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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PUBLIC SAFETY COMMITTEE

DENNIS DUNNE, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, December 5, 2016
2:35 P.M.

1

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

3

4 DENNIS DUNNE,
Chairman5 DONALD MACKENZIE,
Vice Chairman

6

VINCENT MUSCARELLA

7

DENISE FORD

8

9 LAURA CURRAN,
Ranking

10 KEVIN ABRAHAMS

11 SIELA BYNOE

12 MICHAEL PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

BOB MCMANUS 5
LIEUTENANT GREGORY STEPHANOFF 8
DAVE RICH 11
ANDY PERSICK 17

1 Public Safety Committee/12-5-16

2 CHAIRMAN DUNNE: We are going to
3 start the Public Safety Committee. Mr.
4 Pulitzer, would you call the roll for the
5 Public Safety Committee?

6 CLERK PULITZER: Thank you. Roll
7 call for Public Safety. Legislator Siela
8 Bynoe?

9 LEGISLATOR BYNOE: Here.

10 CLERK PULITZER: Minority Leader
11 Kevan Abrahams?

12 LEGISLATOR ABRAHAMS: Here.

13 CLERK PULITZER: Ranking Member
14 Legislator Laura Curran?

15 LEGISLATOR CURRAN: Here.

16 CLERK PULITZER: Legislator
17 Denise Ford?

18 LEGISLATOR FORD: Here.

19 CLERK PULITZER: Legislator
20 Vincent Muscarella?

21 LEGISLATOR MUSCARELLA: Here.

22 CLERK PULITZER: Vice Chairman
23 Donald MacKenzie?

24 LEGISLATOR MACKENZIE: Here.

25 CLERK PULITZER: Chairman Dennis

1 Public Safety Committee/12-5-16

2 Dunne?

3 CHAIRMAN DUNNE: Here.

4 CLERK PULITZER: We have a
5 quorum, sir.

6 CHAIRMAN DUNNE: Thank you. The
7 first item to come before this committee, we
8 might pair them with the second item because
9 they're both with the District Attorney's
10 Office. Items 586-16 and 589-16. They're
11 both ordinances supplemental to the annual
12 appropriation ordinance in connection with
13 the District Attorney's Office. Both read
14 the same exact. We have Mr. McManus.

15 LEGISLATOR FORD: So moved.

16 LEGISLATOR MACKENZIE: Second.

17 CHAIRMAN DUNNE: Motion by Denise
18 Ford, seconded by Donald MacKenzie. We will
19 do 586 first, please.

20 MR. MCMANUS: Yes. These
21 appropriations, Clerk Item 586 is for the
22 Motor Vehicle Theft and Insurance Fraud
23 Prevention Grant which we receive every
24 year. This grant program finances the
25 investigation and prosecution of motor

1 Public Safety Committee/12-5-16
2 vehicle theft and motor vehicle insurance
3 fraud cases. Investigative efforts target
4 medical mills and auto body shops suspected
5 of no fault fraud with an emphasis on
6 undercover investigations.

7 The program also facilitates
8 cooperation between the District Attorney's
9 Office and the Police Department and the
10 insurance industry in combatting the problem
11 of auto related insurance fraud.

12 CHAIRMAN DUNNE: Any legislators
13 have any questions?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of 586-16 please indicate by saying
19 aye.

20 (Aye.)

21 Any against?

22 (No verbal response.)

23 Next is 589.

24 MR. MCMANUS: 589 is a
25 supplemental appropriation request and it's

1 Public Safety Committee/12-5-16
2 for the Crimes Against Revenue Program.
3 Funds from this grant will be used by the
4 District Attorney's Office for continuation
5 of the Crimes Against Revenue Program for
6 the period January through December 2017.

7 This program supports focused
8 investigation and prosecution of crimes that
9 have adverse affects on all governmental
10 revenues including sales and personal income
11 tax -- tax evasion, excuse me, Medicaid
12 fraud and violation of the prevailing wage
13 laws.

14 CHAIRMAN DUNNE: Are there any
15 questions from any legislators?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

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

21 (Aye.)

22 Any against?

23 (No verbal response.)

24 Passes unanimous. Mr. McManus,
25 thank you.

1 Public Safety Committee/12-5-16

2 The next item is Item 599-16, an
3 ordinance supplemental to the annual
4 appropriations ordinance in connection with
5 the Police Department.

6 LEGISLATOR MACKENZIE: So moved.

7 LEGISLATOR FORD: Second.

8 CHAIRMAN DUNNE: Motion by Donald
9 MacKenzie, seconded by Denise Ford. Who is
10 here to speak on this?

11 LIEUTENANT STEPHANOFF: Good
12 afternoon. Lieutenant Stephanoff from the
13 Police Department. 599 is an ordinance to
14 appropriate \$2 million in funds received
15 from the US Department of Justice from
16 assets seized under the authority of the
17 Federal Forfeiture Act.

