATOR BYNOE: When, yes.

6 MR. SETZER: I think the requirement is
7 30 days after the buses are delivered and accept
8 the cash has to be there to make that payment.

9 LEGISLATOR BYNOE: Okay. And when are
10 we expecting to take delivery?

11 MR. SETZER: September through December,
12 they will be delivered over that period of time.

13 LEGISLATOR BYNOE: September through
14 December.

15 MR. SETZER: Of this year, yes.

16 LEGISLATOR BYNOE: Okay. Thank you.

17 Can I have a copy of - can we,
18 collectively, the body, have a copy of contract?

19 MR. SETZER: The purchase contract for
20 the buses?

21 LEGISLATOR BYNOE: Yeah.

22 MR. SETZER: Certainly.

23 LEGISLATOR BYNOE: Thank you.

24 CHAIRMAN NICOLELLO: Legislator DeRiggi-
25 Whitton.

LEGISLATOR DeRIGGI-WHITTON: Thank you.

Do you happen to have the numbers that you had last time, last year for your company as far as the expenses and the profit? Do you have that information yet?

MR. SETZER: I don't have it with me but I can certainly provide that.

LEGISLATOR DeRIGGI-WHITTON: If you could send that to all of us. I'm just curious where the profit is this year as opposed to last year.

MR. SETZER: Certainly.

LEGISLATOR DeRIGGI-WHITTON: And the other thing that I have to just make a statement about, Rich is saying that these buses might not arrive and the earliest you expect them is sometime in November, might not arrive until December. So we're talking about January that we would have to really hand over these funds.

MR. SETZER: They will be delivered over the period of - they are each paid for individually. They are accepted by us and then paid for individually. The first one - the delivery schedule starts in September, so some

2 time in October we would owe payment for the
3 first one.

4 LEGISLATOR DeRIGGI-WHITTON: And how
5 long is that acceptance process? How long does
6 that normally take?

7 MR. SETZER: Legislator, it depends on
8 the condition of the bus that when it's
9 delivered, I would expect this to go very quickly
10 because these buses are identical to the last
11 delivery that we got earlier - or last year. The
12 manufacturer knows exactly what we'll approve and
13 what we'll accept, so I would expect them to be
14 accepted within a matter of days of delivery.

15 LEGISLATOR DeRIGGI-WHITTON: Do you know
16 long it took last year to get all of the buses
17 that we ordered, like how many months or how long
18 it took when you first started to accept them to
19 the last bus that you got?

20 MR. SETZER: I'm sorry. I don't
21 remember. It was a larger order. I think there
22 were 50-some buses in that order. But once they
23 began to be delivered, we got almost one a day.
24 I would expect that it would be a similar kind of
25 schedule this time.

2 LEGISLATOR DeRIGGI-WHITTON: The bottom
3 line is this is something we could be talking
4 about, like you said, at the end of the year into
5 January possibly for payment. I just wanted to
6 clarify that.

7 We're having a referendum in November
8 regarding the inspector general, so I'm hoping,
9 you know, by that time we will be much more
10 comfortable with the situation that we're in.

11 LEGISLATOR MACKENZIE: I'm sorry. Can
12 you just clarify something? I might have missed
13 this point. When does the matching have to
14 either be shown to be available or be available?
15 It's not as these buses are delivered. Am I
16 understanding correctly? It doesn't go on a bus-
17 by-bus basis, right?

18 MR. SETZER: Legislator, I think the
19 answer to that question is that when the county
20 filed the grant application with the federal
21 government it made a commitment that the local
22 match would be available. It's not so much a
23 question of when but from where will that local
24 match be provided.

25 CHAIRMAN NICOLELLO: Any other

2 discussion?

3 (No verbal response.)

4 Thank you, Mr. Setzer.

5 MR. SETZER: Thank you.

6 CHAIRMAN NICOLELLO: Any public comment?

7 MR. ARNOLD: Just one clarification.

8 CHAIRMAN NICOLELLO: Sure.

9 MR. ARNOLD: On the testimony during the
10 tanks, West Shore Road Phase 3 was approved by
11 this body. So all the principals and vendor
12 disclosure were provided.

13 CHAIRMAN NICOLELLO: Okay.

14 Ms. Mereday. Ms. D'Alewa.

15 MS. D'ALLEVA: I just also want to add
16 that once the buses get delivered and payment is
17 put forth, we're supposed to pay in 72 hours, so
18 we don't really have 30 days. So once they are
19 delivered, payment has to be within 72 hours in
20 order for us to receive the funds from the
21 federal government.

22 LEGISLATOR DeRIGGI-WHITTON: So Mr.
23 Setzer was incorrect?

24 MS. D'ALLEVA: I believe so. Those are
25 the qualifications for the grant.

2 LEGISLATOR DeRIGGI-WHITTON: Can you
3 just provide us that information?

4 MS. D'ALLEVA: Sure.

5 CHAIRMAN NICOLELLO: Thank you.

6 Any other questions for Ms. D'Alewa?

7 (No verbal response.)

