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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Wednesday, October 5, 2015
3:06 P.M

1

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

3

4 RICHARD NICOLELLO, (substituted by
Chairman Howard Kopel)5 VINCENT MUSCARELLA,
Vice Chairman

6

ROSE MARIE WALKER

7

8 DONALD MACKENZIE (substituted by
Dennis Dunne)9 DELIA DERIGGI-WHITTON
Ranking

10

LAURA CURRAN

11

SIELA A. BYNOE

12

13 MICHAEL PULITZER,
Clerk of the Legislature

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INSERTS

Incorporated Planning Committee
Minutes pertaining to
Clerk Item 409-16

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1 Finance Committee/10-5-16

2 VICE-CHAIRMAN MUSCARELLA:

3 Calling the Finance Committee to order.

4 Filling in for Chairman Rich Nicoletto is

5 Howard Kopel, he is here. I am here as

6 Vice-Chairman. Rose Marie Walker is here.

7 Filling in for Donald MacKenzie is Dennis

8 Dunne?

9 LEGISLATOR DUNNE: Here.

10 VICE-CHAIRMAN MUSCARELLA:

11 Ranking Member Delia DeRiggi-Whitton?

12 LEGISLATOR DeRIGGI-WHITTON:

13 Here.

14 VICE-CHAIRMAN MUSCARELLA: Laura

15 Curran?

16 LEGISLATOR CURRAN: Here.

17 VICE-CHAIRMAN MUSCARELLA: And

18 Siela Bynoe is here.

19 LEGISLATOR BYNOE: Here.

20 VICE-CHAIRMAN MUSCARELLA: We

21 have a quorum. First, I just want to say I

22 was not expecting to be chairing this

23 meeting today.

24 I feel a little bit like Jimmy

25 Garafalo filling in for Tom Brady. Rich

1 Finance Committee/10-5-16

2 Nicolello is not here. It is budget time, a
3 time where we normally go through the budget
4 items.

5 It's been the practice of this
6 body for the past about 20 years to pretty
7 much tee up the items and move them through
8 committees to enable us to hold our budget
9 committee hearings.

10 We do have a budget committee
11 hearing scheduled for this afternoon and
12 eventually we will adopt the budget by the
13 end of the month.

14 I have spoken to the minority.
15 The minority would prefer, I believe, to
16 have each individual item called and put
17 before us and ask questions of the
18 individual items.

19 If that is the case, then I would
20 just ask that for all of those members of
21 the Legislature who would like to get
22 answers to certain budget questions that
23 would normally be asked at the budget
24 committee hearing, if they would please come
25 and join us on the dais so that everyone can

1 Finance Committee/10-5-16

2 kind of participate and hear the questions
3 and answer of this committee.

4 For those of you who would like
5 to listen in the back, that's fine, but we
6 would like to try to do this and what we
7 will do is incorporate the testimony that we
8 hear during this meeting, we will
9 incorporate it into the actual budget
10 committee hearing so that the testimony
11 that's here will also be part of the budget
12 committee. We would hope to not repeat the
13 questions and answers over and over in the
14 various committees.

15 I know that anyone who misses a
16 question here can bring up another question
17 during the Budget Committee.

18 In any event, I would call Item
19 388 of 2016 which is the 2017 proposed
20 Nassau County fiscal year budget ordinance.

21 Motion, please.

22 LEGISLATOR KOPEL: So moved.

23 LEGISLATOR DUNNE: Second.

24 VICE-CHAIRMAN MUSCARELLA: Motion
25 by Mr. Kopel, seconded by Mr. Dunne. The

1 Finance Committee/10-5-16

2 item is before us.

3 If you'd like, I'll just tee it
4 up and move it through.

5 Nothing that is passed here
6 today, whether you vote yes or no, will be
7 construed to mean that you are in favor of
8 the budget or those items in the budget.

9 We will just take that to be a
10 vote to pass it through if that's what you
11 want to do.

12 If you want to ask questions of
13 the specific items, then that's the way we
14 will handle it.

15 Calendar Item 388 of '16 is now
16 before us. It's been moved and seconded.
17 Does anyone have any questions on this item?
18 Ms. Curran.

19 LEGISLATOR CURRAN: I'm
20 relatively new, my third year here, and it
21 does seem odd to me that we vote on these
22 items in committee before we even had the
23 hearing. I know that's what done. But I
24 just wanted to get that on the record. It
25 just feels a little strange to me. I'm

1 Finance Committee/10-5-16

2 wondering if anyone else feels the same way.

3 VICE-CHAIRMAN MUSCARELLA: I can
4 only say that it's been the practice before.
5 So that's why if we don't take testimony and
6 we're kind of not voting on the individual
7 item, we're just voting to move it to a
8 place where officially we have a budget
9 hearing where everyone participates.

10 LEGISLATOR CURRAN: I get you.

11 VICE-CHAIRMAN MUSCARELLA: Any
12 questions on this item?

13 (No verbal response.)

14 If there are none, then we will
15 basically tee this item up and the vote on
16 388 of 2016, all those in favor of moving
17 this item on signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (Nay.)

21 The item passes four to three.

22 Next up is Item 389 of 2016 which
23 is the 2017 Nassau County Tax Levy
24 ordinance. Motion, please.

25 LEGISLATOR DUNNE: So moved.

1 Finance Committee/10-5-16

2 LEGISLATOR WALKER: Second.

3 VICE-CHAIRMAN MUSCARELLA: Motion
4 by Mr. Dunne, seconded by Ms. Walker.

5 The item is now before us. Do we
6 have any questions on this item? If not,
7 then we are just merely teeing it up.

8 All those in favor of 389 of 2016
9 please say aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The item passes four to three.

14 390 of 2016 is a 2017 to 2020
15 multiyear plan resolution. Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 VICE-CHAIRMAN MUSCARELLA: Motion
19 by Mr. Dunne, seconded by Mr. Kopel. That
20 item is before us.

21 Any questions on this item?

22 (No verbal response.)

23 Hearing none, all those in favor
24 of moving this item on signify by saying
25 aye.

1 Finance Committee/10-5-16
2 (Aye.)
3 Any opposed?
4 (Nay.)
5 The item carries four to three.
6 Item 391 of 2016 is the 2017
7 Nassau County Legislative Budget Ordinance.
8 Motion, please.
9 LEGISLATOR DUNNE: So moved.
10 LEGISLATOR WALKER: Second.
11 VICE-CHAIRMAN MUSCARELLA: Motion
12 by Mr. Dunne, seconded by Ms. Walker.
13 The item is before us. Any
14 questions?
15 (No verbal response.)
16 Any public comment?
17 (No verbal response.)
18 Hearing none, all those in favor
19 of moving 391 of '16 signify by saying aye.
20 (Aye.)
21 Any opposed?
22 (No verbal response.)
23 The item passes unanimously.
24 We now have a number of clerk
25 items which deal with the various fees that

1 Finance Committee/10-5-16

2 are part of the proposed budget; either fee
3 increases, new fees, new methodologies for
4 setting fees.

5 They are put before us today,
6 again, I would say the members of this
7 committee can ask questions on the
8 individual items as I call them, or we can
9 tee them up and move them through and no
10 vote to move these items through will be
11 deemed to be a vote in favor of the
12 particular fee, but are merely will be in
13 favor of moving the item forward so that it
14 can be considered at the budget committee
15 hearings and eventually during the budget
16 adoption.

17 Let me call them: The first item
18 392 of 2016 which is an ordinance
19 establishing a fee schedule for county
20 services for various county departments.
21 Motion, please.

22 LEGISLATOR KOPEL: So moved.

23 LEGISLATOR DUNNE: Second.

24 VICE-CHAIRMAN MUSCARELLA: Motion
25 by Mr. Kopel, seconded by Mr. Dunne. If you

1 Finance Committee/10-5-16

2 would like to have someone talk on them we
3 will call up Mr. Naughton.

4 Mr. Naughton, the way I'll do
5 this is I'll have the members of the
6 committee ask questions first and then we'll
7 open it up.

8 MR. NAUGHTON: Good afternoon,
9 Eric Naughton, Deputy County Executive for
10 Finance.

11 VICE-CHAIRMAN MUSCARELLA: Do we
12 have any specific questions with respect to
13 392?

14 LEGISLATOR DERIGGI-WHITTON: If
15 it's all right, a brief presentation of the
16 item in your words.

17 MR. NAUGHTON: Sure thing.
18 Attached for your review is a list of
19 various fees for the various county
20 departments. We have set out a four year
21 fee schedule to be consistent with the
22 county's four year multiyear plan.

23 We have looked to see ways that
24 we can raise revenue because, as we will
25 discuss in our budget presentation, we want

1 Finance Committee/10-5-16

2 to maintain the quality of services that the
3 county has.

4 So we have decided that, in order
5 to keep the same level of services not cut
6 any programs, we have gone through seven
7 years of efficiencies, reducing the size of
8 county government, and we have saved the
9 county millions of dollars that we will
10 discuss later.

11 So, therefore, at this point, we
12 felt that the only way to really balance the
13 budget was through revenue.

14 NIFA has requested that we come
15 up with a balanced budget that's based off
16 of recurring revenue. So that is what is
17 before you, a mechanism to fund county
18 services.

19 LEGISLATOR DERIGGI-WHITTON: On
20 this particular item, I think we're going to
21 reserve our questions for the budget
22 hearing.

23 VICE-CHAIRMAN MUSCARELLA: That's
24 fine. Any other questions?

25 (No verbal response.)

1 Finance Committee/10-5-16

2 Hearing none, any public comment?

3 Ms. Mereday.

4 MS. MEREDAY: Good afternoon,

5 Meta J. Mereday, Baldwin resident. Yes.

6 With regard to I guess the 392 and moving

7 down, does the public have access to this

8 list of these proposed fees or it's just for

9 the --

10 VICE-CHAIRMAN MUSCARELLA: It's
11 an individual item. You should have access.

12 MS. MEREDAY: I'm saying 392.

13 The ordinance establishing -- I just heard

14 Mr. Naughton say that there was a list that

15 was provided of the proposed fees, the four

16 year fee schedule. Did I not hear that? I

17 believe I heard it and wrote it down. Just

18 to remind myself that I heard it.

19 So, is that going to be part of
20 the public documentation for those of us to
21 kind of review this?

22 I always love to hear that we are
23 being saved tons of millions of dollars and
24 so many people are still running out in the
25 middle of the night. Is that a yes? Does

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2 the public have access?

3 VICE-CHAIRMAN MUSCARELLA: Yes,
4 you do have access.

5 MS. MEREDAY: So how would I be
6 able to get a copy of that?

7 LEGISLATOR ABRAHAMS: I'm not on
8 this committee, but we can give you a copy
9 of the items, Ms. Mereday.

10 MS. MEREDAY: So, with regard to
11 that, this is a projection that's going to
12 have the revenue line, the revenue line is
13 going to support what this entails?

14 I gather when you talk about the
15 budget, unfortunately I do have to go and
16 make some money to kind of address fees,
17 increased fees that might involve me.

18 So, I'm asking, will the revenue
19 line, is this a projected revenue line, who
20 in fact are the -- what's the constituency
21 that these fees are going to take into
22 consideration?

23 Are these nonresidents of Nassau
24 County or are these additional fees on top
25 of what county residents are already paying

1 Finance Committee/10-5-16
2 on that alleged no increase in property
3 taxes?

4 VICE-CHAIRMAN MUSCARELLA: Those
5 fees -- this is not a question and answer
6 period, but those fees are those that if you
7 use certain services, whether you're a
8 county resident or not, you will pay those
9 fees.

10 If you, let's say there is an
11 increase in traffic or whatever, whoever
12 runs afoul of that particular violation,
13 pays those fees. It's not a blanket fee
14 among every member. It's paid for services.

15 MS. MEREDAY: Okay. So I'm just
16 trying to get what is the baseline number of
17 individuals that would be attached to this
18 so that it becomes a revenue stream. A
19 revenue stream is based upon a certain
20 number of something paying or buying a
21 certain number of the thing.

22 So that's why I'm asking, how
23 would this be construed as increased revenue
24 or potentially new money that's not going to
25 come from the taxpayers?

1 Finance Committee/10-5-16

2 CLERK PULITZER: Your three
3 minutes have expired.

4 MS. MEREDAY: I think my point
5 was made. Thank you.

6 VICE-CHAIRMAN MUSCARELLA: Please
7 come forward and identify yourself.

8 MR. SLATKY: Hi. How are you
9 doing? My name is Alec Slatky.

10 I'm here from Triple A Northeast.
11 The organization represents 5.1 million
12 members region wide, over 250,000 here in
13 Nassau County.

14 I also do want to wait till the
15 end of the budget hearing but in case I have
16 to leave I wanted to get on the record now
17 that we strongly oppose the additional \$105
18 Public Safety fee that's included in the
19 County Executive's budget.

20 The point of that supposedly is
21 to fund the hiring of additional police
22 officers. And I have no comment on the
23 wisdom of the police personnel. That's not
24 my job.

25 My job here is to give testimony

1 Finance Committee/10-5-16
2 about good public policy for transportation
3 and using traffic enforcement to balance the
4 budget is simply put bad public policy.

5 I urge you all to reject this
6 plan. The logic behind it is very, very
7 unsound. Essentially saying because we need
8 to fight crime and terrorism, therefore, is
9 an expired meter ticket should be \$220.

10 There's a million steps there
11 that I'm not following and I don't think
12 most of the public is following either, to
13 be frank.

14 It's clearly not commensurate
15 with the severity of the offense. I mean,
16 you're a few minutes late, you forget to
17 give the county a quarter, and then you're
18 paying the county \$220. I don't think
19 that's right. That's going to be a severe
20 burden on low income and middle income
21 Nassau County residents which are the
22 majority of people.

23 There are 115,000 people that
24 drive to work by themselves every day that
25 live in Nassau County. They make under

1 Finance Committee/10-5-16

2 \$25,000 a year. That's \$105 fee is
3 basically a day's pay for them.

4 If you break the law, you should
5 get a ticket, that's fine. We still want to
6 have a principal of proportionality really
7 and we also want to make sure that the
8 county is focusing on people who are
9 endangering lives. 92 fatalities on the
10 road in 2015, but this doesn't deter
11 violations. This relies on them to fund the
12 county's budget. That doesn't make sense.

13 TPVA, they make money on
14 administrative fees. It cost them \$16
15 million to run. They make \$28 million on
16 administrative fees alone. It's not as if
17 they need to fund their own services. They
18 are already more than doing that.

19 So, I would urge you all to
20 please reject this proposed fee. I do think
21 the voters will be very -- and the citizens
22 of the county will be very, very
23 disappointed if this fee goes through.

24 We already saw -- the idea that
25 we need this fee so we don't have to raise

1 Finance Committee/10-5-16

2 the property tax, I don't think that's
3 fooling anyone. The majority of this is
4 going to be borne by Nassau County
5 residents. Inasmuch as it's not, it's
6 certainly not a good precedent --

7 CLERK PULITZER: Sir, your three
8 minutes have expired.

9 MR. SLATKY: It's certainly not a
10 good precedent to pawn off fees that other
11 regions otherwise I think most of you would,
12 by that logic, not oppose a commuter tax
13 imposed by New York City.

14 So, thank you for the opportunity
15 to comment and I look forward to continuing
16 to discuss this with all of you.

17 VICE-CHAIRMAN MUSCARELLA: Thank
18 you. Any other public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of moving 392 of '16 on signify by
22 saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

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2 The item carries four to three.

3 393 of '16 is a local law to
4 amend the Nassau County Administrative Code
5 and the Miscellaneous Laws of Nassau County
6 in regards to fees payable to the county
7 agencies and departments. Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 VICE-CHAIRMAN MUSCARELLA: Motion
11 by Mr. Dunne, seconded by Ms. Walker.

12 The item is before us. Does
13 anyone have any specific questions on this
14 item? She just went out to the back. Let's
15 take a brief time.

16 Mr. Naughton, 393 of '16, can you
17 give us a brief overview?

18 MR. NAUGHTON: So this item is
19 taking out the fees from the admin code so
20 that we can pass the previous item that we
21 just discussed as the one essentially
22 omnibus fee schedule if that makes any
23 sense. I see a lot of puzzled faces.