18 These funds have already been
19 received and we'll appropriate them into our
20 financial system for our use.

21 CHAIRMAN DUNNE: Any questions by
22 the legislators? Legislator Curran.

23 LEGISLATOR CURRAN: Will any of
24 this money be used to defray overtime costs?

25 LIEUTENANT STEPHANOFF: Yes.

1 Public Safety Committee/12-5-16

2 CHAIRMAN DUNNE: Yes. The salary
3 part.

4 LEGISLATOR CURRAN: Will all of
5 it go towards that? How much is the salary
6 part?

7 LIEUTENANT STEPHANOFF: We
8 haven't finished the year but it depends on
9 what we will finish the year with that we'll
10 use from asset.

11 LEGISLATOR CURRAN: So that would
12 be the 1.5 of it?

13 LIEUTENANT STEPHANOFF: Yes.

14 CHAIRMAN DUNNE: Any legislators
15 have any questions?

16 (No verbal response.)

17 Is there any public comment?
18 Legislator Bynoe, sorry.

19 LEGISLATOR BYNOE: Good
20 afternoon. This number varies from year to
21 year; am I correct?

22 LIEUTENANT STEPHANOFF: Yes. It
23 depends on the cases worked and what is
24 seized under the Federal Forfeiture Act.

25 LEGISLATOR BYNOE: Do you know

1 Public Safety Committee/12-5-16
2 what we received last year in comparison to
3 this year?

4 LIEUTENANT STEPHANOFF: I would
5 have to look back at the supplemental,
6 offhand, no.

7 LEGISLATOR BYNOE: I would be
8 interested to see the history of what we've
9 typically received and how it was used.

10 LIEUTENANT STEPHANOFF: Sure.
11 They all come -- we can't use it until we
12 come before you, but I can look back and
13 see.

14 LEGISLATOR BYNOE: Okay. Great.
15 Thank you.

16 CHAIRMAN DUNNE: Any legislators
17 have any other questions?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in
22 favor indicate by saying aye.

23 (Aye.)

24 Any against?

25 (No verbal response.)

1 Public Safety Committee/12-5-16

2 Passes unanimously.

3 The last item, first we would
4 like to make a motion to untable Item 529.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR FORD: Second.

7 CHAIRMAN DUNNE: Motion by Vinnie
8 Muscarella, seconded by Denise Ford. All
9 those in favor of untabling indicate by
10 saying aye.

11 (Aye.)

12 Against?

13 (No verbal response.)

14 Untabled unanimously.

15 529-16 is a resolution
16 authorizing the transfer of appropriations
17 heretofore made within the budget for the
18 year 2016.

19 MR. RICH: Dave Rich, Traffic and
20 Parking Violations Agency.

21 The board transfer is to cover
22 our contract expenses for our collection
23 agents as well as our photo enforcement. We
24 have exceeded the 2016 budget revenue
25 forecasted, therefore we've incurred

1 Public Safety Committee/12-5-16

2 additional expenses.

3 CHAIRMAN DUNNE: Questions?

4 Legislator Ford.

5 LEGISLATOR FORD: Considering I
6 understand that because of an increase in
7 revenue, more red light camera tickets,
8 correct?

9 MR. RICH: Well, it's not just
10 the increase in the camera tickets itself
11 but there's been an increase also in
12 violations issued by the various policing
13 jurisdictions as well.

14 LEGISLATOR FORD: So that means
15 we have a greater expense and we have to
16 give it to the vendors, correct?

17 MR. RICH: Correct.

18 LEGISLATOR FORD: So that means
19 because we have increased revenue, so
20 wouldn't the increase in revenue cover the
21 increased expense?

22 MR. RICH: They should but we
23 only budget a certain finite dollars for our
24 collection vendors as well as our red light
25 camera vendor. So once we're -- like we're

1 Public Safety Committee/12-5-16
2 in now, we've now exceeded the revenues, and
3 the revenues are based off of -- the
4 expenses are based off the revenues, so,
5 now, since we've collected higher than
6 anticipated revenues, we now have higher
7 than anticipated expenses.

8 LEGISLATOR FORD: How do the
9 expenses outweigh the revenue?

10 MR. RICH: Just because the way
11 it's budgeted.

12 LEGISLATOR FORD: So you take in
13 the money from Office of Management and
14 Budget, right? So you are going to take the
15 money from them and pay the contractual
16 expense to the vendors, correct?