8 Thank you.

9 Ms. Mereday.

10 MS. MEREDAY: Meta Mereday, Baldwin, New
11 York.

12 Again, I strongly suggest that the body
13 take into consideration the needs of the
14 residents, particularly those who require this
15 transportation. This is their only means of
16 transportation.

17 I get it. Trust me. As you can see,
18 look around. I'm one of the few that comes here.
19 Because I pretty much work the overnight shift.
20 And yes, I do have physical limitations,
21 particularly the rugs in this room, because I am
22 sick when I leave here but I still have to work
23 overnight, just so we have that clear.

24 But we have to take into consideration
25 that agreeing to this scenario as it relates to

2 the residents who need the buses, agreeing in
3 body and unanimously takes nothing away from the
4 fight to have the procurement process overview
5 that is sorely needed in this county.

6 Again, I know I'm probably just talking
7 to myself on a microphone, which is okay, I talk
8 to myself often. It's all right. Sometimes I
9 agree. And since it's me, myself, and I there is
10 usually a split decision. Again, as Norma said
11 earlier, sometimes you just need a little humor
12 once in a while. That's important.

13 One other point I wanted to make in terms
14 of the earlier aspect of this. As I said, just
15 today there was a press conference at the White
16 House in terms of tech hiring grants that were
17 distributed. Four million dollars, you may not
18 know, went to LaGuardia Airport for programs for
19 advanced training to assist re-entry candidates,
20 low income, veterans and those particularly who
21 live in high cost regions, to prepare them so
22 that they could get jobs so that they can live in
23 these high-cost regions. LaGuardia Community
24 College got \$4 million. Suffolk Community
25 College got \$2.9 million. Westchester Community

2 College got \$4 million. Where is Nassau? Where
3 is Nassau County?

4 Last year Rochester got \$100,000 for
5 their veterans' facility. Nassau County doesn't
6 even have a veterans' facility. Again, where is
7 Nassau?

8 Let us think about the things that we are
9 doing and the reason why we're doing it. You may
10 represent parties - republican, democrat, I get
11 it - but overall you represent the people. So
12 let's just put the issues aside in this instance
13 because the bus has nothing to do with this
14 situation. Give those residents the resources
15 that they need so that they can stay in Nassau
16 County and provide the work that needs to get
17 done.

18 Thank you.

19 CHAIRMAN NICOLELLO: Thank you.

20 Hearing no further public comment; all in
21 favor signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 The item passes by a vote of five to two.

We now have three executive session items - before we go to executive session, actually, Item 239-16 I skipped before - it's an ordinance providing for a capital expenditure to finance the payment of certain judgments or compromised or settled claims against the County of Nassau and authorizing \$45 million of bonds of the county to finance said expenditure.

LEGISLATOR KOPEL: So moved.

LEGISLATOR WALKER: Second.

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

The item is before the committee.

Without getting into the merits of this underlying case, could you explain to us what the \$45 million bond is for?

MS. LOCURTO: Absolutely, Legislator.

CHAIRMAN NICOLELLO: Again, you don't have to get into the merits but I understand it has to do with the appeals that are going to the Second Circuit. Procedurally, I think you could put that on the record without touching anything having to do with the merits of the case.

MS. LOCURTO: I will do that. The

purpose of this bond ordinance is to take the place of a posting of a supersedeas bond in the civil litigation of the *Restivo/Halstead* matter. After a second civil trial and jury determination of \$36 million, the plaintiff sought enforcement of the judgment, plus attorney's fees. Appeals of the first civil jury trial and the second trial were made and they are currently being litigated.

In federal court, a stay of enforcement of a judgment is not automatic even though the case is on appeal. You have to seek a stay from the federal court, and for it to be granted you normally, civil litigants would post a supersedeas bond. The county cannot post a supersedeas bond because there are just too many impediments to doing that, one that it's just economically too expensive and also it's not feasible, as in order to post a bond you would have to put up a form of collateral and there is no asset that the county can put up as collateral because it obviously belongs to the public, the county. So in lieu of posting the bond the court has accepted a bond ordinance, which will

2 demonstrate the county's ability to pay, in lieu
3 of a supersedeas bond. This is similar, to
4 refresh your recollection, to what happened with
5 the strip search litigation. The county was
6 seeking a bond ordinance instead of posting the
7 bond.

8 The county is not obligated to pay
9 anything until a final judgment is reached and
10 there are no further appeals that are taken. So
11 the legislature's vote today, if it did vote in
12 the affirmative, is only for the approval
13 authority bond subject to certain conditions,
14 such as the litigation being final, no other
15 appeals are going to be taken, and also subject
16 to NIFA approval. This is simply to put in place
17 a mechanism.