24 VICE-CHAIRMAN MUSCARELLA: So
25 what does it do, it basically --

1 Finance Committee/10-5-16

2 MR. NAUGHTON: It removes the
3 fees that were in the admin code so that we
4 can actually set up fees through the
5 ordinance and there's also some other minor
6 fees in there.

7 VICE-CHAIRMAN MUSCARELLA: Any
8 questions? Mr. Solages.

9 LEGISLATOR SOLAGES: Thank you
10 very, Legislator Muscarella. Good
11 afternoon, Mr. Naughton.

12 MR. NAUGHTON: Good afternoon,
13 Legislator Solages.

14 LEGISLATOR SOLAGES: The previous
15 speaker Mr. Slatky stated that the public
16 safety fee will be used to pay for police
17 personnel; is that correct?

18 MR. NAUGHTON: The fee is going
19 to be used in the police fund so, yes, it
20 will be help us to enhance public safety.

21 LEGISLATOR SOLAGES: In what
22 specific ways, please?

23 MR. NAUGHTON: Well, I think
24 everyone is well aware of what's happening
25 worldwide and that the threat in security,

1 Finance Committee/10-5-16

2 our police department needs to protect its
3 residents, people that come to visit Nassau
4 County.

5 We do have the lowest crime rate
6 of the large suburban county. It's
7 certainly something that we want to
8 maintain. This 2017 budget allows us to
9 hire additional police officers increasing
10 the sworn force by 150 personnel.

11 We're adding civilian positions
12 such as communication operators, police
13 service aids.

14 We feel that if you talk to the
15 residents of this county, public safety is
16 the most important thing to them and we feel
17 we need to find a resource to pay for it.

18 LEGISLATOR SOLAGES: But
19 residents are paying the highest taxes
20 regionally and maybe nationally, wouldn't
21 you think that public safety would be a
22 priority and that the high taxes they pay
23 would go automatically firstly to public
24 safety?

25 MR. NAUGHTON: As you are well

1 Finance Committee/10-5-16

2 aware most of the taxes that any resident
3 pays here is for the schools.

4 LEGISLATOR SOLAGES: But just
5 even with the county portion of your taxes,
6 you would think that it would be a priority
7 to have it go directly to public safety
8 first. So you're telling me even with as
9 much county taxes they're paying, there
10 isn't enough money to provide support for
11 our police officers?

12 MR. NAUGHTON: That is correct.

13 LEGISLATOR SOLAGES: I find that
14 hard to believe, frankly speaking.

15 You said that you are using this
16 to pay for new police officers in the police
17 academy.

18 Based on my calculations, even
19 with the \$105 fee, that would only amount to
20 about \$8 million to pay for these new police
21 recruits. Where would the balance of that
22 \$45 million go to?

23 MR. NAUGHTON: If you take a look
24 at the entire police budget, you have
25 anything from uniforms, fuel for the cars,

1 Finance Committee/10-5-16

2 bulletproof vests, all operations --

3 LEGISLATOR SOLAGES: But we
4 provided bonding for the bullet proof vests.
5 In fact, all our colleagues stood in support
6 of that.

7 MR. NAUGHTON: You have to pay
8 debt service on whatever you bond.

9 LEGISLATOR SOLAGES: So will that
10 service fee go to pay for overtime?

11 MR. NAUGHTON: It's part of the
12 total police revenue budget. It's not
13 dedicated to any particular line item. It's
14 going to pay for police services.

15 VICE-CHAIRMAN MUSCARELLA: If I
16 might. This is the difficulty in trying to
17 do this this way and taking individual items
18 and questioning them and then getting into
19 the budget itself as to how the budget
20 operates. It becomes very difficult.
21 That's why for the past years we have teed
22 it up and then at the budget hearing we had
23 a macro view of everything.

24 I would like to try to keep it
25 with respect to each of the individual items

1 Finance Committee/10-5-16

2 so we don't get into a whole discussion.

3 LEGISLATOR SOLAGES: As being an
4 efficient manner, I understand your concern,
5 but in a county plagued with smoke screens
6 when it comes to budgets and --

7 VICE-CHAIRMAN MUSCARELLA:
8 Mr. Solages, I want to limit it. I have
9 extended the curtesy to let non members do
10 this because you want to do this in a way
11 that's not done before.

12 And, by doing that, we are not
13 going to have commentary. If you want
14 questions and facts and want information, be
15 happy to give you the leeway to do that, but
16 we're not going to use this platform to
17 pontificate about your feelings about the
18 budget.

19 LEGISLATOR SOLAGES: I'm not
20 talking about feelings. I have a question.

21 VICE-CHAIRMAN MUSCARELLA: You
22 are talking about smokescreens.

23 LEGISLATOR SOLAGES: He's evading
24 the answers.

25 VICE-CHAIRMAN MUSCARELLA: He's

1 Finance Committee/10-5-16

2 not evading the answers.

3 LEGISLATOR SOLAGES: I said, will
4 it be used to pay for overtime, and he's
5 refusing to answer that.

6 VICE-CHAIRMAN MUSCARELLA: He had
7 answered it to my knowledge.

8 LEGISLATOR SOLAGES: Will it be
9 used to pay for overtime, yes or no?

10 MR. NAUGHTON: As I stated
11 previously, it's a revenue source to pay for
12 all police costs.

13 LEGISLATOR SOLAGES: I will
14 reserve my questions for a future
15 opportunity. Thank you.

16 VICE-CHAIRMAN MUSCARELLA: Are
17 there any further questions?

18 LEGISLATOR CURRAN: Just a quick
19 question. When people get a red light
20 ticket, there is an administrative fee that
21 they pay whether it's vacated or not.

22 This \$105 fee, is that \$105
23 vacated if the ticket is vacated, or is it
24 like the administrative fee where it stays?
25 I have a lot of constituents, please.

1 Finance Committee/10-5-16

2 MR. RICH: Dave Rich, Assistant
3 Executive Director of Traffic and Parking
4 Violations Agency.

5 When a ticket is dismissed such
6 as a red light camera violation, yes, all
7 fees, surcharges and fines are vacated or
8 removed. Nothing is due.

9 LEGISLATOR CURRAN: That would be
10 the case with the \$105 fee should it pass;
11 is that correct?

12 MR. RICH: That is correct.

13 VICE-CHAIRMAN MUSCARELLA: Any
14 other questions? Ms. Birnbaum.

15 LEGISLATOR BIRNBAUM: Just back
16 to the public safety issue. I know public
17 safety is really a prime concern to all of
18 us, and back in May there were many
19 constituents and elected officials from my
20 area who came to talk about reopening the
21 Sixth Precinct which had been shut for
22 budgetary reasons, and I just wonder if
23 we're raising all this extra money for
24 public safety, do you know whether the
25 reopening of the Sixth Precinct is part of

1 Finance Committee/10-5-16

2 that plan?

3 MR. NAUGHTON: No, it's not.

4 LEGISLATOR BIRNBAUM: We've heard
5 so many people who think that's of key
6 concern to public safety. I'm surprised.

7 MR. NAUGHTON: If you would like
8 to raise more revenue to do so, then please
9 feel free --

10 LEGISLATOR BIRNBAUM: I think the
11 estimate I heard then is it would take \$5
12 million. Which I'm not sure that would be
13 the case, but that's what was given at the
14 time of testimony.

15 VICE-CHAIRMAN MUSCARELLA: Any
16 other questions? Ms. DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON: What
18 I'm concerned about is it seems that a lot
19 of the fees are hitting the small businesses
20 in Nassau County.

21 I know the IDA and everyone else
22 really makes a big effort to try to have
23 them come in. Have you taken a look at some
24 of these fees as far as whether or not they
25 would be considered an undue burden on

1 Finance Committee/10-5-16

2 certain small businesses?

3 MR. NAUGHTON: When we looked at
4 the fees that we proposed, we felt that it
5 was -- that they were all reasonable. We
6 felt that a tax increase on the businesses
7 would be worse for them and, as we will go
8 over in our presentation, we think this is a
9 prudent policy decision.

10 LEGISLATOR DERIGGI-WHITTON: It
11 almost seems as if they're going to be
12 carrying the large burden which of course we
13 don't want to impose a tax on homeowners
14 yet. If we really hit these small
15 businesses, I think it's really going
16 against what we're trying to do with
17 creating jobs and all.

18 I was talking about the red light
19 camera ticket will now be approximately
20 \$200. Do you know for instance the average
21 homeowner's Nassau County rate would be
22 about \$1,000.

23 So if you have one of you, or
24 your kids, if they don't stop long enough or
25 any small infraction, that's like a 20

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2 percent tax increase for one ticket.

3 MR. NAUGHTON: It is not a tax
4 increase, it's a fee for violating the law.

5 LEGISLATOR DERIGGI-WHITTON: But
6 it would be equivalent to about a 20 percent
7 tax increase for the average home, one red
8 light camera ticket.

9 MR. NAUGHTON: It's not
10 equivalent to a tax because this is
11 something that you can avoid by stopping at
12 the red light, not speeding.

13 LEGISLATOR DERIGGI-WHITTON: I
14 agree and I'm lucky that so far none of my
15 kids have had it. But it just seems like
16 it's such a huge -- it's more than -- I
17 don't know.

18 I understand if you break the
19 law, there should be a certain amount of
20 penalty, but to have it be that much is
21 that's really what the question is. Is it a
22 fee or is it a penalty?

23 MR. NAUGHTON: It is called a
24 public safety fee.

25 LEGISLATOR DERIGGI-WHITTON:

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2 That's really what bothers -- it's really
3 not a fee. If you break the law and go
4 through a red light, that's not really a
5 fee. That's a penalty.

6 VICE-CHAIRMAN MUSCARELLA:

7 Semantics. But --

8 LEGISLATOR DERIGGI-WHITTON:

9 That's the question. Does the Nassau County
10 Legislature have the right to impose these
11 new penalties? For traffic infractions,
12 that doesn't come from us normally as far as
13 the penalties.

14 MR. NAUGHTON: As I stated, it's
15 not a penalty it's a fee.

16 LEGISLATOR DERIGGI-WHITTON: That
17 you have to break the law to get. I think
18 we are stretching our authority there a
19 little bit.

20 The alarm permit, that's also
21 under this item. There's something called a
22 reactivation fee. Can you explain that to
23 me?

24 MR. NAUGHTON: Ask us again in
25 the budget hearing. We will have someone

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2 here to address that.

3 LEGISLATOR DERIGGI-WHITTON:

4 Okay. The transportation impact fee, do you
5 want to just go over that also, if you don't
6 mind, in your words?

7 MR. NAUGHTON: Ken Arnold will
8 testify to that.

9 MR. ARNOLD: Ken Arnold, Public
10 Works. Any development or redevelopment of
11 property that the county -- that is part of
12 the review process for, that impacts county
13 roads will include a fee for the trips to
14 that property, it will help offset the
15 county's current obligation for upkeep and
16 maintenance associated with the county's
17 roads, bridges and drainage.

18 LEGISLATOR DERIGGI-WHITTON: So
19 this fee is going to be imposed whether or
20 not the subdivision is granted or not?

21 MR. ARNOLD: Only upon approval.

22 LEGISLATOR DERIGGI-WHITTON: So
23 we can waive the fee or any part of the fee
24 should any necessary improvements as
25 determined by the commissioner be approved?

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2 MR. ARNOLD: Say it again.

3 LEGISLATOR DERIGGI-WHITTON: Are
4 we able to waive the fee, is the
5 commissioner able to waive the fee under her
6 discretion?

7 MR. ARNOLD: I believe the
8 wording is that we can ask the developer to
9 do work in lieu of the fee but, no, we would
10 not waive the fee. This fee is also very
11 similar to a fee being done in Suffolk
12 County.

13 LEGISLATOR DERIGGI-WHITTON: Each
14 building permit and curb cut are now also
15 going to be getting an increase in fee; is
16 that correct?

17 MR. ARNOLD: It all depends on
18 trips. There are certain types of projects
19 that will not get any fee. If it's a single
20 family home on a county road, the trips are
21 below the threshold of having a fee. If
22 there's a large supermarket or large
23 manufacturing facility which has many trips,
24 the fee will be imposed based on the amount
25 of tips during the peak two way hour.

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2 LEGISLATOR DERIGGI-WHITTON: Who
3 is going to determine whether or not the
4 fees are imposed?

5 MR. ARNOLD: The department will
6 do that based upon the developer. They will
7 determine -- they will give us the outline
8 of the project based on the traffic manual.
9 There is a guidance on the number of trips
10 based on a facility that's being
11 constructed, whether it's by square feet, by
12 usage. The manual is quite extensive.

13 The department will determine
14 working with the developer what the most
15 appropriate number of trips is and then
16 we'll impose the fee upon approval of the
17 plans.

18 LEGISLATOR DERIGGI-WHITTON: So
19 you're going to be able to do this in-house
20 without incurring any additional expense?
21 It seems like a lot to keep track of in your
22 department.

23 MR. ARNOLD: We will do it
24 in-house with our people.

25 LEGISLATOR DERIGGI-WHITTON: You

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2 don't anticipate it being an increase in
3 your budget to keep track of all of it?

4 MR. ARNOLD: No. It's very
5 simple. The review of the plans is the more
6 complicated part of the process.

7 LEGISLATOR DERIGGI-WHITTON: So I
8 guess we will reserve any further questions
9 for another time.

10 VICE-CHAIRMAN MUSCARELLA: Any
11 other questions? Ms. Bynoe.

12 LEGISLATOR BYNOE: Good
13 afternoon. I want to discuss this alarm
14 permit reactivation fee just for a moment.
15 This was an existing fee; am I correct?

16 MR. NAUGHTON: Yes, and we are
17 trying to get someone here from the police
18 department who can better speak to it.

19 LEGISLATOR BYNOE: So let me know
20 when that person arrives because I have some
21 questions.

22 VICE-CHAIRMAN MUSCARELLA: If we
23 don't get an answer to that before we vote
24 on this we will get the answer during the
25 budget hearing, or before the vote on the

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2 budget.

3 LEGISLATOR BYNOE: Thank you.

4 Then regarding the transportation impact
5 fee, is that an annual fee?

6 MR. NAUGHTON: Ken is shaking his
7 head no.

8 LEGISLATOR BYNOE: It's a one
9 time fee. Thank you.

10 VICE-CHAIRMAN MUSCARELLA: Any
11 other questions? Ms. Curran

12 LEGISLATOR CURRAN: I will be
13 brief. How much of the property tax levy
14 already goes to police, district and
15 headquarters?

16 MR. NAUGHTON: Approximately 87
17 percent of the county's taxes.

18 LEGISLATOR CURRAN: 87 percent of
19 property taxes go to those two?

20 MR. NAUGHTON: Of the county
21 taxes.

22 LEGISLATOR CURRAN: County taxes.
23 Okay. Thanks.

24 VICE-CHAIRMAN MUSCARELLA:
25 Mr. Abrahams.

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2 LEGISLATOR ABRAHAMS: Eric, I
3 want to focus on the public safety fee
4 again, and I know Legislator Solages had
5 asked some questions.

6 How did the county or the
7 administration arrive at the \$105 amount?
8 Did they want it to be at \$200 and they just
9 took the difference?

10 MR. NAUGHTON: No. We took at
11 look at first the expense budget and we
12 determined the level of sworn officers that
13 we wanted the proper level of funding for
14 overtime, termination pay, and all the
15 police costs including hiring additional
16 civilian personnel. We came up with the
17 costs.

18 We saw how much revenue we can
19 generate from property taxes and the
20 shortfall is to be made up from the public
21 safety fee.

22 LEGISLATOR ABRAHAMS: So
23 basically you didn't take anything in
24 consideration about traffic infractions or
25 the adjudication of traffic infractions,

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2 none of that was taken into consideration?

3 MR. NAUGHTON: No. Let me. Once
4 we figured out the Delta of how much revenue
5 was needed, we took a look at how many
6 tickets are actually paid for each year. We
7 discounted that by about 13 percent and used
8 that to determine the \$105 fee.