17 MR. RICH: Correct.

18 LEGISLATOR FORD: To the tune of
19 \$1.4 million. So when you realize all the
20 revenues that you are supposed to get, are
21 you going to give this money back to the
22 Office of Management and Budget?

23 MR. RICH: For example, I'm not
24 sure if this is going to answer your
25 question, but we budgeted, the county

1 Public Safety Committee/12-5-16
2 budgeted \$38 million in red light camera and
3 that includes fines as well as fees.

4 Right now year to date, we've
5 collected \$45.8 million. Therefore, you're
6 looking at \$7 million additional revenue.

7 Our contract with photo
8 enforcement is, we pay them a certain
9 percentage of every dollar that we collect.
10 Since we have exceeded the budgeted revenue,
11 we have exceeded our contracted, or budgeted
12 contract expense.

13 LEGISLATOR FORD: Meaning that
14 you exceeded \$38 million that you budgeted
15 by \$7 million?

16 MR. RICH: Yes, in revenues.

17 LEGISLATOR FORD: So we end up
18 getting \$7 million more dollars, okay?

19 MR. RICH: Minus \$1.4 million.

20 LEGISLATOR FORD: Then this \$1.4
21 million that you are taking from the Office
22 of Management and Budget, that really was
23 money you sent over from the revenues? This
24 is where I'm probably missing this.

25 MR. BECKER: Legislator Ford, the

1 Public Safety Committee/12-5-16
2 Office of Management and Budget, they just
3 do the accounting work. It's not coming
4 from them. This is in their department so
5 they made more revenues so they have to pay.

6 LEGISLATOR FORD: Okay, that's
7 what I'm trying to find out.

8 MR. BECKER: OMB just does the
9 accounting.

10 LEGISLATOR FORD: So then it
11 really is your revenue, out of the \$7
12 million that you collected over the \$38
13 million, you're taking 1.4 out of it?

14 MR. RICH: Yes.

15 LEGISLATOR FORD: Thank you.

16 CHAIRMAN DUNNE: Legislator
17 Curran.

18 LEGISLATOR CURRAN: So I think
19 that you answered the question because I had
20 a similar line of questioning of why is this
21 coming from the budget office; since the
22 revenue is coming from TPVA, wouldn't TPVA
23 be directly attached to the increased
24 expense?

25 MR. BECKER: Legislator Curran,

1 Public Safety Committee/12-5-16

2 OMB is just our accountant.

3 LEGISLATOR CURRAN: Yes, I hear
4 that.

5 CHAIRMAN DUNNE: So they're the
6 ones that manage the budget. So the reason
7 this ordinance -- or it comes down from OMB,
8 it really is technically TPVA that is the
9 agency that's doing this.

10 So they're just looking at the
11 TPVA department and, like in an accounting
12 firm, they're saying, well, you made more
13 money, you got expenses. So it has to be
14 approved by you because the budget that was
15 approved has less revenue and also has less
16 expense.

17 So you are here to approve that
18 they can essentially just pay their vendors.
19 Does that answer your question? OMB is just
20 our accounting, puts together the budget.
21 They don't actually -- they manage the
22 general fund, but they themselves are not a
23 department. It was confusing to me to see
24 that this comes from OMB. But OMB is the
25 one that has to say that it's okay for them

1 Public Safety Committee/12-5-16
2 to do this.

3 LEGISLATOR CURRAN: So then I
4 have more of a technical mechanical
5 question. Wouldn't it make more sense to do
6 this as a supplemental appropriation to keep
7 it within the department, wouldn't it be
8 less complicated that way?

9 MR. BECKER: No. Because it's a
10 transfer of money between the revenue line
11 to the expense line.

12 LEGISLATOR CURRAN: So you
13 couldn't do it with a supplemental
14 appropriation within the department?

15 MR. BECKER: I may not be
16 qualified to answer that but, from what I
17 know and understand --

18 MR. PERSICK: Andy Persick,
19 Budget Office. We don't usually
20 supplementally appropriate revenue. We only
21 change expenses between expense codes.

22 LEGISLATOR CURRAN: Because there
23 is a revenue. If we exceed revenue in one
24 area, the Charter doesn't require us to do
25 any changes to that. It's only on the

1 Public Safety Committee/12-5-16

2 expense side that we have to do that with.

3 LEGISLATOR CURRAN: But could you
4 do it as a supplemental?

5 MR. PERSICK: You could
6 theoretically do whatever you like, but it's
7 not a good practice. The Charter doesn't
8 require us to do anything on the revenue
9 side of the budget.