18 I think that - that's required by
19 stipulation.

20 CHAIRMAN NICOLELLO: Required by
21 stipulation or by the court?

22 MS. LOCURTO: It was stipulated and so
23 ordered by the court.

24 CHAIRMAN NICOLELLO: Any questions?
25 Legislator Curran.

2 LEGISLATOR CURRAN: I hate to admit this
3 but I'm not a lawyer, and I did not completely
4 understand everything you said. So could you
5 please describe it as if I was in elementary
6 school, like an intelligent fourth grader?

7 MS. LOCURTO: Okay. When you litigate a
8 case, if you lose or if you lose the case and say
9 I want to appeal that case, normally in state
10 court a municipality is entitled to a stay while
11 the appeal process is playing out, because I
12 shouldn't have to pay until I know what the
13 appeal court is going to say. In the federal
14 court the rules are slightly different. You
15 don't get to stay the enforcement while the
16 appeal is pending. You have to make an
17 application and the federal judge has to grant
18 you permission to stay the enforcement. In one
19 of the things you can argue to say why a stay
20 should be in place is you have to demonstrate to
21 the court that the litigant, at the end of the
22 appeal, has the ability to pay. How you
23 demonstrate your ability to pay is you can post a
24 bond, what they call a supersedeas bond. The
25 civil litigant says - normally, for example, you

would say I put up collateral, I put up my house, because it's a million dollar judgment, I have a \$500,000 house or whatever and I'll put up my house as an asset to guarantee that I have the ability to pay. We're in a unique situation because we're not the typical civil litigant, we're a municipality. Our funding and our ability to pay is either because we can borrow, if it's an extraordinary judgment, we can raise taxes to pay our judgments, those are the means of paying. So we have advocated to the court saying we, one, we want a stay because it's on appeal and we don't know the outcome of the appeal. Maybe I ultimately don't have to pay the judgment because it's going to be overturned on appeal. And I don't want to post a supersedeas bond because I'm not the typical civil litigant. I'm a government. I can't, you know, normally you could put up collateral of your home or whatever. But I can't put up because the county assets are not such that they lend themselves. Plus, the financial burden of posting that bond and paying for it is just too extraordinary for the municipality.

2 To show the court, to demonstrate, look,
3 the municipality is going to pay if and when
4 there are no further appeals going to be taken,
5 there is no further impediment to pay, that the
6 judgment is final and we are obligated to pay, we
7 are asking the court to say - we're demonstrating
8 to the court our good faith that we're going to
9 have - in the event we have to pay, we're hoping
10 we don't have to pay. But in the event we do
11 have to pay, we're going to create a mechanism,
12 which is this bonding approval. We're going to
13 have a bond in place approved that if we have to
14 pay, and it's all conditioned. If you read the
15 backup in the bond, it's all conditioned of
16 certain things happening. But if, at the end of
17 the day, we have to pay, the bond is in place and
18 ready to be paid should the county be obligated
19 to pay.

20 LEGISLATOR CURRAN: Great. Thank you
21 very much.

22 MS. LOCURTO: You're welcome.

23 LEGISLATOR CURRAN: Well done.

24 CHAIRMAN NICOLELLO: Any additional
25 questions? Legislator DeRiggi-Whitton.

2 LEGISLATOR DeRIGGI-WHITTON: Is there a
3 deadline for the adoption of this ordinance?

4 MS. LOCURTO: I'm not quite sure what
5 you mean by a deadline -

6 LEGISLATOR DeRIGGI-WHITTON: Is there a
7 day or a date that you have from the courts? Is
8 there anything in writing stating that?

9 MS. LOCURTO: The court has asked us to
10 put it on the calendar to be presented to the
11 legislature and that's what we're doing right
12 now, we're presenting it to the legislature.

13 LEGISLATOR DeRIGGI-WHITTON: Did they
14 give you any indicating as to a date?

15 MS. LOCURTO: As soon as practical.

16 LEGISLATOR DeRIGGI-WHITTON: As soon as
17 possible? Is that in the order? Do you have the
18 copy of the order?

19 MS. LOCURTO: I provided it to your
20 counsel.

21 LEGISLATOR DeRIGGI-WHITTON: Is there a
22 date in that?

23 MS. LOCURTO: There is not a specified
24 date.

25 LEGISLATOR DeRIGGI-WHITTON: I have to

2 also just go back. If we're not going to use the
3 litigation fund from the ways that NIFA
4 suggested, I think this is the perfect example of
5 when we should use it. I think we should
6 definitely use the litigation fund for this. I
7 can't understand why we wouldn't.