9 LEGISLATOR ABRAHAMS: So it
10 wasn't based on the cost of adjudication of
11 TPVA?

12 MR. NAUGHTON: It is not a --
13 it's a public safety fee. Not a TPVA admin
14 fee. It's a public safety fee.

15 LEGISLATOR ABRAHAMS: The TPVA
16 admin fee that is in place, that amount is
17 again how much?

18 MR. NAUGHTON: That fee is \$45
19 per ticket.

20 LEGISLATOR ABRAHAMS: So explain
21 to me the correlation between the TPVA fee
22 and the cost of adjudicating traffic
23 infractions at TPVA if I'm understanding
24 that correctly?

25 MR. NAUGHTON: We take a look at

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2 what's the costs of the department, future
3 costs, investments that are made in the
4 department, outside overhead, and the county
5 determines at various times to change the
6 fee.

7 We started at \$15, eventually
8 went up to 30, and last year it was
9 increased to \$45 by this body.

10 LEGISLATOR ABRAHAMS: To me it
11 seems to be a bit troubling that we are
12 raising a fee that is tied to red light
13 camera or traffic infractions, but we are
14 not putting any enhancement into insuring
15 that that infraction would make our public
16 safer.

17 MR. NAUGHTON: No. What you are
18 doing is you're hiring additional police
19 officers. You will have more cops on the
20 street. We are patrolling every event.
21 Right now, with what's happening in the
22 world, we have to patrol the train stations.

23 LEGISLATOR ABRAHAMS: How many
24 officers give out tickets for red light
25 cameras, do you have that number?

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2 MR. NAUGHTON: I don't, but next
3 week you are having the police department
4 here and I'm sure they can provide more
5 information.

6 LEGISLATOR ABRAHAMS: The
7 commissioner is right behind you. Perfect
8 timing.

9 We were just talking about the
10 public safety fee and the fee for the \$105
11 increase.

12 I was asking Mr. Naughton how
13 many tickets do we issue for red light
14 camera infractions?

15 COMMISSIONER KRUMPTER: So I
16 don't have the exact breakdown by summons
17 violation. This year the current trend that
18 we're looking at, issuing about 200,000
19 moving tickets.

20 Then it's anticipated that
21 approximately 100,000 parking tickets will
22 be issued.

23 LEGISLATOR ABRAHAMS: Moving
24 tickets could be speeding tickets?

25 COMMISSIONER KRUMPTER: Moving

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2 tickets could be any category and obviously
3 I don't know the breakdown by category but
4 that's something we can pull out of the
5 system if you'd like.

6 LEGISLATOR ABRAHAMS: I guess
7 what I was driving at and, I apologize, I
8 know you walked in a little bit later, what
9 I was driving at is the need for the
10 increase of \$105 for the red light camera
11 infraction, while at the same time we are
12 not seeing an enhancement in the services
13 for protecting the public from those
14 infractions happening. So I guess what I'm
15 driving at, is just --

16 COMMISSIONER KRUMPTER: Just to
17 that point, legislator, that the summons
18 activity in the police department, if you
19 look at the trend over the last three years,
20 every year it has been rising by double
21 digits.

22 So to say they are not getting an
23 enhanced services in the traffic enforcement
24 area which is a priority of the department
25 would not be an accurate statement.

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2 LEGISLATOR ABRAHAMS: How would I
3 know if anything is going up, there is
4 nothing here before us. You even said
5 before you can only speak to moving
6 violations.

7 How would I know if they are
8 going up because you just said on the record
9 that you couldn't speak to red light camera
10 infractions only to moving violations.

11 COMMISSIONER KRUMPTER: No. What
12 I said was, I can't speak to red light but
13 what I'm saying is, the total number of
14 tickets has been increasing each and every
15 year.

16 LEGISLATOR ABRAHAMS: So you're
17 saying that red light camera is increasing?

18 COMMISSIONER KRUMPTER: I can't
19 speak to red light camera. That's handled
20 by Nassau County Traffic. I'm speaking to
21 the moving violations that the police
22 officers write.

23 LEGISLATOR ABRAHAMS: I know.

24 COMMISSIONER KRUMPTER: But,
25 again, I misunderstood what you were asking.

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2 LEGISLATOR ABRAHAMS: That
3 doesn't help me in terms of what we're
4 talking about. We're talking about the red
5 light camera.

6 We are trying to figure out the
7 association in increasing the fee for an
8 infraction, but we can't justify -- granted
9 when we bring you back for the police
10 department, then you will have it by then
11 but I'm trying to figure out, at least come
12 to grips in my head how we're raising a fee,
13 and I'm trying to insure that there is an
14 actual public safety benefit for this fee.

15 I understand what Mr. Naughton
16 said, that additional officers will be
17 hired, but I would like to see that in the
18 numbers. How many infractions have been
19 written for red light cameras in the past?

20 VICE-CHAIRMAN MUSCARELLA: If I
21 might, Commissioner, it's my understanding
22 that what you're speaking about is the
23 number of tickets that are given by police
24 officers and the red light cameras, since
25 they're automatic and they go through TPVA,

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2 that those are not within the purview of the
3 police department issuing violations.

4 So you want that information on
5 red light cameras, we got to get it from a
6 different agency. I don't think the
7 commissioner has those numbers.

8 LEGISLATOR ABRAHAMS: I'm not
9 asking for red light cameras. I'm asking
10 for how many summons were issued for red
11 light camera infractions from the police
12 department as opposed to the cameras.

13 COMMISSIONER KRUMPTER: I think I
14 can answer all the questions whatever they
15 are. I won't be able to provide details on
16 certain things.

17 So, in Nassau County there are a
18 total of 600,000 tickets issued every year.
19 These are approximate numbers. Of which
20 300,000 are attributable to red light
21 cameras. 300 attributable to police
22 officers writing tickets for parking and
23 moving violations.

24 That pool of 300,000, I can't
25 give the specific breakdown standing here.

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2 We would have to run reports to look at
3 that. If you would like that information,
4 we would be more than happy to provide it.

5 LEGISLATOR ABRAHAMS: That's
6 fair. I just want to make sure we're clear
7 on what we're asking for.

8 I don't know if you are going to
9 know the answer to this, but how much of the
10 actual revenue from the \$105 is going to go
11 to the traffic enforcement for police
12 officers for adjudicating infractions at
13 TPVA?

14 COMMISSIONER KRUMPTER: So all
15 the money, the way this fine -- the way this
16 administrative surcharge is set up, all of
17 that funding will go right to the police
18 department's budget. That \$105 will go
19 right to the headquarters and district funds
20 of the Nassau County Police Department.

21 LEGISLATOR ABRAHAMS: So all of
22 it goes to the fund?

23 COMMISSIONER KRUMPTER: Right.
24 So nothing goes to TPVA, nothing goes to the
25 state, nothing goes anywhere else. It's all

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2 going right back into public safety, that
3 surcharge.

4 LEGISLATOR ABRAHAMS: Can you
5 break out how much of that revenue will
6 actually go towards traffic enforcement?

7 COMMISSIONER KRUMPTER: The
8 budget is not designed that way as you are
9 well aware. The budget is designed in such
10 a way; there's a revenue side and there's an
11 expense side. This will be on the revenue
12 side.

13 If you want me to calculate the
14 total amount spent on traffic enforcement,
15 we can come up with a very rough estimate
16 for that and we're not going to be able to
17 do it here today.

18 Keep in mind one thing, this is
19 not a traffic safety fee. That is a public
20 safety fee. This money is going directly to
21 public safety.

22 If you go through the budget,
23 there are significant increases to sworn
24 head count and critical civilian head count
25 within the budget that will enhance the

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2 safety.

3 Additionally it should be noted
4 that the traffic enforcement has been a
5 focus of the police department, improving
6 traffic safety as well.

7 As here today, what we are
8 talking about, and what the Deputy County
9 Executive testified to a little while ago
10 was, we are living in difficult times.

11 It is today the most dangerous
12 times in this country, arguably since 9-11
13 and maybe even pass that. You start to look
14 at what's going on and start to look at
15 regular terrorist attacks, and start to look
16 at being able to maintain the public safety
17 here, being able to maintain the low crime
18 here without losing focus on terrorism.
19 That's what this is all about. That's what
20 this entire budget is about.

21 The last several years, we have
22 cut cut cut the number of heads. Today,
23 this budget does the exact opposite. It
24 significantly increases the number of heads
25 within the budget which will significantly

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2 increase the public safety. That's what
3 that fee is for.

4 If you want to try to divide it,
5 you are fully aware of the fact that the way
6 our budgets work is not in that form.

7 This is going into the revenue
8 side and the revenue will pay for the
9 expenses. I could say it's going to this or
10 that, but it really isn't. It's going to
11 the revenue side of the budget and it will
12 be paying for the expenses.

13 LEGISLATOR ABRAHAMS: So if I
14 understand you correctly, and, trust me, we
15 appreciate your knowledge and direction
16 towards combating terrorism and we want to
17 make sure all Nassau County residents are
18 safe, but if I'm understanding this
19 correctly, we are increasing a traffic
20 enforcement fee to combat terrorism.

21 COMMISSIONER KRUMPTER: That's
22 not what I said. There are a significant
23 number of increases and, to give you and
24 example, this year we started the motorcycle
25 platoon whose focus is traffic enforcement

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2 and traffic safety. We will continue to
3 strive to increase the safety on the
4 roadways.

5 What I said from the beginning
6 was, traffic safety is a focus, crime is a
7 focus, and Homeland Security is a focus.
8 They are all focuses. You can't distinguish
9 where this particular money is going to
10 because, as you are well aware, we have a
11 revenue side of the budget. This money is
12 going to the revenue side of the budget to
13 pay for the expenses.

14 We don't distinguish where the
15 money goes on the revenue side. So the
16 revenue accounts for finder fees, accounts
17 for ambulance billing, services, accounts
18 for property taxes on the revenue side, as
19 well as this new public safety fee as
20 proposed for your consideration.

21 LEGISLATOR ABRAHAMS: I think I
22 get and understand that but it just seems to
23 me disingenuous to raise a fee on a traffic
24 infraction and, to me, the more holistic way
25 to try to combat and make sure Nassau County

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2 residents are safe and the public is safer
3 in regards to that, to me it makes better
4 sense to insure that we can guarantee that
5 the revenue will be there to pay for the
6 future expenditure.

7 Right now it seems like we are
8 budgeting and hoping that people break the
9 law to insure we can stop people from any
10 counter terrorism type of actions. That's
11 what it seems like we're proposing. Correct
12 me if I'm wrong -- and I hope to God I am
13 wrong.

14 MR. NAUGHTON: I think that's the
15 false way to look at it. I think it's very
16 clear that, as the commissioner stated, the
17 number of summons they have been writing is
18 increasing. We have increases for admin
19 fees. People still break the law. We are
20 not hoping, but --

21 LEGISLATOR ABRAHAMS: But you are
22 doubling this fee, Mr. Naughton, this is
23 incredible. You really believe people are
24 going to still break the law through red
25 light cameras at the same level for years to

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2 come to rely on this revenue.

3 MR. NAUGHTON: I hope not.

4 LEGISLATOR ABRAHAMS: I hope not
5 either but it just seems to me -- especially
6 things as important as the commissioner has
7 identified that are extremely important to
8 all Nassau County residents in terms of
9 counter terrorism.

10 I just think that something that
11 weighs so heavily in terms of its
12 importance, we're hoping that we are able to
13 generate the revenue from people running the
14 red light cameras.

15 MR. NAUGHTON: Legislator, I
16 think all of us would prefer that people do
17 not run the red lights, that they stop at
18 the lights. But, just realize, we have
19 signs up that tell people where the cameras
20 are and they still break the law.

21 We do everything we can to let
22 them know, don't do this, we educate them,
23 and they still do it.

24 So, we are recognizing the fact
25 that behavioral for some people will

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2 hopefully change, but, for others, it won't.
3 Based off of some analysis, we feel that
4 there will be about 600,000 tickets issued,
5 either red light cameras or summonses, times
6 \$105 will generate \$64 million.

7 However, if this legislative body
8 wants to put in a different revenue source
9 understanding their points of public safety,
10 that is your prerogative.

11 VICE-CHAIRMAN MUSCARELLA: Just a
12 few more. Go ahead, Mr. Solages.

13 LEGISLATOR SOLAGES: NIFA
14 constantly asks us about our back up plans
15 for revenue in case that revenue is not
16 raised.

17 Let's just say people start to
18 pay attention and they do not run the light
19 or they are so disgusted they choose not to
20 drive at all and they choose to rely upon
21 our buses, which is not the best, then what
22 do we do? What is our back up plan if we do
23 not raise that revenue with this fine or fee
24 as you call it?

25 MR. NAUGHTON: We have a \$3

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2 billion budget. The Office of Management
3 and Budget, through the leadership of
4 Roseann D'Alleva, is constantly monitoring
5 expenses and revenue.

6 As you are well aware, monthly we
7 produce a revenue versus actuals, budget
8 versus actuals. We have spending plans. We
9 are constantly looking to see how we are
10 doing. As we need to make modifications
11 throughout the year, we do so. So, if the
12 scenario --

13 LEGISLATOR SOLAGES: So we have
14 no back up plan as of now?

15 MR. NAUGHTON: So we're going
16 through this again?

17 LEGISLATOR SOLAGES: Yes, we are.

18 MR. NAUGHTON: We react whenever
19 there is a change if there is a decision
20 made to fight, have a VLT. We respond to
21 that. If we have a shortfall in sales tax,
22 we'll respond to that. We look to cut
23 expenditures. We look to reduce hiring when
24 necessary.

25 LEGISLATOR SOLAGES: But the

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2 shortfall in revenue after we disbanded the
3 speed camera program caused financial issues
4 for the county. If the public creates an
5 out roar on this issue as they did with the
6 speed camera issue, what is our back up plan
7 for that revenue?

8 MR. NAUGHTON: Our job is to
9 manage and that's what we will do.

10 LEGISLATOR SOLAGES: Thank you.

11 VICE-CHAIRMAN MUSCARELLA: Ms.
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:
14 Thank you. Commissioner, maybe you can
15 address that question. Just by looking at
16 our charter and trying to figure out what
17 body would basically control the traffic
18 penalty, not fee penalty, that's enforced by
19 TPVA, do you know who would control those
20 penalties?

21 COMMISSIONER KRUMPTER: That's a
22 legal question. I think it would be more
23 appropriate for one of the attorneys.

24 LEGISLATOR DERIGGI-WHITTON: Is
25 Judge Marks still here. Hi Judge. Do you

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2 mind?

3 JUDGE MARKS: John Marks,
4 Executive Director of Nassau County Traffic
5 and Parking Violations Agency.

6 LEGISLATOR DERIGGI-WHITTON: Nice
7 to see you, Judge. We're talking about the
8 fact that people will not incur this expense
9 should they not break the law.

10 So logically it's basically
11 sounding more like a penalty than it's not
12 just a regular fee that Carrie and I would
13 just pay in our regular day to day life.
14 It's only if one of us breaks the law that
15 we're going to incur this expense.

16 So, the word penalty definitely
17 seems to clarify this a lot clearer. Who
18 would set the traffic penalties enforced by
19 TPVA?

20 JUDGE MARKS: Who would set?

21 LEGISLATOR DERIGGI-WHITTON: Is
22 it the Board of Judges or District Court?

23 JUDGE MARKS: It's the New York
24 State Legislature, various towns, the Board
25 of Judges, Nassau County.

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2 LEGISLATOR DERIGGI-WHITTON: The
3 Nassau County Legislature? Because I can't
4 find that in the Charter to be totally
5 honest with you.

6 Do you know what, we're talking
7 about penalties. Do you know where that is
8 in the Charter, what section?

9 MR. PODLESAK: Gerald Podlesak.
10 The Charter permits the Legislature to
11 impose penalties, either in terms of fines
12 or in terms of imprisonment, but this is not
13 a fine, this is a fee. It is something that
14 is only incurred if one breaks the law. It
15 is not a fine.

16 LEGISLATOR DERIGGI-WHITTON: Do
17 you agree with that, Judge Marks?

18 JUDGE MARKS: Absolutely.

19 LEGISLATOR DERIGGI-WHITTON: It
20 sounds to me you have to break the law in
21 order to get it which sounds like a penalty.

22 Just to sum up, the correlation
23 between the level of public safety fee and
24 the cost of either the traffic enforcement
25 or the -- like, it's hard to see what the

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2 correlation is.