10 LEGISLATOR CURRAN: I'm just
11 curious, why is it not considered a good
12 practice?

13 MR. PERSICK: Well, because we
14 are doing estimates for revenue. It's like
15 sales tax and everything else. We don't
16 know what the number is going to be
17 precisely so it doesn't happen that way. So
18 it's just not done that way.

19 He's exceeding his revenue, as a
20 result of that we have to pay a little bit
21 more in expenses to get that money in.
22 That's why we have to do this.

23 LEGISLATOR CURRAN: Thanks.

24 CHAIRMAN DUNNE: Legislator
25 Abrahams.

1 Public Safety Committee/12-5-16

2 LEGISLATOR ABRAHAMS: Thank you,
3 Chairman Dunne. Just a quick question in
4 regard to the actual transfer itself. It
5 says it's to cover a shortfall in
6 contractual expenses. Just curious what
7 those contracts are.

8 MR. RICH: Basically the one
9 contract is our photo enforcement vendor,
10 American Traffic Solutions, again, we pay
11 them a certain percentage. I think it's 35
12 percent of fine and penalty for every dollar
13 that we collect.

14 As well as our collection vendors
15 which is boot and tow, which I think we just
16 had an amendment on them, and the other one
17 is our collection vendor as well for
18 Alliance One.

19 LEGISLATOR ABRAHAMS: So they're
20 based off of how much they do, quantity?

21 MR. RICH: The way it works, just
22 so you know, for the example for Alliance
23 One, Alliance One we added an additional
24 collection fee so basically it's net zero
25 collection at no cost to the county for

1 Public Safety Committee/12-5-16
2 collection fees but we do have to budget for
3 it. So we assess it and collect it and
4 remit it back to the vendor.

5 For photo enforcement it is a
6 cost basically because the vendor provides
7 all the materials, computer system,
8 processing, and even the photo enforcement
9 recorder itself.

10 LEGISLATOR ABRAHAMS: Just to
11 make sure I'm clear, so there is no new
12 contracts that are being derived from this
13 board transfer? These are all existing
14 contracts that based off of the amount of
15 work they provided to the county, the county
16 saw -- I'm guessing we see all that on the
17 revenue side to go along with our
18 expenditures in the increase of revenues
19 that we attributed there is a \$1.4 million
20 additional expenditure?

21 MR. RICH: Correct. There is no
22 additional new contracts.

23 LEGISLATOR ABRAHAMS: Thank you.

24 LEGISLATOR BYNOE: I just have a
25 quick question just to request that you

1 Public Safety Committee/12-5-16
2 break down the actual amounts that are going
3 to each vendor. I think that would be
4 helpful.

5 MR. RICH: Okay. I can get that
6 for you.

7 LEGISLATOR BYNOE: Thank you.

8 CHAIRMAN DUNNE: In the future
9 that would be great. Thank you. Legislator
10 Curran.

11 LEGISLATOR CURRAN: So this from
12 the Budget Office goes to TPVA which then
13 goes to the vendor; is that correct?

14 MR. PERSICK: Yes.

15 LEGISLATOR CURRAN: So why not
16 just right from the Budget Office to the
17 vendor? Why does it have to go through
18 TPVA?

19 MR. PERSICK: Can you just repeat
20 the question?

21 LEGISLATOR CURRAN: The question
22 was, the money, it goes from the Budget
23 Office to TPVA and then to the vendor, why
24 not just go right to the vendor from the
25 Budget Office?

1 Public Safety Committee/12-5-16

2 MR. PERSICK: We have to have the
3 money in place, the budgetary dollars, to
4 pay the vendor first. Then what happens is,
5 the department will initiate a claim and it
6 goes through the claim process within the
7 county, which is, that's determined by
8 Charter and the Comptroller is the final
9 say. Then it comes back to the treasurer to
10 cut the check after everything is done that
11 way. But it's a complex process. There is
12 a lot of hands touching paper here.

13 LEGISLATOR CURRAN: Thanks.

14 CHAIRMAN DUNNE: Any legislators
15 have any other questions?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of this item indicate by saying aye.

21 (Aye.)

22 Any against?

23 (No verbal response.)

24 Passes unanimously.

25 LEGISLATOR MUSCARELLA: Motion to

1 Public Safety Committee/12-5-16

2 adjourn.

3 LEGISLATOR MACKENZIE: Second.

4 CHAIRMAN DUNNE: Motion to

5 adjourn by Legislator Muscarella, seconded

6 by Legislator MacKenzie. All those in favor

7 indicate by saying aye.

8 (Aye.)

9 Any against?

10 (No verbal response.)

11 We now stand adjourned. Next is

12 Planning, Development and the Environment

13 Committee.

14 (Whereupon, the Public Safety

15 Committee adjourned at 2:50 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 21st day of December, 2016.

FRANK GRAY