8 How much does this type of bond cost?

9 DEPUTY COUNTY EXECUTIVE NAUGHTON: Hi.
10 Eric Naughton, Deputy County Executive for
11 Finance.

12 Legislator, this is the exact case where
13 you should not litigation fund. The litigation
14 fund, NIFA agreed we would not use it for
15 extraordinary types of litigation. A \$45 million
16 payment would qualify as extraordinary. That is
17 something that we should bond for.

18 LEGISLATOR DeRIGGI-WHITTON: But how
19 much - to get this type of bond, first of all, we
20 used it for Oyster Bay, but - if we're talking
21 about this type of bond -

22 DEPUTY COUNTY EXECUTIVE NAUGHTON: That
23 was a different example. That example, we saved
24 money by being able to settle it quickly.

25 LEGISLATOR DeRIGGI-WHITTON: The bond

2 for the 45 million is how much?

3 DEPUTY COUNTY EXECUTIVE NAUGHTON:

4 Depending on the market, and right now we don't
5 have to go out for it but the interest rate may
6 be about three percent, mostly. Again, to pay
7 for something of that -

8 LEGISLATOR DeRIGGI-WHITTON: This is for
9 45 million, we're talking three percent of the 45
10 million.

11 DEPUTY COUNTY EXECUTIVE NAUGHTON: That
12 is correct.

13 LEGISLATOR DeRIGGI-WHITTON: So we're
14 talking about getting the bond, right, we only
15 need three percent of what we're bonding for.

16 DEPUTY COUNTY EXECUTIVE NAUGHTON: No.
17 Right now all they're asking for right now is the
18 bond ordinance, that's all that's be asked for at
19 this moment.

20 LEGISLATOR MACKENZIE: Delia, can I just
21 interject to clarify something? I don't want to
22 interrupt you.

23 LEGISLATOR DeRIGGI-WHITTON: Go ahead.
24 If it's okay with the Chairman.

25 CHAIRMAN NICOLELLO: Legislator

2 MacKenzie.

3 LEGISLATOR MACKENZIE: The whole point
4 of this is the court is allowing us just to pass
5 the ordinance which allows us to take a bond
6 without actually taking the bond.

7 DEPUTY COUNTY EXECUTIVE NAUGHTON: That
8 is correct.

9 LEGISLATOR MACKENZIE: So there would be
10 no need whatsoever to spend any money unless
11 ultimately we lost the appeals and the case. And
12 this mechanism is permitting us to just simply
13 pass an ordinance which allows us to borrow money
14 in the future if necessary and to satisfy the
15 court that that authority is given. Is that
16 correct?

17 DEPUTY COUNTY EXECUTIVE NAUGHTON: That
18 is absolutely correct, Legislator MacKenzie.

19 LEGISLATOR MACKENZIE: So this will
20 cause the county in the immediate term to borrow
21 no money and cost nothing other than passing this
22 ordinance and the two cents the paper cost.

23 DEPUTY COUNTY EXECUTIVE NAUGHTON: No
24 bonds would be issued.

25 CHAIRMAN NICOLELLO: Legislator DeRiggi-

2 Whitton.

3 LEGISLATOR DeRIGGI-WHITTON: Okay. So
4 let's say for some reason we don't win and we
5 have to pay the 45 million. Do you have to come
6 back to us or you can just go ahead and do it?

7 DEPUTY COUNTY EXECUTIVE NAUGHTON: I'll
8 defer to counsel on that one.

9 MS. LOCURTO: No. We don't come back to
10 the legislature. However, it is still subject to
11 NIFA approval. The sale of any bond proceeds
12 would require NIFA to approve.

13 LEGISLATOR DeRIGGI-WHITTON: So us
14 giving the okay for this ordinance basically is
15 okaying the \$45 million in bonding should you
16 use.

17 MS. LOCURTO: If necessary. It's
18 conditioned, though.

19 LEGISLATOR DeRIGGI-WHITTON: I
20 understood what you said. I think we're really
21 actually giving the okay to bond for the 45
22 million should we not be successful.

23 CHAIRMAN NICOLELLO: Legislator
24 MacKenzie.

25 LEGISLATOR MACKENZIE: I'm sorry. I

2 misunderstood your position. I thought you said
3 that the cost of the bonding wouldn't be that
4 much and we should use the litigation fund to pay
5 for the cost of the bonding. So I was just trying
6 to clarify what was going on. I know exactly
7 what this does. And I know that in the
8 eventuality if they lose, that's giving authority
9 to bond for it.

10 LEGISLATOR DeRIGGI-WHITTON: I thought
11 that there was a small amount that we had to pay
12 upfront to get it. If that's not the case, then
13 that's great. But we're still going ahead and
14 giving you the 45 million should we lose without
15 you coming back to the legislature.