3 Do you agree with that?

4 JUDGE MARKS: If that's addressed
5 to me I can't answer that question. I don't
6 have the expertise to determine where the
7 money is going, what part is public safety.

8 I think the Commissioner said it
9 appropriately, there's a revenue side and
10 expense side. So I can't answer.

11 LEGISLATOR DERIGGI-WHITTON:
12 Just, Eric, if you don't mind, in our last
13 budget, what we allocated to be coming in
14 from red light traffic fees, do you remember
15 that number?

16 MS. D'ALLEVA: I don't recollect
17 the entire breakdown, but I think
18 collectively TPVA is bring in like \$60
19 million in fines and forfeits.

20 LEGISLATOR DERIGGI-WHITTON: For
21 the red light camera fees, what did we put
22 in for our budget for last time?

23 MS. D'ALLEVA: For red light
24 camera fees?

25 LEGISLATOR DERIGGI-WHITTON: For

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2 last year.

3 MS. D'ALLEVA: Like I said, I
4 don't recall, the specific line item, but
5 overall it's approximately \$60 million.

6 VICE-CHAIRMAN MUSCARELLA: If I
7 may jump in, Roseann, do you know whether if
8 that's in line with what is budgeted?

9 MS. D'ALLEVA: Yes, we are
10 actually projecting higher. So even though
11 we increased the admin fee last year from 30
12 to \$45, the number of tickets that are
13 currently being paid are up from the
14 previous year in 2015.

15 LEGISLATOR DERIGGI-WHITTON: The
16 red light camera tickets have gone up?

17 MS. D'ALLEVA: Yes, it's
18 outperforming, if you look at my last
19 report.

20 LEGISLATOR DERIGGI-WHITTON:
21 Judge Marks, is that the information you
22 have also?

23 JUDGE MARKS: Yes.

24 MS. D'ALLEVA: So, unfortunately,
25 even though the admin fee was imposed,

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2 increased to \$15, it did not defray people
3 from actually breaking the law. Thank you.

4 LEGISLATOR DERIGGI-WHITTON:

5 Thank you.

6 VICE-CHAIRMAN MUSCARELLA:

7 Quickly, Mr. Solages.

8 LEGISLATOR SOLAGES: Thank you.

9 I really appreciate that. I don't know if
10 all these individuals are going to be here
11 on the future meeting.

12 Commissioner, our police officers
13 work very hard to control our streets. They
14 put themselves in difficult situations. I
15 admire them for their courage. They do their
16 job knowing that that drive through the
17 streets asking, is that a potential crime?

18 But I feel that this fine or fee
19 may create another incentive, it may create
20 an incentive for police officers to see,
21 hey, you know what, in addition to following
22 the law, I want to make sure there is enough
23 money for other police officers.

24 Don't you think we're engaging
25 here in a slippery slope?

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2 COMMISSIONER KRUMPTER: No. I
3 don't. Our police officers are never really
4 in tune to the fines.

5 As a matter of fact, in the
6 department, we don't track where the
7 summonses go to. So if a summons goes to a
8 village, that fine goes to the village. We
9 are not tracking where the fines are going.

10 Our police officers are motivated
11 to write tickets by traffic safety and not
12 by whatever fine the person may or may not
13 pay.

14 I would find it just -- I think
15 our police officers are more profession than
16 that. This is a global picture. We have
17 been working hard on improving traffic
18 safety in Nassau County over the last three
19 years. Every year those summonses have gone
20 up.

21 There is -- I don't think anybody
22 here is going to question if people are
23 violating the traffic law on the roads of
24 Nassau County. It's probably about the
25 biggest complaint we get in the department,

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2 traffic conditions. From your office, I
3 have received multiple complaints.

4 So if the end result is that the
5 police have less VTLs to write, that would a
6 positive outcome.

7 I think everybody can agree that
8 there are plenty of people violating the law
9 on the roads that aren't being issued
10 tickets here in Nassau County.

11 If you also look at tickets for
12 our population relative to other cities and
13 other places, they're probably on the lower
14 side for the number of police officers we
15 have.

16 LEGISLATOR SOLAGES: I
17 understand. Thank you very much, Legislator
18 Muscarella.

19 My last question is for Judge
20 Marks. What happens if multiple persons
21 cannot pay their fines, they have multiple
22 tickets. What happens to them? Do they end
23 up going into our local correctional
24 facility?

25 JUDGE MARKS: No. We try to

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2 consider their circumstance. We have a pay
3 out plan if they want to participate in it.
4 The Legislature allows for deferred
5 payments. We will deal with it as best we
6 can. The alternative of course is, don't
7 collect it.

8 LEGISLATOR SOLAGES: I
9 understand. Thank you very much,
10 Commissioner and Judge Marks.

11 VICE-CHAIRMAN MUSCARELLA: Any
12 other questions?

13 COMMISSIONER KRUMPTER: Just to
14 further that, Nassau County is very unique
15 in that, if you don't pay a fine in another
16 jurisdiction, including the villages, they
17 will issue an arrest warrant.

18 Here in Nassau County we do not
19 issue arrest warrants for not appearing or
20 not paying fines.

21 So I think that's an important
22 distinction between this municipality and
23 other municipalities. We seen in this
24 country where they've used imprisonment as
25 having an adverse impact on certain segments

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2 of the population. That can not happen here
3 in Nassau County considering we do not issue
4 arrest warrants for those -- and I do
5 understand there were also questions on the
6 fines related to the alarms.

7 VICE-CHAIRMAN MUSCARELLA:
8 Ms. Bynoe.

9 LEGISLATOR BYNOE: Thank you.
10 One other point to the question that
11 Legislator Solages just asked. Would it be
12 appropriate for me to even think that
13 they're going to get a boot and tow if they
14 don't pay the fee? Are these the people
15 that get referred to boot and tow?

16 COMMISSIONER KRUMPTER: Yes.

17 LEGISLATOR BYNOE: So there is a
18 recourse?

19 COMMISSIONER KRUMPTER: There is
20 a recourse if they don't appear. But as
21 Judge Marks outlined, there is programs
22 available as long as they don't go into a
23 scofflaw. They can't not appear. But, as
24 long as they go, the judges take people's
25 circumstances into consideration here in

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2 Nassau County and also take into
3 consideration all the items that were
4 brought up.

5 LEGISLATOR BYNOE: What is the
6 time line for one to become a scofflaw. Is
7 it on the 31st day?

8 JUDGE MARKS: Failing to answer
9 probably 60 to 75 days after the first
10 return date. To become boot eligible you
11 need two or more violations that you haven't
12 responded to in, I don't know, 60 to 90 days
13 after being notified on at least two
14 occasions by the Traffic and Parking
15 Violations Agency and perhaps a collection
16 company.

17 LEGISLATOR BYNOE: Thank you.
18 The alarm fee, so my question that I have
19 regarding the activation fee, could you tell
20 me what that expense would be?

21 COMMISSIONER KRUMPTER: That
22 expense is related to those cases where
23 somebody has their license or permit has
24 been revoked and it's basically in reaction
25 to that. So if they don't pay their fines,

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2 don't pay their fees, in order to reactivate
3 an alarm permit. It's been in there. I'm
4 not even sure if it's been modified in this
5 particular ordinance. It is modified but
6 that's been there all along.

7 LEGISLATOR BYNOE: Yes. I
8 realize that. I'm trying to understand
9 exactly what that fee has been modified to.

10 COMMISSIONER KRUMPTER: So there
11 are occasions where businesses or individual
12 residents go into a stop response, where
13 they basically won't respond to those calls.
14 In those cases, where the people want to
15 reactivate their alarm permits, they will
16 have to pay that fee.

17 LEGISLATOR BYNOE: I'm trying to
18 understand exactly what the fee amount is.

19 COMMISSIONER KRUMPTER: Okay.

20 LEGISLATOR BYNOE: I see that
21 we're also increasing the fee for each time
22 there is a false alarm as well.

23 COMMISSIONER KRUMPTER: The
24 reactivation is \$100, and, yes, there is an
25 increase in the false alarms, using the same

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2 parameters that we have historically used,
3 there is a penalty for false alarms after
4 certain points.

5 LEGISLATOR BYNOE: I thought that
6 the deactivation or reactivation fee was
7 already \$100. Isn't it going up?

8 COMMISSIONER KRUMPTER: That's
9 why I'm saying, I wasn't sure if that one
10 was being increased.

11 LEGISLATOR BYNOE: If somebody
12 could clarify that.

13 COMMISSIONER KRUMPTER: He's
14 looking at it. It is \$100 and I believe was
15 \$100.

16 LEGISLATOR BYNOE: Because I
17 believe that incurring costs, escalating
18 cost on this particular fee, is prohibiting
19 public safety in that individuals who are
20 disabled, or whether they're a disabled
21 veteran, or just a disabled citizen, or
22 resident of Nassau County, may already find
23 it really a challenge to pay the fee. Now
24 we're going to increase the fee.

25 I introduced some legislation a

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2 while ago that would address this issue for
3 those particular class of individuals of
4 residents here and it hasn't been called.
5 So now I find it even more troubling that it
6 hadn't been called, but now on top of it we
7 are talking about adding fees on top of
8 these to those particular individuals.

9 I find it to be almost
10 encouraging people not to have alarms and I
11 think it would be more of a public safety
12 burden to the county if families or
13 individuals do not have alarms because then
14 it could potentially result in a break-in
15 and a more extensive investigation that
16 would be costly. And, more importantly,
17 that we be putting human lives and families
18 at risk.

19 So this particular fee,
20 increasing it, I just really have a problem
21 with it. I would really be interested to
22 see what the deactivation fee is going from
23 and to.

24 COMMISSIONER KRUMPTER: Can I
25 respond to that? Thank you.

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2 This has been a long standing --
3 it's evolved, the alarm permit program, over
4 a number of years, probably dating back -- I
5 don't know if any legislators recall,
6 probably dating back ten or 12 years.

7 At the peak, the Nassau County
8 Police Department responded to 140 false
9 alarms. We had five or 600 founded alarms
10 each year.

11 It truly is the only industry in
12 the world that can operate with that error
13 rate and survive. So we started
14 implementing the fines and there was a lot
15 of discussion and a lot of debate.

16 At the end, the Legislature saw
17 fit to approving -- and it's sort of evolved
18 and the fines have increased over time.

19 Well, today, since that started,
20 despite the fact that we have significantly
21 increased the fines over the years, we're
22 now down to 60,000 alarms.

23 That's not the whole story.
24 We're down to 60,000 alarms. So we reduced
25 the alarms by \$80,000. What does that mean

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2 to the residents of Nassau County?

3 What that means to the residents
4 of Nassau County, they picked up at no cost
5 to the taxpayers, because people abuse the
6 alarm system, they picked up 80,000 hours of
7 patrol for no cost.

8 It gets better than that. You
9 cite that it's a public safety by increasing
10 the fines related to the alarms.

11 I would argue quite the opposite.
12 So while we have reduced the police response
13 to these alarms, we haven't had an increase
14 in founded alarms as a percentage of the
15 whole; number one.

16 Over the last ten years, we have
17 saw a reduction of burglaries probably 25
18 plus percent.

19 So, we've increased the fines, we
20 have picked up additional patrol time, and
21 at the same time using the very
22 sophisticated policing model, and the great
23 work of the police in Nassau County, we have
24 reduced burglaries which is the end result.
25 What is the result?

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2 The result of the alarm is to
3 reduce the amount of burglaries. It's quite
4 evident that the increase of the fines from
5 virtually nothing to where we are at now has
6 had no impact on public safety and quite to
7 the contrary freed up resources which
8 allowed us to use intelligent policing
9 models and use those resources very
10 effectively and very efficiently and reduce
11 the alarms. It's all part of the bigger
12 program here.

13 So while I would agree with the
14 theory that you put forward, the evidence is
15 quite to the contrary.

16 LEGISLATOR BYNOE: I hear you
17 loud and clear. While I agree there should
18 be a false alarm fee, because people would
19 be a little lackadaisical in turning off the
20 alarm and really misusing county resources,
21 I just disagree with increasing the cost.

22 But, that being said, I would be
23 interested to know if we have more families
24 or homes now with alarms because I don't
25 know that having a fee, I don't know that

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2 having the fee, if there is any correlation
3 to the reduction in actual thefts.

4 COMMISSIONER KRUMPTER: There is
5 actually more alarms registered in Nassau
6 County than we started the program. I can
7 get you the numbers.

8 LEGISLATOR BYNOE: That might
9 itself be a deterrent.

10 COMMISSIONER KRUMPTER: We have
11 more registered permits. Because, what
12 happens now is, if you have an alarm that's
13 activated, and you don't have a permit in
14 Nassau County, you are immediately fined.
15 So you are immediately notified.

16 Then we have a better grasp of
17 the alarms which also works for the 911
18 system.

19 Because when we get a call on an
20 alarm and we have to put in all the
21 information because we just don't have a
22 permit number from the alarm company, that's
23 time consuming and takes away the alarm
24 operator's ability to answer other calls.

25 By having that alarm permit in

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2 the system, everything is sort of
3 preregistered, they just punch it in and
4 it's a lot quicker response.

5 LEGISLATOR BYNOE: Again, I'm not
6 arguing about having a permit. Not arguing
7 the fact of having false alarm fees. I'm
8 arguing the point that the fees to me are
9 just too high. I don't see that there would
10 be a correlation between having fees and
11 having increased public safety to the degree
12 that we've reduced the number of burglaries.

13 I think that we need if we're
14 going to try to hang our hats on some data,
15 we need to know how many additional homes
16 now have alarms. I would be interested to
17 hear again the deactivation fee what it is
18 currently and what is proposed for the
19 upcoming budget. Thank you, Commissioner.

20 COMMISSIONER KRUMPTER: Have a
21 good day.

22 VICE-CHAIRMAN MUSCARELLA: Ms.
23 Curran.

24 LEGISLATOR CURRAN: Thank you. A
25 couple of quick questions.

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2 Number one, does it go on your
3 credit report if you fail to pay your fines?

4 COMMISSIONER KRUMPTER: Are you
5 talking about the Nassau County Police
6 Department fines?

7 LEGISLATOR CURRAN: Yes.

8 COMMISSIONER KRUMPTER: Nassau
9 County Police Department has no relationship
10 with any credit reporting agency.

11 LEGISLATOR CURRAN: Also, I know
12 you're coming back to us so I'm not going to
13 give you a million questions right now.

14 COMMISSIONER KRUMPTER: If you
15 want to send them to me, you can do that
16 too.

17 LEGISLATOR CURRAN: Or I can just
18 tell you. I know Minority Leader Abrahams
19 asked for some data, so if you could bring
20 that, that would be great.

21 And I know this is not the time
22 to talk about crime statistics, but I would
23 love to get into that as well. If it's year
24 to date, what the indices are, and all of
25 that.

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2 COMMISSIONER KRUMPTER: It's
3 great. We're down to six and a half percent
4 in major crime and pretty much all
5 categories are down with the exception of
6 grand larceny.

7 LEGISLATOR CURRAN: You don't
8 have to get into it now.

9 COMMISSIONER KRUMPTER: Be more
10 than happy.

11 VICE-CHAIRMAN MUSCARELLA:
12 Commissioner, you would be more than happy
13 but we wouldn't be.

14 COMMISSIONER KRUMPTER: Sorry,
15 legislator.

16 LEGISLATOR CURRAN: You can have
17 fun next week with that.

18 COMMISSIONER KRUMPTER: It's
19 always good to talk about wins. Have a good
20 day. Are there any other comments or
21 questions from the legislators?

22 (No verbal response.)

23 Is there any public comment?

24 MS. MEREDAY: Meta J. Mereday,
25 Baldwin resident. Where does one begin?

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2 I'm glad for the discussion, the discourse,
3 that always encourages me.

4 My concern, again, for those of
5 you making these decision has to do with
6 where we have these fees that are listed as
7 it pertains to our disabled residents,
8 things of that nature.

9 Again, a revenue stream is based
10 upon a product and/or service and the
11 customer linked to that. I'm just not clear
12 as to what is the anticipated revenue or
13 profit that would be derived from these fees
14 that are being imposed in terms of the
15 numbers of those that would be
16 participating.