16 CHAIRMAN NICOLELLO: Legislator Kopel.

17 LEGISLATOR KOPEL: Legislator DeRiggi-
18 Whitton, the only thing that I would also point
19 out is that if you go ahead and spend the money
20 out of the bond fund - I'm sorry, the litigation
21 fund - besides for the fact that you're
22 decreasing the amount available in that fund for
23 use in litigation settlements which it's needed
24 for. In the event that this bond - in the event
25 that we lose all the appeals, this bond could be

2 called upon. Isn't that right?

3 DEPUTY COUNTY EXECUTIVE NAUGHTON: If we
4 lose, yes, then we could use the bond.

5 LEGISLATOR KOPEL: The bond would be
6 called upon. We'd have to fund that somehow. We
7 wouldn't have any choice. Not only that, they
8 could actually, I suppose if we didn't take care
9 of it immediately, pull money out of our
10 accounts. All kinds of nasty stuff can happen.
11 And we really don't have a great deal, as much as
12 I think I've shown over the years, I don't like
13 to borrow money. This is one of those cases that
14 I think that maybe we just don't have a choice.
15 But to go ahead and authorize it because a
16 judgment is a judgment and it's got to be paid
17 one way or the other if it happens. This is a
18 no-cost way of just hedging our best for the time
19 being.

20 CHAIRMAN NICOLELLO: Legislator
21 MacKenzie and then Legislator DeRiggi-Whitton.

22 LEGISLATOR MACKENZIE: I'm sorry. I
23 think that it would make even less sense to pay
24 this out of actual cash funds or bond premiums
25 now because it's still under appeal. Isn't the

2 whole point of this to stop us from paying now,
3 give us an opportunity to appeal, and in the
4 event that we're successful we won't pay
5 anything. So why would we pay now if the case
6 isn't concluded? I'm not sure why we would -
7 well, I think that's almost a question.

8 LEGISLATOR DeRIGGI-WHITTON: Let's say
9 this. If the bonding is approved for the 45
10 million - let's say, hopefully we can even come
11 in with a lesser verdict, maybe we should at
12 least consider using part of the legal fund to
13 pay for at least part of it rather than bonding
14 the full amount. If we're not going to use it
15 for anything else, we should use it for this.

16 MS. LOCURTO: Legislator, can I just
17 clarify. The judgment - there was a jury
18 determination and an award of \$36 million. There
19 is also attorney's fees on top of that was
20 awarded. We're up to \$42 million. If we lose
21 the appeal it's, at a minimum, \$42 million plus
22 there could be additional fees including the
23 attorneys' fees that were incurred for the
24 appeal. So why we're asking for 45, it's an
25 estimate of the total amount.

2 So it's not - if all appeals are
3 exhausted and the county ultimately has to pay,
4 the final number is going to be, at a minimum, 42
5 to 43 million, upwards, based on our estimates,
6 of up to \$45 million. So that's why you're being
7 asked for 45 million.

8 LEGISLATOR DeRIGGI-WHITTON: If they're
9 successful.

10 MS. LOCURTO: I just want to clarify
11 that there's no - the verdict is the verdict.
12 The number is fixed.

13 LEGISLATOR DeRIGGI-WHITTON: So when you
14 appeal the judge is not given the option of
15 mitigating the award?

16 MS. LOCURTO: Not under these
17 circumstances. We're either going to pay zero or
18 we're going to pay -

19 LEGISLATOR DeRIGGI-WHITTON: Why is
20 that? I've never heard of that. Wait. You're
21 either going to get zero or 45 million?

22 MS. LOCURTO: We're either going to win
23 the appeal and - because the original civil trial
24 number one, there was no liability found against
25 the county or the named defendants. So if -

2 CHAIRMAN NICOLELLO: Just as long as you
3 are comfortable with this that's fine.

4 MS. LOCURTO: Now we're going into
5 executive session.

6 CHAIRMAN NICOLELLO: Just as long as you
7 are comfortable with continuing.

8 MS. LOCURTO: Right.

9 CHAIRMAN NICOLELLO: But I wouldn't
10 stray too far into anything having to do with the
11 merits.

12 MS. LOCURTO: Sure. That is what is on
13 the record. Civil trial number one, jury
14 verdict, no liability against the county who are
15 defendants. That verdict, there were three
16 defendants, the verdict was set aside for two of
17 them and a second civil trial was ordered. That
18 second civil trial resulted in a jury award of
19 \$36 million. That trial number one and trial
20 number two are being appealed. We hope that the
21 verdict in trial one, which says no liability
22 against the county and no liability against the
23 defendants, stands. But we don't know the
24 outcome of that. The Appellate Court could say
25 second civil trial verdict stands, so you have to

2 pay money. Or there could be a third, which is
3 they could order a completely new trial and it
4 could be a completely new amount, depending on
5 whether or not - what the jury finds.

6 LEGISLATOR DeRIGGI-WHITTON: So did we
7 appeal the damage end of this verdict?

8 MS. LOCURTO: We appealed everything -
9 damages -

10 LEGISLATOR DeRIGGI-WHITTON: So what you
11 said before about it being zero or 45 is just on
12 the liability, but the damages is going to be
13 also heard at some point, correct? Is it
14 bifurcated, basically, like we have the liability
15 and then -

16 MS. LOCURTO: I'm not sure. It's
17 unlikely that they will reduce it. It was a jury
18 award, a jury finding of liability and they
19 determined the amount.

20 LEGISLATOR DeRIGGI-WHITTON: But we're
21 appealing it.

22 MS. LOCURTO: I don't know if we should
23 go further without going into executive session.

24 LEGISLATOR DeRIGGI-WHITTON: Okay. When
25 answering - are we appealing the damages, the

2 answer is?

3 MS. LOCURTO: Yes.

4 LEGISLATOR DeRIGGI-WHITTON: We are.

5 MS. LOCURTO: Yes.

6 LEGISLATOR DeRIGGI-WHITTON: If we're
7 appealing it, we're not doing it for no reason,
8 we're doing it to see if we can get reduced
9 damages.

10 MS. LOCURTO: It's unlikely that they're
11 going to reduce the damages.

12 LEGISLATOR DeRIGGI-WHITTON: Listen.
13 I'm not going to ask you to surmise what a jury
14 is going to do or a judge, rather. I'm sorry, a
15 judge. Why are we appealing if it's unlikely?

16 CHAIRMAN NICOLELLO: The bottom line is
17 the judge so ordered the stipulation saying that
18 \$45 million is what we were required to authorize
19 in bonding.

20 MS. LOCURTO: Correct. Because if
21 that's upheld, then that's what we're going to be
22 required to pay.

23 CHAIRMAN NICOLELLO: Just a question for
24 you. Personal injury cases when they go up, in
25 the state courts the damages can be reduced by

2 the courts. Is that likely in a civil rights
3 case that the Second Circuit is going to look at
4 the damages and say, no, it's another number?

5 MS. LOCURTO: You are correct in your
6 statement.

7 CHAIRMAN NICOLELLO: Legislator Bynoe,
8 did you have something to add?

9 LEGISLATOR BYNOE: I was just suggesting
10 that maybe we go into executive session because I
11 felt like we were going a little too far deep.

12 CHAIRMAN NICOLELLO: We have to go into
13 executive session with the other items anyway, so
14 why don't we just continue this in executive
15 session. But let me call the other items first.

16 Item 236-16, a resolution authorizing the
17 county attorney to compromise and settle the
18 claims of plaintiff, Kathleen McQuade, as set
19 forth in an action entitled *Kathleen McQuade v.*
20 *The County of Nassau*. That was 233. I'm sorry.

21 236 is a resolution authorizing the
22 county attorney to compromise and settle the
23 claims of plaintiff, Michael Bresnahan, as set
24 forth in an action entitled *Michael Bresnahan v.*
25 *The County of Nassau*.

2 Item 240-16 is a resolution authorizing
3 the county attorney to compromise and settle the
4 claims of David Page, as set forth in an action
5 entitled *David Page v. The County of Nassau*.

6 I would ask for a motion on these four
7 items to go into executive session. I'm going to
8 actually back up a second. I don't know that I
9 put those items before us.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRMAN NICOLELLO: Moved by Legislator
13 Walker, seconded by Legislator Kopel.

14 The items are on the table. We have a
15 total of four items on the table now.

16 I ask for a motion to go into executive
17 session.

18 LEGISLATOR MACKENZIE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRMAN NICOLELLO: Legislator
21 MacKenzie moves to go into executive session,
22 seconded by Legislator Walker.

23 All in favor of executive session signify
24 by saying aye.

25 (Aye.)

2 Those opposed?

3 (No verbal response.)

4 We are in executive session.

5 (Whereupon, the Finance Committee
6 recessed into executive session at 4:36 p.m.)

7 (Whereupon, the Finance Committee
8 reconvened at 5:26 p.m.)

9 CHAIRMAN NICOLELLO: I call the Finance
10 Committee back to order. We are out of executive
11 session. I am going to call three of the four
12 items first.

13 233, 236, and 240-2016. Any further
14 discussion?

15 (No verbal response.)

16 Public comment?

17 (No verbal response.)

18 All in favor of those three items signify
19 by saying aye.

20 (Aye.)

21 That carries unanimously.

22 Now I'm going to call Item 239-2016.

23 Any further discussion on that item?

24 That's the one involving the \$45 million in
25 bonds. Legislator DeRiggi-Whitton.

2 LEGISLATOR DeRIGGI-WHITTON: I just want
3 a clarification from Lisa Locurto. I understand
4 that the purpose of the bond is pretty much just
5 show good faith and hold off while we appeal. Is
6 that correct?