17 For example, the fee that's being
18 charged for golf carts at Eisenhower Park
19 for the veterans and the disabled and
20 Christopher Morley Park and things of that
21 nature.

22 Long Island, in terms of the
23 design, in terms of being a location where
24 our older residents and veterans can come
25 and enjoy the fruits of their labor. They

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2 are also being taxed, so they are also going
3 to be burdened.

4 I'm trying to see where the sense
5 of that is. What is the percentage, the
6 bump in the budget that's going to be so
7 significant that they're going to be charged
8 at all, but also to have an increase.

9 My other issue had to do with I
10 guess when we were talking about fees and
11 things of that nature, there was no
12 discussion I guess in the budget hearing as
13 it pertains to the fees derived from the DWI
14 and DUI scenario.

15 And, again, as it pertains to
16 veterans, and I had posed a question in a
17 previous meeting with regard to getting
18 information about the veterans court in
19 Nassau County, and the specifics of the
20 veterans court for Nassau County, because
21 one of the areas that we wanted to make sure
22 was incorporated in that for the
23 compassionate care had to do with the DWI
24 and DUI component.

25 From my understanding at that

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2 point, when it was officially implemented,
3 that piece was not included in that veterans
4 court because of the "loss of income" to the
5 county.

6 So, if someone at some point,
7 again, I know I could be talking and getting
8 crickets, but at some point if somebody
9 could get that information to me, I would be
10 greatly appreciative because I'm not really
11 sure if I'll be able to attend these budget
12 hearings, but I'm sure that I will get
13 whatever information that I need, or what is
14 the latest scandal that will break in
15 Newsday. Thank you.

16 VICE-CHAIRMAN MUSCARELLA: Thank
17 you, Ms. Mereday.

18 Any other public comment?

19 (No verbal response.)

20 Seeing none, all those in favor
21 of moving Item 393 of '16 signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

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2 The item carries four to three.

3 394 of '16, a local law to amend
4 the Nassau County Administrative Code in
5 relation to facilitating the charge back of
6 expenses of the Board of Elections.

7 A motion, please.

8 LEGISLATOR KOPEL: So moved.

9 LEGISLATOR WALKER: Second.

10 VICE-CHAIRMAN MUSCARELLA: Moved
11 by Mr. Kopel, seconded by Ms. Walker. The
12 item is before us.

13 Quickly, just a quick explanation
14 of this.

15 MR. NAUGHTON: The law allows us
16 to charge back a portion of the expenses to
17 the towns and the cities for expenses made
18 to the Board of Elections.

19 We are asking for those
20 elections to supply their data, and then we
21 budgeted \$2 million as a charge back.

22 VICE-CHAIRMAN MUSCARELLA: This
23 is when they are running elections for their
24 own particular jurisdiction, correct?

25 MR. NAUGHTON: No. I prefer to

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2 let the attorneys speak to this.

3 MR. PODLESAK: It's for
4 elections; general or special or primary in
5 the county.

6 VICE-CHAIRMAN MUSCARELLA: So
7 there's a presidential election coming up.

8 MR. PODLESAK: Correct. Well, it
9 wouldn't be this year, would be starting --

10 VICE-CHAIRMAN MUSCARELLA: I
11 understand, but let's do it with the
12 presidential election.

13 The machines go out. We are now
14 going to propose to charge the school
15 districts for the use of those machines?

16 MR. PODLESAK: I don't know if
17 school districts are in there. I think it's
18 just towns and villages and cities.

19 VICE-CHAIRMAN MUSCARELLA: State
20 law permits this?

21 MR. PODLESAK: Yes, it does.
22 It's a local option that has to be enacted
23 by the local Legislature.

24 VICE-CHAIRMAN MUSCARELLA: How do
25 we determine the proportion of the charge

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2 back to the various entities?

3 MR. NAUGHTON: We didn't want to
4 burden the municipalities with this, so we
5 chose a small amount being \$2 million.

6 I think the plan is that it will
7 be based off the assessed valuations, how we
8 will prorate the expense,

9 MS. D'ALLEVA: The current
10 expense for the Board of Elections of is
11 over \$30 million. So \$2 million of the 30
12 is negligible.

13 VICE-CHAIRMAN MUSCARELLA: I
14 understand. Is there any way to recoup,
15 let's assume we are giving machines to a
16 school district for a school board election.

17 MS. D'ALLEVA: Currently they do
18 pay for use of small incidental use, but the
19 actual machines, the current new computers
20 and scanners that are currently used in
21 elections are very costly. They're costly
22 in terms of warranties and in terms of
23 battery life.

24 VICE-CHAIRMAN MUSCARELLA: So
25 this is just a general allocation of money

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2 of a charge back just for running general
3 elections because the county runs the
4 election. It's felt that other
5 municipalities should join in the expense of
6 running elections?

7 MR. NAUGHTON: That is correct.

8 VICE-CHAIRMAN MUSCARELLA: Are
9 there any questions? Ms. Curran.

10 LEGISLATOR CURRAN: Thank you.
11 So I understand that the BOE, the Board of
12 Elections did not actually request this, and
13 that there is documented bipartisan
14 opposition to this charge back initiative.

15 MR. NAUGHTON: That's an accurate
16 statement.

17 LEGISLATOR CURRAN: Further, the
18 Board of Elections did an analysis that
19 showed according to them that there is no
20 legal basis for charge-backs for a couple of
21 reasons because the county actually never
22 did charge for this in the past. We never
23 had charged the cities or the towns for
24 this.

25 MR. NAUGHTON: They may have good

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2 lawyers. The only attorney I listen is the
3 county attorney.

4 LEGISLATOR CURRAN: That makes
5 sense. That's your job. The tricky part of
6 this, there is a legal question.

7 Doesn't it seem risky to put this
8 in the budget if there's this sort of out
9 lying legal question that's not yet
10 resolved?

11 MR. NAUGHTON: The only legal
12 question is in their mind. We feel we have
13 the ability to do this. The Board of
14 Elections, they like to spend money. So now
15 we're telling them, give us the data so we
16 can make back some money.

17 LEGISLATOR CURRAN: The other
18 thing I would want to add, this is for
19 towns, villages and cities. But if I
20 understand this correctly, villages do their
21 own. We already rent them, the machines,
22 for the villages. So this would be just for
23 towns and cities I would imagine, right?

24 MR. PODLESACK: That's only for
25 their own elections. This will be for

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2 general primaries and the special elections.

3 LEGISLATOR CURRAN: I see. It
4 also seems, just back to this legal
5 analysis, and maybe this is not the time to
6 talk about this, but I do want to put this
7 on the record.

8 It's based on the word
9 previously, that we previously got from
10 towns, villages, and cities, but this is one
11 of the few counties in the state that never
12 actually did charge in the past. We never
13 previously did. It depends on what is is.
14 In this case it depends on what previously
15 is.

16 It seems to me to be a pretty
17 substantial question. It could remain
18 unresolved for a while.

19 MR. PODLESACK: I disagree. I
20 think it's actually fairly straightforward.
21 The county's responsibility for the
22 ownership of the machines dates to 1976 when
23 it was in fact enacted by the State
24 Legislature and the ownership was given to
25 the county of the machines. It was also

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2 given to Suffolk and to Monroe county.

3 It was only in 2005 when this
4 particular legislation that allows charge
5 back was enacted was the ownership of the
6 machines given to the other counties of the
7 State of New York.

8 Also the particular piece of
9 legislation from 2005 amended the section of
10 the Election Law that made the expense of
11 the machines a county charge, and
12 specifically eliminated it.

13 The analysis of that is, if the
14 Legislature eliminates a prohibition, that
15 means that the prohibition no longer exists
16 and the county at this point can charge back
17 for the cost of machines.

18 LEGISLATOR CURRAN: Okay. Where
19 does the \$2 million figure come from?

20 MR. NAUGHTON: As I stated
21 earlier, we did not feel it was right to
22 burden the municipalities with a huge dollar
23 amount, so we figure, as Roseann stated
24 their budget is over \$30 million, so we said
25 a small fraction of that would be

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2 reasonable.

3 And also, just to add, this has
4 been if our county's multiyear plan as an
5 option for a few years now. So that's why
6 the research has been done, been thoroughly
7 vetted by the County Attorney's Office, so
8 it really should not have been a big
9 surprise to people that eventually we would
10 be doing this.

11 LEGISLATOR CURRAN: Okay. I'm
12 just concerned that it's risky, could be
13 risky revenue.

14 LEGISLATOR SOLAGES: If NIFA
15 determines this to be risky revenue, is
16 there a backup plan as to how we could raise
17 this revenue?

18 MR. NAUGHTON: NIFA can determine
19 anything to be a risk, but the first hurdle
20 is having this Legislature approve the item.

21 VICE-CHAIRMAN MUSCARELLA: Mr.
22 Solages, he really answered this question
23 before. You have income, you have expenses,
24 and a budget is not set in stone and, as the
25 management goes forward, if income is down,

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2 it needs to manage its expenses and deal
3 with it accordingly. That's what budgets
4 are.

5 LEGISLATOR SOLAGES: Thank you,
6 Legislator Muscarella. One more question.

7 You said that you only spoke to
8 the County Attorney on this. Was there any
9 discussion with the town attorney for the
10 Town of Hempstead, North Hempstead or Oyster
11 Bay?

12 MR. NAUGHTON: I would have to
13 consult with them.

14 LEGISLATOR SOLAGES: Perhaps a
15 possible impact study. They are operating
16 under a two percent tax cap and this would
17 probably cause them to pierce that.

18 MR. NAUGHTON: Do you recall the
19 state asking us for the impact on things
20 that they do to us?

21 LEGISLATOR SOLAGES: I'm not
22 going to get into that. I think that we
23 hold ourselves to a higher standard.

24 But, again, has there been any
25 discussion with the town as to a possible

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2 impact study?

3 MR. NAUGHTON: I think my answer
4 was no.

5 LEGISLATOR SOLAGES: Nothing
6 further, thank you.

7 VICE-CHAIRMAN MUSCARELLA: Yes,
8 Ms. Bynoe.

9 LEGISLATOR BYNOE: Thank you. So
10 I suspect that we're opening ourselves up,
11 we're exposing ourselves to litigation on
12 this matter, but I guess time will tell on
13 this matter.

14 But regarding how you arrived at
15 this \$2 million number. So you said
16 basically there is an increase to the budget
17 for this department. So we're going to pass
18 that expense on to the other municipalities.

19 But I would think that, and you
20 stated also, that you didn't want to
21 overburden those municipalities. But I
22 would think that you would have to in some
23 way demonstrate the actual expense that
24 would be borne to the process.

25 And then, if you wanted to then

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2 discount it, then we could discount it. But
3 I don't think we can arbitrarily come up
4 with this \$2 million figure and then want to
5 pass it on to municipalities. I would think
6 that there needs to be a more concrete
7 methodology to arriving at the figure.

8 I think that that's going to be
9 something that's going to be required of us
10 when we end up in court.

11 MR. NAUGHTON: I think that in
12 that case we should probably charge more.

13 VICE-CHAIRMAN MUSCARELLA: Ms.
14 Bynoe, it is what it is. Whether it's a
15 question of law and we're going to put it in
16 the budget, then we understand that there is
17 a possibility there is a problem with it, if
18 the County Executive is convinced that he is
19 within firm footing, then we'll go forward,
20 pass it, not pass it, deal with it.

21 LEGISLATOR BYNOE: My point was
22 to make it on the record that I think that
23 that's the appropriate way to handle
24 business.

25 VICE-CHAIRMAN MUSCARELLA: I'm

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2 not arguing with you. That's fine.

3 MS. D'ALLEVA: And, Legislator
4 Bynoe, we can afford you basically the
5 historical increases for the Board of
6 Elections alone by themselves can
7 substantiate a \$2 million increase.

8 LEGISLATOR BYNOE: What I'm
9 saying is that, we want to pass on an
10 expense.

11 I think that there should be some
12 requirement for the county to demonstrate
13 how they arrive at a number.

14 MS. D'ALLEVA: I agree.

15 LEGISLATOR BYNOE: That's my
16 point. Not what their budget line is, what
17 the actual expense for the activity is.
18 Thank you.

19 VICE-CHAIRMAN MUSCARELLA: Are
20 there any other questions?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 Hearing none, all those in favor
25 of moving this item 394-16 please say aye.

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2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The item carries four to three.

6 395 of '16, a local law to amend
7 the County Government Law of Nassau County
8 in relation to the Medical Examiner.
9 Motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 VICE-CHAIRMAN MUSCARELLA: Motion
13 by Mr. Dunne, seconded by Ms. Walker.

14 The item is before us. Do we
15 have any questions on the Medical Examiner's
16 budget? We do. Mr. Naughton, do you have
17 any information on the Medical Examiner?

18 MR. NAUGHTON: Asking for a fee
19 of \$80 on the creation services. Suffolk
20 County currently has this revenue source and
21 just looking at ways to recoup some of our
22 costs, we felt that this was reasonable
23 revenue.

24 LEGISLATOR CURRAN: So this is
25 for unclaimed bodies, correct?

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2 MR. NAUGHTON: For the creations,
3 yes.

4 LEGISLATOR CURRAN: How do we go
5 after who is responsible for an unclaimed
6 body if they're not being claimed in the
7 first place?

8 MR. PODLESAK: What I have been
9 advised by the Medical Examiner is, certain
10 people, when they find out that the body can
11 be disposed of at no cost to them by letting
12 the county dispose of it, do not claim
13 bodies.

14 VICE-CHAIRMAN MUSCARELLA: So
15 it's not that we don't know who is
16 responsible for it, we just have no -- or we
17 haven't been able to collect?

18 MR. PODLESAK: Right. And we
19 actually haven't charged for it.

20 LEGISLATOR CURRAN: And I'm
21 assuming from looking at the budget item
22 that it's going to add about \$200,000 into
23 the ME's revenue; is that correct?

24 MS. D'ALLEVA: Yes.

25 LEGISLATOR CURRAN: How often

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2 does this happen that we unclaimed bodies?

3 MS. D'ALLEVA: I think it's about
4 2,600.

5 LEGISLATOR CURRAN: Do we
6 resources, people to go out and look for
7 relatives, responsible people? How do we
8 locate them?

9 MS. D'ALLEVA: I think these are
10 individuals that are associated with
11 families, so they are being charged to a
12 particular family.

13 LEGISLATOR CURRAN: But the
14 family is not paying, is that what it is?

15 MS. D'ALLEVA: There isn't a fee
16 for the service currently. So now they are
17 cremating the bodies and now they're
18 charging for that cremation.

19 LEGISLATOR CURRAN: But what if
20 the body is not claimed? What if they don't
21 know who the family is, is there an
22 investigation?

23 MS. D'ALLEVA: I think this is in
24 terms of bodies that are claimed. I don't
25 think it's unclaimed bodies.

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2 LEGISLATOR CURRAN: I would be
3 curious to know more about this. It's very
4 interesting.

5 VICE-CHAIRMAN MUSCARELLA: If
6 nobody claims a body, we are in no less a
7 position than we are now. We're not
8 charging. So we're going to cremate them
9 and not charge anybody because there is no
10 one to charge.

11 If there is a family to charge,
12 we are now going to charge them for
13 cremation.

14 LEGISLATOR CURRAN: I would think
15 it would cost us some money to track them
16 down unless I'm missing something here.

17 MS. D'ALLEVA: I completely agree
18 with you. I believe it's a fee for service
19 that is currently being performed.

20 LEGISLATOR CURRAN: So this net
21 200k would be net?

22 MS. D'ALLEVA: Yes.

23 LEGISLATOR CURRAN: Did the ME's
24 department participate in this? Did they
25 ask for this or is this coming from above?

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2 MR. NAUGHTON: It was my idea.

3 LEGISLATOR CURRAN: The language
4 is for unclaimed bodies. So it is for
5 bodies -- I'm just thinking of some poor
6 soul who has died who has no family.

7 VICE-CHAIRMAN MUSCARELLA: Having
8 no family is different from an unclaimed
9 body. If somebody is a relative of mine,
10 take him, I'm not claiming him, but they
11 know who it is and they want the money.