7 MS. LOCURTO: Yes.

8 LEGISLATOR DeRIGGI-WHITTON: Have we
9 started the appeal process with this?

10 MS. LOCURTO: Yes. The appeals have
11 been filed and oral argument was heard April
12 2016, I believe April 5, 2016.

13 LEGISLATOR DeRIGGI-WHITTON: So we
14 already appealed this, basically.

15 MS. LOCURTO: The appeal has been
16 briefed and there has been oral argument. The
17 decision, we are still awaiting decision on that
18 appeal.

19 LEGISLATOR DeRIGGI-WHITTON: So we're
20 waiting for the decision. I thought when you
21 first came up that you said we were doing this to
22 protect us while we were going to appeal.

23 MS. LOCURTO: Yes, that's true.

24 LEGISLATOR DeRIGGI-WHITTON: But we've
25 already done it.

2 MS. LOCURTO: We are still in the appeal
3 process. We are still appealing.

4 LEGISLATOR DeRIGGI-WHITTON: We're
5 waiting for the decision.

6 MS. LOCURTO: And now we're waiting for
7 the decision, yes.

8 LEGISLATOR DeRIGGI-WHITTON: I have to
9 be honest. I got a completely different
10 impression from your testimony earlier, just
11 saying that we were going to do this to reserve
12 our right to appeal. It was basically, it was my
13 impression that we hadn't started the process
14 yet. We were going to do this while we went
15 through the appeal process.

16 MS. LOCURTO: I'm clarifying now. I
17 hope you - I've answered your question, that you
18 understand the process.

19 LEGISLATOR DeRIGGI-WHITTON: The order
20 that we talked about, the stipulation, that was
21 signed about a year ago?

22 MS. LOCURTO: Yes.

23 LEGISLATOR DeRIGGI-WHITTON: And you're
24 going to provide us with a copy of that? Oh, you
25 have it. Okay.

2 MS. LOCURTO: I believe I already said
3 on the record that I already provided a copy to
4 your counsel. But I can provide it again.

5 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.
6 I forgot that my attorney has it. But if we
7 could just get the copy of the communication that
8 was discussed, as far as requesting the bonding,
9 we discussed that inside.

10 MS. LOCURTO: Yes, Legislator. I have
11 your request from executive session and we will
12 provide it.

13 LEGISLATOR DeRIGGI-WHITTON: We're going
14 to need that before our next meeting.

15 MS. LOCURTO: Before the Full vote,
16 understood.

17 LEGISLATOR DeRIGGI-WHITTON: Which is in
18 two weeks.

19 We're going to hold off on this until we
20 get that information.

21 CHAIRMAN NICOLELLO: I'm going to call
22 for a vote on the item.

23 All in favor signify by saying aye.

24 (Aye.)

25 Those opposed?

2 (Nay.)

3 Passes by a vote of four to three.

4 There is one other item of business.

5 There was an item that was tabled in the last
6 Finance Committee.

7 Item 197-2016, a resolution to authorize
8 the transfer of appropriations heretofore made
9 within the budget of the year 2016.

10 LEGISLATOR MACKENZIE: So moved.

11 LEGISLATOR WALKER: Second.

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

14 The item is before the committee. I'm
15 sorry. That was a motion to untable. So we have
16 a motion to untable.

17 All in favor of untabling this item
18 signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 It carries unanimously. It's now before
23 the committee again.

24 Ms. D'Alewa.

25 MS. D'ALLEVA: Hi. Item 197 is a board

2 transfer from fringe benefits and assessment to
3 other departments, various departments.

4 CHAIRMAN NICOLELLO: Any questions on
5 this item? Legislator DeRiggi-Whitton.

6 LEGISLATOR DeRIGGI-WHITTON: Roseanne,
7 how is there so much available funds in the
8 assessment administration salaries? Do you know
9 what caused that availability?

10 MS. D'ALLEVA: There are 11 vacancies
11 there.

12 LEGISLATOR DeRIGGI-WHITTON: Eleven
13 vacancies in the assessment.

14 MS. D'ALLEVA: Yeah.

15 LEGISLATOR DeRIGGI-WHITTON: Do you have
16 a list of the titles that are vacant?

17 MS. D'ALLEVA: I can get that for you.

18 LEGISLATOR DeRIGGI-WHITTON: How many
19 are total - how many in place do we have in the
20 assessment office?

21 MS. D'ALLEVA: A little over 100.

22 LEGISLATOR DeRIGGI-WHITTON: So we're
23 down about ten percent.

24 With the - where we're transferring to,
25 why is there a need to put additional funds in

2 there? Were there salary increases, or?

3 MS. D'ALLEVA: Well, predominantly in
4 assessment, actually it's just going from -
5 they're funding their own shortfall. There were
6 issues with their general expenses because of
7 mailings that were not contemplated in the
8 original budget.