12 LEGISLATOR CURRAN: So it is
13 known who it is so they can be tracked down
14 and charged; is that right?

15 MR. NAUGHTON: Yes, correct.

16 LEGISLATOR CURRAN: So there is
17 no investigator that's going out there that
18 we have to pay from this \$200,000 that would
19 change the amount?

20 MR. NAUGHTON: No. As Roseann
21 stated, we have been providing the service
22 at no cost. Now we have decided we should
23 charge for it.

24 LEGISLATOR CURRAN: Thank you
25 very much.

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2 VICE-CHAIRMAN MUSCARELLA: Are
3 there any other questions?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 Being none, all those in favor of
8 moving 395 of '16 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 That item is reported four to
13 three.

14 396 of '16, a local law to amend
15 the Administrative Code of Nassau County in
16 relation to penalties on delinquent taxes.

17 Motion, please.

18 LEGISLATOR KOPEL: So moved.

19 LEGISLATOR WALKER: Second.

20 VICE-CHAIRMAN MUSCARELLA: Motion
21 by Mr. Kopel, seconded by Ms. Walker.

22 Mr. Naughton, what is the penalty
23 now in delinquent taxes?

24 MR. NAUGHTON: Currently the
25 penalty is five percent and this will

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2 increase it to six percent.

3 VICE-CHAIRMAN MUSCARELLA: And
4 then it's one percent per month. Any
5 questions?

6 (No verbal response.)

7 Is there any public comment? Ms.
8 Mereday.

9 MS. MEREDAY: Got to stretch the
10 legs. Meta J. Mereday, Baldwin resident.
11 With relation to this and with the previous
12 passing of that Item 409 with 100 Main
13 Street in Hempstead, aside from the
14 penalties, what's being put in place so that
15 we don't have another situation where we
16 have a building or structure that's going to
17 potentially owe the county millions of
18 dollars in unclaimed taxes?

19 You're posing a penalty, great,
20 but if they couldn't pay to begin with to
21 become delinquent, what are we doing
22 initially to either work with that entity or
23 to try to address that issue so it does not
24 become extensive and then get to the point
25 where again it is offset by the county

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2 taxpayers.

3 So I'm just curious as to what is
4 the platform in place, if any?

5 VICE-CHAIRMAN MUSCARELLA: Ms.
6 Mereday, in this bill, in this budget bill,
7 there is nothing that addresses what you're
8 asking. This is merely to increase.

9 MS. MEREDAY: So this is really
10 as far as increasing it as potential revenue
11 stream?

12 VICE-CHAIRMAN MUSCARELLA: That's
13 correct. That's what the budget hearing is.

14 MS. MEREDAY: Okay. But to have
15 the actual parameters as to again what
16 questions were asked earlier, like what was
17 the genesis for the increase in itself?

18 Is it just because we want to use
19 this to potentially raise more money or
20 using this as prevention or what?

21 I mean, it's still questions that
22 those of us who are taxpayers who have to
23 kind of support this need to know, because
24 you have a lot of residents who have
25 commercial properties that will have to

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2 potentially face this if their taxes are
3 delinquent.

4 VICE-CHAIRMAN MUSCARELLA: What
5 is happening here is, appears to me to be,
6 the administration making a decision that
7 because revenue needs to be enhanced, they
8 can raise taxes, they can raise fees.

9 It appears that they are
10 primarily raising fees so that those
11 residents that you're talking about who
12 can't pay their taxes who are then
13 delinquent pay a fee. That fee is going up.
14 The fee is not going up for the taxes
15 itself.

16 MS. MEREDAY: Okay. It's going
17 up for the delinquency fee?

18 VICE-CHAIRMAN MUSCARELLA: That's
19 correct.

20 MS. MEREDAY: So the delinquency
21 fee for the taxes --

22 VICE-CHAIRMAN MUSCARELLA: That
23 are not paid.

24 MS. MEREDAY: Are going up. So
25 the ones that have left town altogether with

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2 these delinquent taxes as well, then who
3 becomes responsible for that?

4 VICE-CHAIRMAN MUSCARELLA:
5 Eventually the property gets sold at tax
6 liens and those monies get paid back.

7 MS. MEREDAY: All of this is part
8 of this new plan?

9 VICE-CHAIRMAN MUSCARELLA: This
10 is not part of a new plan.

11 MS. MEREDAY: These are the
12 proposed budget items that are going to
13 again reduce our -- maintain a hard line on
14 property taxes and save money for the
15 county.

16 VICE-CHAIRMAN MUSCARELLA: Again,
17 what this bill does is it raises the penalty
18 from five percent to six percent on a
19 delinquent tax. Are there any other
20 questions?

21 (No verbal response.)

22 All those in favor of moving this
23 item signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (Nay.)

3 The item carries four to three.

4 Thank you.

5 The next item, 397 of '16 is a
6 local law amending Title B, Article 2 of
7 Chapter 5 of the administrative code of
8 Nassau County.

9 Motion, please.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR DUNNE: Second.

12 VICE-CHAIRMAN MUSCARELLA: Motion
13 by Mr. Kopel, seconded by Mr. Dunne. Most
14 by will Kopel second by Mr. Dunne.

15 MR. JEFFERSON: Good afternoon,
16 Beaumont Jefferson, Treasurer.

17 The item before you is a proposal
18 to change the auction that we currently do
19 which is an in-person auction to an online
20 auction.

21 The online auction would be done
22 on one day versus our current auction which
23 is held here in the legislative chamber for
24 four to five days.

25 VICE-CHAIRMAN MUSCARELLA: If I

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2 might just stop you, what type of auction
3 are you talking about?

4 MR. JEFFERSON: This is a tax
5 lien auction, tax lien sale.

6 VICE-CHAIRMAN MUSCARELLA: Do we
7 have any questions? Ms. Curran.

8 LEGISLATOR CURRAN: So if I
9 understand correctly, this appears to
10 accomplish two things; it allows tax liens
11 to be auctioned online; is that right?

12 MR. JEFFERSON: Yes.

13 LEGISLATOR CURRAN: And it also
14 allows them to be bundled for sale?

15 MR. JEFFERSON: That's correct.

16 LEGISLATOR CURRAN: What is the
17 benefit to the county that come with these
18 changes?

19 MR. JEFFERSON: With these
20 changes, what we currently have is an
21 auction that requires us to set up the
22 chamber. It takes us about four days to
23 auction in person.

24 If we do it online, we can do it
25 within one day. We can increase the number

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2 of participants in the auction which will
3 then reduce the current interest rate that
4 we pay to the auctioneers.

5 LEGISLATOR CURRAN: Great,
6 thanks.

7 VICE-CHAIRMAN MUSCARELLA: I
8 guess you free up some manpower during that
9 time?

10 MR. JEFFERSON: That is correct.

11 VICE-CHAIRMAN MUSCARELLA: Ms.
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON: Do
14 you have an estimate of the cost of
15 implementing this program online?

16 MR. JEFFERSON: Yes. We have a
17 current estimate which there would be
18 development costs of approximately \$67,000.
19 However, we currently pay an auctioneer
20 \$24,000 on just an auctioneer to sit here
21 and auction over five days.

22 LEGISLATOR DERIGGI-WHITTON: So
23 you're anticipating \$1.5 million increase on
24 this?

25 MR. JEFFERSON: The income that

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2 we expect to receive on this is
3 approximately 1.5.

4 VICE-CHAIRMAN MUSCARELLA: That
5 income is attributable to what?

6 MR. JEFFERSON: Can you repeat
7 that?

8 VICE-CHAIRMAN MUSCARELLA: The
9 income that you're talking is attributable
10 to?

11 MR. JEFFERSON: Yes. The
12 additional revenue will be derived by, one,
13 reducing the rates that we currently pay
14 investors, and also we should be able to
15 sell some of the properties that currently
16 come back to the county that are not bought
17 by the local investors.

18 VICE-CHAIRMAN MUSCARELLA:
19 Because they're bundled?

20 MR. JEFFERSON: No. Not because
21 they're bundled because it's opened up to a
22 larger pool, and there's approximately about
23 a million dollars that the county buys back
24 because there's investors who don't purchase
25 those, we expect to sell those online, and

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2 also reduce what we call the differential
3 interest rate.

4 LEGISLATOR DERIGGI-WHITTON: The
5 \$67,000, is that a one time fee, or is that
6 going to be annual?

7 MR. JEFFERSON: That's a one time
8 development fee.

9 LEGISLATOR DERIGGI-WHITTON: Have
10 you studied any other municipality or county
11 that switched, do you know if it increases
12 this much normally with the revenue?

13 MR. JEFFERSON: Well, we looked
14 at other counties. There are none in State
15 of New York currently, but Arizona, Florida,
16 all their lien sales are done through
17 online.

18 LEGISLATOR DERIGGI-WHITTON: And
19 there's this much of an increase from the
20 year they do it in person and then going to
21 online?

22 MR. JEFFERSON: Well, the
23 increase that we're looking for is really to
24 sell the liens that we're currently not
25 selling.

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2 So, by opening up that pool, we
3 will have the liens that the county
4 currently retains, those should be sold, and
5 we should also be able to reduce the
6 interest that we pay, the differential
7 interest that we pay to lien buyers.

8 LEGISLATOR DERIGGI-WHITTON: I
9 know a portion of the bid has to be
10 deposited prior or something, how is that
11 going to work online?

12 MR. JEFFERSON: On line,
13 currently we accept the bids on the same
14 day. When the lien buyer attends the
15 auction on the first day we ask them for a
16 deposit and we continue to ask them for a
17 deposit over the four days before the sale
18 actually begins.

19 Online, you would have to make
20 the deposit the day before so the money
21 would have to be wired into one of our bank
22 accounts the day before the auction.

23 Also, just to give you an idea of
24 the number of liens that we sell, we sell
25 approximately 40 to \$50 million in liens a

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2 year. So this 1.1 million is just an
3 incremental increase. Small.

4 LEGISLATOR DERIGGI-WHITTON: Just
5 real quick, but can you explain how the
6 bundling of taxes is going to help to raise
7 revenue?

8 MR. JEFFERSON: Well, for some
9 liens we should be able that we can't sell,
10 we should be able to then package those and
11 make them more attractive to an investor who
12 may want to actually purchase one lien but
13 by bundling it we can actually ask them to
14 purchase some liens that may not be
15 necessarily attractive to them.

16 LEGISLATOR DERIGGI-WHITTON:
17 Thank you.

18 VICE-CHAIRMAN MUSCARELLA: Are
19 there any other questions?

20 (No verbal response.)

21 Is there any public comment? Ms.
22 Mereday.

23 MS. MEREDAY: Meta J. Mereday,
24 Baldwin resident. I'm just concerned with
25 regard to the security aspect of this, kind

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2 of background checks, credit checks,
3 accessibility for those who are not
4 necessarily online or savvy to that, just
5 kind of limiting the reach.

6 I guess when you are talking in
7 those types of arenas, it is a selective
8 pool, but I'm still really concerned when we
9 talk about obvious potential threats but we
10 still forget that the financial component of
11 terrorism is equally as terrifying, and it's
12 something that we need to get a better
13 handle on in terms of what we're putting out
14 there and who in fact is actually bringing
15 their money into our county.

16 We can't be that desperate to get
17 funding because we're trying to make up for
18 shortfalls or programs that didn't bring in
19 the projected revenue as they were supposed
20 to in the past, and just jump on anything
21 that's out there, like spaghetti, throw it
22 on the wall and see what sticks. So I would
23 be concerned.

24 Again, if this is just a budget
25 item and you're going to vote for it anyway,

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2 I would hope that someone would be asking
3 the question at the opportune time with
4 regard to the credit checks and saying that
5 this is something that in Florida and
6 Arizona, that really doesn't give me too
7 much comfort. Just saying. Thank you.

8 VICE-CHAIRMAN MUSCARELLA: So
9 noted. Thank you. Is there any other
10 public comment? Ms. Curran.

11 LEGISLATOR CURRAN: Have we
12 charged a fee for tax liens certificates in
13 the past? Or is this a new fee?

14 MR. JEFFERSON: We implemented
15 the fee last year. Last year was the first
16 year that we implemented the fee for the
17 certificate.

18 LEGISLATOR CURRAN: Thank you.

19 VICE-CHAIRMAN MUSCARELLA: All
20 those in favor of moving this item, signify
21 by saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 The item carries four to three.

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2 The last budget fee item we're
3 talking about is Item 398 of '16, a local
4 law to amend the Nassau County
5 Administrative Code in relation to providing
6 greater protection to Nassau County
7 consumers.

8 Motion, please.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR DUNNE: Second.

11 VICE-CHAIRMAN MUSCARELLA: Motion
12 by Ms. Walker, seconded by Mr. Dunne.

13 That item is before us. Who do
14 we have with us? Roseann.

15 MS. D'ALLEVA: This is basically
16 a fee increase proposed by the Department of
17 Consumer Affairs for a whole host of items
18 that they monitor on behalf of the
19 constituents of Nassau County.

20 VICE-CHAIRMAN MUSCARELLA: Do we
21 have questions? Ms. Curran.

22 LEGISLATOR CURRAN: Do we know
23 how many complaints have been received by
24 consumers affairs or by the administration
25 vis-a-vis dog grooming establishments,

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2 health clubs, and I think more interesting
3 to me tax reduction assessment services.

4 MS. D'ALLEVA: Madeline Farley,
5 the commissioner of consumer affairs
6 proposed these fees because the complaints
7 she has had. I don't have the number of
8 complaints with me, but we can get that
9 information. But in areas for sure in terms
10 of health clubs and pet groomers, I know
11 that that was a main proponent of that
12 suggestion, but for tax grievance and that
13 assessment component was proposed actually
14 by assessment review commission because of
15 mis-filings in terms of tax certiori
16 grievances.

17 LEGISLATOR CURRAN: Okay. I
18 would be interested to know the numbers if
19 they're gettable.

20 MR. PODLESACK: There's another
21 aspect to it too. There's been a tendency
22 in the past for overcharging of consumers
23 for very basic services like filing a STAR
24 application or enhanced STAR application
25 which would normally take five minutes.

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2 There have been instances noted where they
3 have charged \$1,500. This would limit this.
4 Possible charge to \$25. So that's a direct
5 benefit to the consumers.

6 Also there is some question of
7 certain individuals who are setting up these
8 organizations in order to fly under the
9 radar as far as any other kind of regulation
10 or control.

11 I'm talking about people who
12 would normally be attorneys who do tax
13 certiori business and they set up these tax
14 rep companies and they are not otherwise
15 controlled at that point. So that's a major
16 aspect of this legislation.

17 LEGISLATOR CURRAN: Thank you.

18 VICE-CHAIRMAN MUSCARELLA: Ms.
19 Bynoe.

20 LEGISLATOR BYNOE: In regards to
21 the pet groomer, are they regulated in any
22 kind of way?

23 MS. D'ALLEVA: There is actually
24 very little regulation in terms of New York
25 State for both pet grooming, health clubs

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2 and/or tattoo parlors, actually.

3 So they're not really regulated
4 so therefore this was something that
5 Consumer Affairs felt they needed to impose.

6 LEGISLATOR BYNOE: Similar to the
7 tax assessment, will there be some real
8 direct benefit by imposing this licensing
9 fee in the sense that I think you said it,
10 there would be a restriction as to how much
11 each tax assessment entity could charge a
12 residential homeowner for the service. Is
13 there some other --

14 MS. D'ALLEVA: In terms of
15 regulating fees for service in terms of pet
16 grooming, no. Like, for example, for health
17 clubs, in terms of consumer protection in
18 regards to contracts that people sign for
19 health clubs and membership, the health
20 clubs would have to basically give over
21 their contract for the health club to the
22 Consumer Affairs department and be regulated
23 that way, so they could actually be a
24 proponent for the constituent to make sure
25 that the terms and the conditions of the

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2 contract are feasible for -- or protect the
3 consumer.

4 LEGISLATOR BYNOE: For the pet
5 groomer --

6 MS. D'ALLEVA: They're not going
7 to regulate the price fee for service.
8 They're going to regulate in terms of
9 complaints and register the pet groomers so,
10 if there are issues, they can actually
11 rescind the license or rescind the
12 registration and perhaps actually put
13 together a website in terms of be aware.

14 LEGISLATOR BYNOE: So there won't
15 be any requirements for the space, in terms
16 of occupancy of animals or ventilation, or
17 there won't be anything to that degree?

18 MS. D'ALLEVA: Not in the
19 legislation, no.

20 LEGISLATOR BYNOE: Thank you.

21 VICE-CHAIRMAN MUSCARELLA: Mr.
22 Abrahams.

23 LEGISLATOR ABRAHAMS: Thank you.
24 I guess this is more the County Attorney's
25 Office. In our reading of the New York

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2 General Business Law which we believe is
3 part of the New York State Health Club
4 Service Law, it indicates that the political
5 subdivision, otherwise authorized may enact
6 a local law identical to the provisions of
7 this article to enable a local enforcement
8 and provisions of this article in such local
9 law.

10 Any local law not identical with
11 the provisions of this article or with any
12 rules and regulations hereunder shall be
13 preempted, superseded and/or no force or in
14 effect.

15 From our reading of this law, it
16 appears that ours is not identical to the
17 state law.

18 MR. PODLESACK: We believe the law
19 comports with the New York State law.

20 LEGISLATOR ABRAHAMS: But it
21 indicates that the law needs to be
22 identical.

23 MR. PODLESACK: We believe that
24 the law comports with the New York State
25 law.

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2 LEGISLATOR ABRAHAMS: Is it
3 identical?

4 MR. PODLESAK: We believe that
5 the law comports with New York State Law.

6 LEGISLATOR ABRAHAMS: You're not
7 going to answer the question I guess.

8 MR. PODLESAK: I answered the
9 question.

10 VICE-CHAIRMAN MUSCARELLA: He
11 answered it his way.

12 LEGISLATOR ABRAHAMS: It's not
13 responsive. It clearly states here it needs
14 to be identical.

15 MR. NAUGHTON: Legislator
16 Abrahams, we are going through and reviewing
17 all the fees, so if you're accurate then we
18 will make the proper modification.

19 VICE-CHAIRMAN MUSCARELLA: We
20 would ask that the administration look into
21 the issue that's raised by Mr. Abrahams.

22 MR. NAUGHTON: And we will.

23 VICE-CHAIRMAN MUSCARELLA: Any
24 other questions? Ms. DeRiggi-Whitton.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Thank you. In regard to the tax assessment
3 people, tax grievance people, are these fees
4 also going to be charged to like the larger
5 law firms that handle the tax grievances?

6 MR. PODLESACK: The county can not
7 regulate attorneys. This is for the
8 representatives who handle matters for
9 residents.

10 The idea is to protect the
11 consumers who are the homeowners of Nassau
12 County. The law firms work primarily for
13 commercial outfits and they are regulated by
14 the State of New York.

15 LEGISLATOR DERIGGI-WHITTON: So
16 any tax grievance company that is affiliated
17 with an attorney or attorneys office will
18 not be --

19 MR. PODLESACK: That's not what
20 the language says. The language says that
21 if it is being regulated and the individual,
22 the client has engaged an attorney as an
23 attorney then it is not regulated by this.

24 If they have been engaged -- if
25 they have engaged a firm that might have

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2 some kind of contact with an attorney, but
3 the business of the tax rep firm is not
4 under the control of the -- under the
5 control of the legal ethics or any of the
6 other legal disciplinary matters, it would
7 not be coming under this particular
8 legislation. It has got to be a tax rep
9 firm.

10 LEGISLATOR DERIGGI-WHITTON: The
11 local law is stating that the assessment
12 roll will now be the intellectual property
13 of the county, and to restrict the
14 publication of such information for
15 commercial use. Are we allowed to make such
16 a change?

17 MR. PODLESIAK: Yes.

18 LEGISLATOR DERIGGI-WHITTON: Do
19 you have concerns of it affecting the first
20 amendment issues?

21 MR. PODLESIAK: None.

22 LEGISLATOR DERIGGI-WHITTON: I
23 beg to differ. I think we're sort of
24 overstepping what we can do legally by
25 restricting this information that used to be

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2 public use. Thank you.

3 VICE-CHAIRMAN MUSCARELLA: Any
4 other questions?

5 (No verbal response.)

6 Any public comment? Yes, Ms.
7 Mereday.

8 MS. MEREDAY: Meta J. Mereday,
9 Baldwin resident. So, as it pertains to
10 protecting a consumer, how are the consumers
11 themselves going to be notified. Is this a
12 fee that's going to be specifically geared
13 to the individual companies or is this based
14 upon -- so, in essence, just so I'm clear,
15 the consumer has to get -- have an issue
16 with one of these types of companies, and
17 then contact consumer protection, then --
18 I'm trying to understand how the consumer is
19 being protected.

20 VICE-CHAIRMAN MUSCARELLA: Once
21 you have a license or you pay a fee, when a
22 consumer has a problem, the consumer can
23 call Consumer Affairs and they are then
24 within the jurisdiction of the Consumer
25 Affairs department to be able to call them

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2 in for a hearing or discussion or try to
3 resolve it.

4 Many times you get a consumer
5 that calls Consumer Affairs and they say,
6 I'm sorry, we don't have any jurisdiction
7 over them. We don't license them. We don't
8 have any ability to call them in. Your only
9 recourse is with the courts.

10 Here, once they are paying a fee
11 to the Department of Consumer Affairs, when
12 a consumer calls Consumer Affairs, they then
13 have the authority to call them in to try to
14 resolve an issue before it goes to court.

15 MS. MEREDAY: So, as far as you
16 know, there is no part of this fee to be
17 used towards consumer education that would
18 protect a consumer before they actually get
19 messed over with their money -- I'm just
20 asking --

21 VICE-CHAIRMAN MUSCARELLA: I
22 can't say specifically targeted to that. I
23 can only say again it's revenue that comes
24 in.

25 MS. MEREDAY: It's built in,

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2 okay, got it.

3 VICE-CHAIRMAN MUSCARELLA: Thank
4 you. Any other questions?

5 (No verbal response.)

6 Hearing none, all those in favor
7 of moving Item 398 of '16 please say aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 The item carries four to three.

12 I think we finished those items
13 that are particularly dealing with the
14 budget.

15 I will now move on to the rest of
16 the Finance Committee, and I would ask those
17 members who are not members of the Finance
18 Committee please refrain from asking
19 questions.

20 Next up is Item 406 of '16, a
21 resolution authorizing the county to
22 implement a program of projects funded by
23 the state mass transportation capital
24 program and to advance such funds required
25 to be advanced by the county, State of New

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2 York, to implement such program, and to
3 authorize the county executive to execute
4 any and all agreements and other
5 documentation necessary to implement the
6 program. Motion, please.

7 LEGISLATOR KOPEL: So moved.

8 LEGISLATOR WALKER: Second.

9 VICE-CHAIRMAN MUSCARELLA: Motion
10 by Mr. Kopel, seconded by Ms. Walker.

11 This passed through the Public
12 Works Committee. Do we any question about
13 this item?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 Hearing none, all those in favor
18 of moving Item 406 please say aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item carries unanimously.

23 I'm going to skip over 407 for a
24 while and I will call it in a few minutes.

25 Item 408 of '16 is a resolution

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2 authorizing the County Executive to execute
3 a grant agreement between the County of
4 Nassau acting on behalf of the Department of
5 Parks, Recreation and Museums and the
6 Franklin Square Historical Society.

7 Motion, please.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR KOPEL: Second.

10 VICE-CHAIRMAN MUSCARELLA: Motion
11 by Ms. Walker, seconded by Mr. Kopel. Any
12 questions on this?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 Hearing none, all those in favor
17 of moving Item 408 please aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item carries unanimously.

22 Item 409 of '16, an ordinance
23 making certain determinations pursuant to
24 the State Environmental Quality Review Act
25 and authorizing the County Executive of the

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2 County of Nassau to accept on behalf the
3 County of Nassau an offer of purchase from
4 Namdar Realty Group, L.L.C. of certain
5 premises located in the incorporated Village
6 of Hempstead, Town of Hempstead, County of
7 Nassau, State of New York, said property
8 known as Section 34, block 333-03, lot 2 on
9 the land and tax map of the County of Nassau
10 and authorizing the County Executive to
11 execute a deed, contract of sale
12 intermunicipal agreement for mortgage and
13 tax payoff and all pertinent documents in
14 connection therewith to consummate the sale
15 and vacating and cancelling all county held
16 tax liens and any and all tax obligations
17 not yet ripe for lien status related to such
18 property.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 VICE-CHAIRMAN MUSCARELLA: Motion
23 by Mr. Dunne, seconded by Ms. Walker. The
24 item is before us. Do we have somebody to
25 report on this?

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2 MR. WALSH: Good afternoon, Kevin
3 Walsh, Office of Real Estate. This is the
4 sale of 100 Main Street in Hempstead. It's
5 a couple of matters. It's a contract of
6 sale to sell the property. It was sold to
7 through an RFP, two RFPs were issued for
8 this.

9 In addition to the contract of
10 sale, it's an intermunicipal agreement with
11 the village of Hempstead to disburse the
12 proceeds of the sale which will go first to
13 pay off the outstanding Section 108 loan
14 which has been in foreclosure for quite a
15 few years, working through that.

16 And also to pay the county
17 closing costs in connection with this and
18 then anything remaining will go to taxes
19 between the county and the village, 57
20 percent to the county, 43 percent to the
21 village of Hempstead.

22 VICE-CHAIRMAN MUSCARELLA: And
23 basically what we are doing is putting this
24 property back on the tax rolls?

25 MR. WALSH: Correct. And we hope

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2 that we have a contract with no conditions
3 and hope to close in October.

4 VICE-CHAIRMAN MUSCARELLA: Thank
5 you. Any questions? Ms. Bynoe.

6 LEGISLATOR BYNOE: I would just
7 that we incorporate the transcript from the
8 Planning Committee into the Finance
9 Committee.

10 VICE-CHAIRMAN MUSCARELLA: So
11 noted.

12 (Whereupon, the following are the
13 minutes of the Planning Committee pertaining
14 to Clerk Item 409-16; 10-5-16.)

15 CHAIRWOMAN SCHAEFER: We have to
16 untable this item. Motion to untable.

17 LEGISLATOR RHOADS: So moved.

18 LEGISLATOR WALKER: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Rhoads, seconded by Legislator
21 Walker. All those in favor of untabling
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 We have one item on the agenda.

3 The item is now on the floor, is there
4 anyone here to testify on this item?

5 MR. WALSH: Kevin Walsh from the
6 Office of Real Estate Services. You have an
7 item before you, actually it's an ordinance
8 for a few contracts, actually a contract of
9 sale to sell property and an intermunicipal
10 agreement with the Village of Hempstead.
11 It's relating to 100 Main Street, a retail
12 office building in Hempstead that the county
13 acquired in late December 2014 for
14 nonpayment of taxes.

15 The county worked with the
16 village, worked out an intermunicipal
17 agreement to take the building basically in
18 foreclosure and hopefully will be sold.

19 We issued two RFPs and have
20 recommended it be awarded to Namdar Realty
21 Group who has owned many other similar
22 buildings both on Long Island and nationally
23 and we hope to get this building back to
24 productive use and back on the tax rolls and
25 move forward. Any questions?

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2 CHAIRWOMAN SCHAEFER: Legislator
3 Bynoe.

4 LEGISLATOR BYNOE: Thank you,
5 Chair. Hi Mr. Walsh. I have some questions
6 regarding the transaction and I want to
7 start with getting some clarity on the exact
8 amount that HUD would be paid out of the
9 proceeds.

10 MR. WALSH: Yes. As of September
11 15th, I guess an exact number as of that
12 date, it should be pretty much the same.
13 The principal is about \$2,944,000. The
14 interest is just less than 200,199.

15 So the total payoff, I guess
16 principal and interest as of mid September
17 is \$3,143,432. Obviously that can change if
18 we don't close. Our goal is to close in
19 this month.

20 In the staff summary, you will
21 see that I estimated the payoff, may be a
22 little more, \$3,350,000. The reason for
23 that is, in addition to the closing costs,
24 which I don't think will be that
25 significant, there are defeasance costs.

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2 The HUD loan is part of I guess a
3 pool of other loans just like any bond.

4 There are costs -- HUD will have costs which
5 we have not got exact numbers but we've been
6 told it will be approximately \$200,000 to
7 defease these bonds for this purpose.

8 LEGISLATOR BYNOE: That clears up
9 my confusion because on certain documents I
10 saw it as 3.1 and on other documents 3.3.

11 So the closing costs or the costs
12 that the county has approximated as \$60,000,
13 is that a close figure?

14 MR. WALSH: That's a close
15 figure. I think what that is made up of is
16 a combination of legal fees. We engaged an
17 outside attorney as did the village to
18 represent us in the negotiation of the IMA.

19 But, also, when we took title to
20 this property in December of 2014 we did it
21 through a treasurer's deed, a tax deed, we
22 wanted to confirm that we had good
23 marketable title so we can convey it free of
24 liens. So we retained an attorney, acquire
25 title, serve all the people that may have

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2 been interested in this building. This
3 building has a long history with a lot of
4 various tenants, people who were owners,
5 interested in the building.

6 In addition to that, I'm hoping
7 that I can -- the IMA spells out a lot of
8 the details, things like if there are any
9 fees for commissions or things like that.
10 But I estimated it would be about \$60,000,
11 also maybe like appraisal costs is about
12 \$3,000.

13 Then the balance of the proceeds
14 out of the \$4 million will be split between
15 the county and village; 57 percent to the
16 county, 43 percent to the village.

17 Just historically there were tax
18 liens outstanding on this property over four
19 and a half million to the county and I
20 believe the village can speak to this but I
21 think it was over 3 million to the village
22 as well.

23 LEGISLATOR BYNOE: So the
24 approximate figures on that split, 57, have
25 you done that number as well?

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2 MR. WALSH: I don't have a
3 breakdown, but that is the percentage of the
4 breakdown between the two parties we
5 negotiated.

6 LEGISLATOR BYNOE: So there are
7 current tenants in there and a property
8 manager that you are looking to extend the
9 contract until which time this property is
10 sold.

11 So there would have been rent
12 collected up until the point of I guess the
13 sale. So do we have an idea of what that
14 amount is the property manager would have on
15 the books or any account and how that would
16 be split?

17 MR. WALSH: Yes. The property
18 manager does have to account to us by
19 quarterly reports each month and he insures
20 the building, pays all the charges on the
21 building.

22 Currently, the building I believe
23 is only 37 percent occupied. We've lost a
24 lot of tenants because what happened when we
25 took title in December 2014, all the tenants

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2 became month-to-month tenants, so some
3 tenants decided with the future being
4 uncertain not to stay in the building.

5 The property manager collects all
6 the revenues, pays out all the expenses.
7 He's also held money because the building
8 had been in receivership from about 2006
9 through 2014. All those monies go into the
10 pod and the intermunicipal agreement spells
11 out how that money is disbursed; priority
12 one, to pay off the HUD loan and all
13 expenses.

14 Number two, the county closing
15 costs.

16 And the third is the split
17 between the county and the village.

18 LEGISLATOR BYNOE: So it goes all
19 into the same pool?

20 MR. WALSH: That's correct. The
21 IMA. And the IMA has been approved and
22 executed by the village and the village CDA.

23 LEGISLATOR BYNOE: Do we have an
24 idea of exactly to this quarter or the last
25 quarter what the property manager estimated

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2 the amount that was on account there?

3 MR. WALSH: For rent?

4 LEGISLATOR BYNOE: Yes.

5 MR. WALSH: I believe the total
6 rent for 15, I can give you a number there,
7 maybe work from that, was approximately
8 gross income was about \$900,000 for income.
9 Obviously you have expenses, everything from
10 the repairs, the maintenance, the insurance
11 on the building.

12 The county is holding some of
13 that money for reserve. We've made no major
14 capital improvements to the building. We're
15 not really -- the county doesn't hold many
16 commercial buildings like this. This is
17 kind of like a foreclosure workout.

18 All those monies have to be
19 accounted for and work through the closing
20 and distributed through the intermunicipal
21 agreement which spells it out pretty clearly
22 I believe.

23 LEGISLATOR BYNOE: I would like a
24 copy of the last quarterly report that the
25 county received.

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2 MR. WALSH: I can get you that,
3 absolutely.