9 LEGISLATOR DeRIGGI-WHITTON: The
10 mailings from the assessment office, is that what
11 you're talking about?

12 MS. D'ALLEVA: Yes. There were two new
13 programs, the DAF fund and also the income and
14 expense. There were a couple of mailings that
15 were not predicated in the budget. So,
16 therefore, there was a shortfall in the general
17 services line which they are funding within their
18 own department.

19 LEGISLATOR DeRIGGI-WHITTON: Okay. So
20 do you know offhand if any of these increases
21 that are needed are caused by raises?

22 MS. D'ALLEVA: I believe the public
23 administrator.

24 LEGISLATOR DeRIGGI-WHITTON: The public
25 administrator. The 35,000 would be due to a

2 raise?

3 MS. D'ALLEVA: I believe so, yes.

4 LEGISLATOR DeRIGGI-WHITTON: As far as -

5 MS. D'ALLEVA: And I believe there was a
6 promotion in purchasing as well.

7 LEGISLATOR DeRIGGI-WHITTON: For the
8 30,000?

9 MS. D'ALLEVA: Yeah. And there was also
10 -

11 LEGISLATOR DeRIGGI-WHITTON: These are
12 all raises.

13 MS. D'ALLEVA: No, they are not all
14 raises. Also, in purchasing there was a
15 termination so that's terminal leave funding that
16 was also not predicated in the budget and the
17 person left at the end of December.

18 The increase for the public administrator
19 is for the administrator himself.

20 LEGISLATOR DeRIGGI-WHITTON: Wait.
21 Let's go back. So the public administrator, that
22 35,000 is not a raise?

23 MS. D'ALLEVA: That was a raise.

24 LEGISLATOR DeRIGGI-WHITTON: Okay. So
25 that's a raise. You just said no.

2 MS. D'ALLEVA: I meant for purchasing.
3 Purchasing was a terminal leave.

4 LEGISLATOR DeRIGGI-WHITTON: So this one
5 is a raise for the \$35,000. The one for the
6 service purchasing is also a \$30,000 raise?

7 MS. D'ALLEVA: No. That was for
8 terminal leave. I misspoke before.

9 LEGISLATOR DeRIGGI-WHITTON: That's for
10 terminal leave. Okay. So that's for leaving
11 also.

12 MS. D'ALLEVA: No. It was terminal
13 leave. It was a terminal leave payment. When
14 someone leaves and they have time accrued on the
15 books, we pay them. No, not if they weren't
16 predicated to have left before the budget was put
17 together. So the person decided to leave in
18 December. The budget was already voted on and
19 adopted. Therefore, that payment, that one-third
20 payment goes out in January and we have to fund
21 that if they leave prior to the close of the
22 year.

23 LEGISLATOR DeRIGGI-WHITTON: So what
24 about the Office of the Constituent Affairs? Is
25 that a raise or is that a termination pay?

2 MS. D'ALLEVA: I'd have to check on
3 that.

4 LEGISLATOR DeRIGGI-WHITTON: Can we
5 table this until we get that information.

6 I make a motion.

7 LEGISLATOR CURRAN: Second it.

8 MS. D'ALLEVA: Constituent affairs was
9 actually part timers.

10 CHAIRMAN NICOLELLO: There is a motion
11 to table on the floor.

12 All in favor of the motion signify by
13 saying aye.

14 (Aye.)

15 Those opposed?

16 (Nay.)

17 Go ahead. You were saying, constituent
18 affairs.

19 MS. D'ALLEVA: Constituent affairs were
20 additional part timers.

21 LEGISLATOR DeRIGGI-WHITTON: Roseanne,
22 if you could give us a breakdown one more time
23 before our next meeting, Full Leg. I understand
24 that it's all salary, pretty much.

25 MS. D'ALLEVA: Right. Civil Service was

2 because a grant fell through.

3 LEGISLATOR DeRIGGI-WHITTON: If you
4 could just break it down for us, it would just -
5 I know it's itemized here, but just itemized as
6 to why, that would help.

7 MS. D'ALLEVA: Okay.

8 LEGISLATOR DeRIGGI-WHITTON: Thanks.

9 CHAIRMAN NICOLELLO: If you could
10 provide that to both caucuses we would appreciate
11 that.

12 MS. D'ALLEVA: Absolutely.

13 CHAIRMAN NICOLELLO: Any other
14 discussion on this item?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All in favor signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (Nay.)

22 It passes by a vote of four to three.

23 Motion to adjourn?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR KOPEL: Second.

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2 CHAIRMAN NICOLELLO: Motion by
3 Legislator Walker, seconded by Legislator Kopel.
4 All in favor signify by saying aye.
5 (Aye.)
6 The committee is adjourned.
7 (Whereupon, the Finance Committee
8 adjourned at 5:37 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 5th day of July, 2016.

FRANK GRAY