4 LEGISLATOR BYNOE: I also want to
5 talk about the tenants in the building at
6 this point. I believe that some of the
7 tenants that are there have, I know one in
8 particular, has asserted that he has a lease
9 that runs through 2018.

10 So I really have a concern as to
11 what's going to happen to the existing
12 tenants that are there and if there's been
13 any communication between the county, and
14 the prospective buyer relative to those
15 tenants?

16 MR. WALSH: Yes. Obviously we
17 don't have a contract that's executed yet so
18 the prospective purchaser can't speak yet as
19 an owner of the building. The owner is not
20 here today, he's traveling, like I said he
21 owns many buildings, but I have his
22 representative here. Maybe he can answer
23 that question.

24 MR. SOMACK: My name is Richard
25 Somack. To answer your question regarding

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2 the tenants, I think what he wants to do
3 initially is just assess what tenants are
4 there, who wants to stay, who wants to go.

5 He's the type of owner that wants
6 to keep the tenants, but he has not spoken
7 to any of the tenants so he doesn't even
8 know who he's got and what they are
9 thinking. I think that's what he wants to
10 do once he gets ownership.

11 LEGISLATOR BYNOE: Good
12 afternoon. So I understand that the sellers
13 intent or it's his I guess best practice to
14 attempt to work out I guess and new lease?

15 MR. SOMACK: Yes. There would be
16 no reason why he would want to kick any of
17 the tenants out. It would be the only
18 revenue stream he's got. So I think that's
19 what his intention would be.

20 LEGISLATOR BYNOE: What is the
21 intended use of the property?

22 MR. SOMACK: That's a great
23 question. I think he's going back and forth
24 with a lot of different ideas. As far as
25 maybe something in the medical, something in

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2 educational. There was a school in there.
3 That would be his preference.

4 Any kind of office tenant. It's
5 across the street from the courthouse. I
6 think he wants to assess the damage first.
7 See what he needs to do to get it.

8 Currently I would say it's a C
9 minus to a D building quality wise. He
10 wants to put the money into it to get it up
11 and then start bringing tenants through.

12 LEGISLATOR BYNOE: So we don't
13 think that there will be any future requests
14 for a variance or change to the local
15 municipality?

16 MR. SOMACK: At this point I
17 don't think so. Currently it's a zoned
18 business which gives you a pretty broad --

19 MR. WALSH: Correct. It's a
20 zoned business, a pretty broad spectrum. I
21 know that the village now has downtown
22 overlay zones. The way I read those to be
23 very flexible. The village still obviously
24 has control of the zones and change of zones
25 and so forth so they will clearly be working

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2 with the village, especially if there's any
3 change.

4 First of all, the building is
5 predominantly retail. I believe there was a
6 McDonald's there, now a Dunkin Donuts.
7 Couple of small restaurants, couple of
8 travel agencies, a sneaker place.

9 I know the second floor has been
10 predominantly vacant. Some of that space
11 will be developed. Needs to be medical
12 clinic up there, looks like an old dentist
13 office, and clinic.

14 So the building does have a
15 history of medical use as well. So it
16 sounds like with the right money putting in
17 the right way, it's going to attract tenants
18 and help that part of the village.

19 LEGISLATOR BYNOE: Is there any
20 anticipation for Pilots or request for Pilot
21 to the local municipality?

22 MR. WALSH: That was a discussion
23 we had when we were in negotiations and
24 there is no condition in this contract that
25 conditions the contract in any way in any

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2 kind of Pilot, IDA, or otherwise.

3 I would think it's his
4 prerogative if the law would allow him to
5 apply for something, but his indications to
6 me is that he intends on -- he knows what
7 the numbers were and to go forward with this
8 on the tax rolls.

9 LEGISLATOR BYNOE: You've
10 answered all of my questions. I have one
11 other question, sorry.

12 I didn't have the privilege of
13 touring the facility but a member of my
14 staff and also of the senior staff did on my
15 behalf, and so there was some concerns,
16 potential environmental issues there.

17 Are you aware of those things and
18 prepared to deal with those accordingly?

19 MR. WALSH: Yes. I walked
20 through with your representatives and others
21 and, yes, there were a lot of issues.
22 Obviously we walked through the entire
23 building, the roof, I think the basement and
24 so forth.

25 I think that's something the

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2 buyer realizes he has to deal with right
3 away. As a seller, you sell property as is
4 what's the level playing field.

5 One of the things we did in this
6 process and one of the reasons it did kind
7 of take a lot longer than we anticipated,
8 and this has been kind of from our
9 experience, we didn't want to do a contract
10 that was subject to due diligence and
11 environmental, we asked our short list of
12 proposers to do that environmental
13 investigation up front so it wouldn't linger
14 on and on.

15 I don't want to be held up by
16 closing because I'm still not sure what the
17 environmental situation is, what it's going
18 to cost me.

19 He's done his environmental
20 investigation. He knows what he needs to do
21 but, yet, whatever it could be, you know,
22 lead paint, whatever it is. It is an older
23 building. So that is not a condition for
24 the county. It's going to be passed on to
25 the buyer and the risks he takes on.

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2 LEGISLATOR BYNOE: Great. It
3 seems like you did a lot of upfront due
4 diligence including, as you stated, title to
5 insure there is no last minute liens that
6 we're going to learn about at closing or
7 anything like that.

8 We are hoping to close at the end
9 of this month, correct?

10 MR. WALSH: Correct. He's trying
11 to do a 1031 like kind of change. So we
12 would like to see if we can get this done in
13 October to close which is best for all
14 parties.

15 LEGISLATOR BYNOE: I thank you
16 for your time and answers.

17 CHAIRWOMAN SCHAEFER: Any other
18 legislators have questions?

19 (No verbal response.)

20 Any public comment on this issue?
21 Ms. Mereday.

22 MS. MEREDAY: Meta Mereday,
23 Baldwin resident. I'm encouraged with the
24 developments with this and the responses
25 that were received are really the types of

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2 responses that I think you all, as elected
3 officials, should receive from the
4 individuals who are representing the
5 interests of those in the community.

6 I have a lot of history with this
7 particular property. So I'm very happy to
8 see that there's some movement going forward
9 and I do know there are some significant
10 environmental issues.

11 I'm hoping that the new owners of
12 the property look at that community in terms
13 of getting the interests and needs and ties
14 that into the whole downtown Renaissance
15 process that's taking place in the Village
16 of Hempstead. It's a very diverse
17 community.

18 I do hope that all those that are
19 involved with the related projects reflect
20 that diversity because unfortunately it's
21 still something that I'm fighting diligently
22 for in this county but particularly in that
23 Village of Hempstead because it has a lot of
24 history, and that property itself has a lot
25 of history and that we are inclusive of,

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2 once again, service disabled veterans,
3 veteran-owned businesses and minority and
4 women owned firms and, once again, that the
5 community has some input with regard what is
6 going to go into that building and how it's
7 going to be handled. Thank you.

8 CHAIRWOMAN SCHAEFER: Thank you.
9 Is there a Ms. Debra DiSalvo here to speak
10 on this?

11 MS. DISALVO: My name is Debra
12 Urbano DiSalvo, I'm the village attorney for
13 the village of Hempstead.

14 This piece of property doesn't
15 fall within the downtown plan overlay zone.
16 However, it's adjacent to it.

17 I would hope that the purchaser
18 of the property does what is expected of
19 those people who are developing within the
20 downtown plan and that's a minimum of 25
21 percent minority hiring, minority
22 contractors, minority workers, minority
23 laborers. That's very important to a
24 village like Hempstead.

25 Moreover, one of the questions I

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2 do have, have they applied for a Pilot in
3 any fashion, either the county or town at
4 this point.

5 Often times when people are
6 anticipating the purchase, simultaneously
7 they're looking for a Pilot, if the
8 developer can respond to that I would
9 appreciate that.

10 And when do we anticipate this
11 property going back on the tax rolls? And
12 has there been a discussion with your
13 appraiser or my appraiser, because I'm not
14 aware of one of what the appraised value
15 will be when it does get back on the tax
16 rolls given the fact that the current
17 condition of the property, are they going to
18 be filing for a tax certiorari?

19 These are things that are
20 important to us because we're anticipating
21 that this is going to be a property that's
22 going to benefit the village of Hempstead
23 and the village residents and not burden it.

24 CHAIRWOMAN SCHAEFER: Mr. Walsh,
25 do you have any answers to any of those

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2 questions?

3 MR. WALSH: Yes. I just wanted
4 to point out again, the prospective
5 purchaser made clear he was not intending to
6 pursue a Pilot. I believe his offer of
7 price was based on that.

8 The property will go back on the
9 tax rolls upon closing. It was taken off
10 the tax rolls as since when the county took
11 title in 2014. As soon as it closes, it is
12 back on the tax rolls both for county and
13 village purposes. Hopefully it will be this
14 month.

15 The value of the building is in
16 the neighborhood of \$4.4 million, we
17 believe. We know tenants have left even
18 since we have had the appraisal updated.

19 CHAIRWOMAN SCHAEFER: Thank you.
20 There being no other comments on this
21 ordinance, all those in favor of passing
22 ordinance number 409-16 please say aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 The item passes unanimously.

3 (Whereupon, the following is the
4 continuation of the minutes of the Finance
5 Committee, 10-5-16.)

6 VICE-CHAIRMAN MUSCARELLA: Are
7 there any other comments or questions?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 Hearing none, all those in favor
12 of moving Item 409 of '16 please say aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 That item carries unanimously.

17 411 of '16, a resolution
18 authorizing the County Executive to execute
19 a license agreement with the Oyster Bay
20 Water District in relation to the use of the
21 water tower located at plant number 5,
22 School House Place, Oyster Bay, to install,
23 maintain, and operate a county wide public
24 safety radio system. Motion, please.

25 LEGISLATOR WALKER: So moved.

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2 LEGISLATOR KOPEL: Second.

3 VICE-CHAIRMAN MUSCARELLA: Motion
4 by Ms. Walker, seconded by Mr. Kopel. The
5 item is before us. Mr. Serandis.

6 MR. SERANDIS: This is a renewal
7 of a license agreement that was executed and
8 entered into in 2005 between the county and
9 the Oyster Bay Water District for the
10 placement of public safety radio system
11 which incorporates radios is at the police,
12 public works, Homeland Security, and other
13 county public safety agencies.

14 Like I said, this agreement was
15 entered into in 2005. It expired in 2015
16 and this is a licensed agreement under the
17 same terms and conditions of the 2005
18 agreement to have another five years with
19 another five year extension to maintain the
20 radio system at the water tower located on
21 School House Place in Oyster Bay owned by
22 the Oyster Bay Water District.

23 VICE-CHAIRMAN MUSCARELLA: Are
24 there any questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of moving this item 411 please say
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 That item carries.

11 At this time that concludes the
12 regular calendar, other than one item, and
13 what I'm going to do is now ask for a motion
14 to suspend the rules.

15 LEGISLATOR KOPEL: So moved.

16 LEGISLATOR WALKER: Second.

17 VICE-CHAIRMAN MUSCARELLA: Motion
18 by Mr. Kopel, seconded by Ms. Walker. All
19 those in favor of suspending the rules
20 please say aye.

21 (Aye.)

22 I will call the supplemental
23 calendar, the addendum, Clerk Item 303 of
24 2016, which is a resolution authorizing the
25 County Attorney to compromise and settle the

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2 claims of plaintiff Jonathan P. Warden as
3 set forth in the action titled Jonathan P.
4 Warden versus the County of Nassau, Nassau
5 County Sheriffs Department, Elizabeth
6 Loconsolo, Captain Peter Dudek, Captain
7 Anthony Zuarro, Gerard Humphreys and Mary
8 Elizabeth Osterman, Docket Number CV-10-0265
9 (JS)(AYS) pursuant to the county law, the
10 County Government Law of Nassau County and
11 the Nassau County Administrative Code.

12 I will also call the item on the
13 regular finance calendar, Item 407 of '16,
14 which is a resolution authorizing the County
15 Attorney to compromise and settle the claims
16 of plaintiff, Carl Rauschenbach as set forth
17 in the action entitled Rauschenbach versus
18 County of Nassau and Town of Hempstead,
19 Index Number 10975/2010 pursuant to the
20 County Law, the County Government Law of
21 Nassau County and the Nassau County
22 Administrative Code. Motion, please.

23 LEGISLATOR KOPEL: So moved.

24 LEGISLATOR DUNNE: Second.

25 VICE-CHAIRMAN MUSCARELLA: Motion

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2 by Mr. Kopel, seconded by Mr. Dunne.

3 Those two items are before us. I
4 would ask for a motion to go into executive
5 session.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR DUNNE: Second.

8 VICE-CHAIRMAN MUSCARELLA: Motion
9 by Ms. Walker, seconded by Mr. Dunne. Yes?

10 LEGISLATOR CURRAN: Would it be
11 possible to say the amount of the
12 settlement? I don't think that's executive
13 session.

14 MR. PODLESIAK: Excuse me. I
15 think all matters concerning this, any
16 settlement before the Legislature are
17 confidential including the amount of any
18 settlement.

19 LEGISLATOR CURRAN: I would argue
20 since its taxpayer money that that part
21 would not be confidential.

22 VICE-CHAIRMAN MUSCARELLA: I
23 don't know the answer to that right now.
24 Why don't we go into executive session where
25 we can possibly discuss it.

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2 I would think that once the case
3 is settled, the settlement amount is an
4 amount of public record, unless of course
5 the case is sealed.

6 MR. PODLESACK: Or else there is a
7 confidentiality agreement.

8 VICE-CHAIRMAN MUSCARELLA: Or a
9 confidentiality agreement. Why don't we
10 discuss it in executive session. All those
11 in favor of executive session say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Members of the Finance Committee
16 come back to chamber.

17 (Whereupon, the Finance Committee
18 recessed into executive session at 5:12 p.m.
19 and reconvened at 5:33 p.m.)

20 VICE-CHAIRMAN MUSCARELLA:
21 Members of the Finance Committee, we are
22 back from executive session.

23 We now have before us Clerk Item
24 303 of '16 and 407 of 2016. They been
25 moved. All those in favor signify by saying

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2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Those items carry.

7 We now have a number of bond
8 ordinances before us.

9 I will again move to suspend the
10 rules. We'll do it again. Motion, please.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR DUNNE: Second.

13 VICE-CHAIRMAN MUSCARELLA: Motion
14 by Ms. Walker, seconded by Mr. Dunne. All
15 those in favor of suspending the rules
16 please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The rules are suspended.

21 I am going to call with the
22 minority's permission the items in bulk for
23 the bonds:

24 Item 413 of '16, a bond

25 ordinance, Item 414 of 16; 417 of 2016; Item

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2 419 of 2016; Item 420 of '16; Item 422 of
3 '16; Item 428 of 2016; Item 429 of 2016;
4 Item 430 of 2016; Item 431 of 2016; Item 432
5 of 2016; 435 of '16; 446 of '16; 456 of '16;
6 484 of 2016; Item 485 of '16; and Item 488
7 of '16, and also an item on the second
8 addendum, Item 502 of '16, all bond
9 ordinances. Motion, please.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR DUNNE: Second.

12 VICE-CHAIRMAN MUSCARELLA: Motion
13 by Mr. Kopel, seconded by Mr. Dunne. Those
14 items are before us. Any discussion on
15 these items? Are there any questions on
16 these items?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 Hearing none, all those in favor
21 of those items please say aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 LEGISLATOR CURRAN: I'm

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2 abstaining.

3 VICE-CHAIRMAN MUSCARELLA: The
4 items pass four votes in favor, two votes
5 against, and one abstention by Ms. Curran.

6 LEGISLATOR CURRAN: Yes. I would
7 just like the record to reflect that I'm
8 abstaining now as these items move out of
9 committee. Thank you.

10 VICE-CHAIRMAN MUSCARELLA: There
11 being no further business before us, motion
12 to adjourn.

13 LEGISLATOR KOPEL: So moved.

14 LEGISLATOR WALKER: Second.

15 VICE-CHAIRMAN MUSCARELLA: Motion
16 by Mr. Kopel, seconded by Ms. Walker. All
17 those in favor signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 (Whereupon, the Finance Committee
22 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 stated:

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 13th day of October, 2016.

FRANK GRAY