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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, January 9, 2017
3:06 P.M

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

RICHARD NICOLELLO,
Chairman

VINCENT MUSCARELLA, (Substituted by
Vice Chairman Legislator Dunne)

ROSE MARIE WALKER

DONALD MACKENZIE

SIELA A. BYNOE,
Ranking

LAURA CURRAN

ELLEN BIRNBAUM

MICHAEL PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

BOB MCMANUS 6

KENNETH ARNOLD 8

FRAN BECKER 14

GERALD PODLESAK 19

EILEEN KRIEB 19

ANDY PERSICH 24

LISA LOCURTO 44

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INSERTS

Refer to the minutes of the
Planning, Public Safety,
Public Works, Health and
Finance Committees pertaining to
Clerk Items 608, 609, 610;
1-9-17.....17

1 Finance Committee/1-9-17

2 CHAIRMAN NICOLELLO: Calling the
3 Finance Committee to order. Mr. Pulitzer,
4 please call the roll.

5 CLERK PULITZER: Thank you, Mr.
6 Chairman. Finance Committee. Legislator
7 Ellen Birnbaum?

8 LEGISLATOR BIRNBAUM: Here.

9 CLERK PULITZER: Legislator Laura
10 Curran?

11 LEGISLATOR CURRAN: Here.

12 CLERK PULITZER: Ranking Member
13 Siela Bynoe?

14 LEGISLATOR BYNOE: Here.

15 CLERK PULITZER: Legislator
16 Donald MacKenzie?

17 LEGISLATOR MACKENZIE: Here.

18 CLERK PULITZER: Legislator Rose
19 Marie Walker?

20 LEGISLATOR WALKER: Here.

21 CLERK PULITZER: Substituting for
22 Vice Chairman Vincent Muscarella is
23 Legislator Dennis Dunne?

24 LEGISLATOR DUNNE: Here.

25 CLERK PULITZER: And Chairman

1 Finance Committee/1-9-17

2 Nicolello?

3 CHAIRMAN NICOLELLO: Here.

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

6 CHAIRMAN NICOLELLO: Thank you.

7 Item 584 of 2016 is a resolution to increase
8 the petty cash fund of the Office of the
9 District Attorney pursuant to the Nassau
10 County Administrative Code.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Dunne, seconded by Legislator
15 Walker. The item is before the committee.
16 Mr. McManus.

17 MR. MCMANUS: Bob McManus,
18 District Attorney's Office. We use our
19 petty cash fund quite a bit. We use it to
20 reimburse witnesses for meals, to make
21 emergency purchases of computer parts and
22 supplies, subscriptions, ancillary expense
23 for process servers and other items needed on
24 short notice that cost less than \$500.

25 We have two main locations; one

1 Finance Committee/1-9-17

2 in Hempstead and one in Mineola, and there
3 are times when we are waiting for claims to
4 be processed that we sometimes get close to
5 running short.

6 Your approval of this increase
7 will insure that we always have petty cash
8 on hand when it is necessary.

9 CHAIRMAN NICOLELLO: Thank you.
10 Any questions?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 Carries unanimously.

20 Item 602 is a resolution
21 declaring a capital budget emergency
22 pursuant to Section 310D of the County
23 Government Law of Nassau County.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MACKENZIE: Second.

1 Finance Committee/1-9-17

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 MacKenzie. That item is before the
5 committee. Do we have anyone to speak on
6 this item?

7 MR. ARNOLD: Good afternoon, Ken
8 Arnold. Item 601 is a capital budget
9 emergency.

10 CHAIRMAN NICOLELLO: Should I
11 call them both together or it doesn't
12 matter?

13 MR. ARNOLD: Call them both
14 together.

15 CHAIRMAN NICOLELLO: 602 of 2016,
16 an ordinance to amend Ordinance 13 of 2016
17 adopting the capital budget for the year
18 2016 for the County of Nassau corresponding
19 to the first year of the four year capital
20 plan.

21 LEGISLATOR MACKENZIE: So moved.

22 LEGISLATOR WALKER: Second.

23 CHAIRMAN NICOLELLO: Moved by
24 Legislator MacKenzie, seconded by Legislator
25 Walker. That item is before us. Go ahead,

1 Finance Committee/1-9-17

2 Ken.

3 MR. ARNOLD: So 602 is the
4 capital budget amendment. It is to put
5 outside funding into five capital projects
6 in the current approved budgeting plan.

7 They include funding received
8 through the Charles Lindbergh lease which is
9 the 90-400 capital project.

10 The police have indicated that
11 they received a grant for their IT
12 department. In addition for Silver Lake, we
13 received a New York State grant through the
14 Governors Office of Storm Recovery.
15 Christopher Morley Park, this is the funding
16 we received for the use of the property for
17 the water district.

18 And, finally, the county
19 received funding for the parking garages
20 through a governor's office initiative for
21 the Mitchell Field hub.

22 CHAIRMAN NICOLELLO: With respect
23 to Charles Lindbergh Boulevard, the lease
24 there, that money is being put back into the
25 leasehold property?

1 Finance Committee/1-9-17

2 MR. ARNOLD: Yes. That is for
3 work being done 60 Charles Lindbergh as part
4 of the lease.

5 CHAIRMAN NICOLELLO: Christopher
6 Morley Park improvements, do we know what
7 improvements we are going to make and
8 realize the money coming from our agreement
9 to be allowed for the park?

10 MR. ARNOLD: I believe that
11 there's some minor work that we have ongoing
12 that we're going to utilize the money for,
13 but a great part of it we have not decided
14 what to do yet.

15 CHAIRMAN NICOLELLO: The Nassau
16 hub parking lot improvements, that's a state
17 grant for the Coliseum property?

18 MR. ARNOLD: Yes, and the
19 department currently has put out an RFP to
20 start to look at the planning part of that
21 project.

22 CHAIRMAN NICOLELLO: Now, would
23 that cover the entire project in terms of
24 the tiered parking or not?

25 MR. ARNOLD: Yes, that is our

1 Finance Committee/1-9-17

2 goal is that \$85 million will cover what we
3 will build. That's part of the planning
4 part, to find out how many spaces that
5 actually will cover the size of the unit,
6 the location of the unit, working with the
7 various stake holders in the area.

8 CHAIRMAN NICOLELLO: Anyone else
9 have any other questions on this item?
10 Legislator Curran.

11 LEGISLATOR CURRAN: For the
12 Charles Lindbergh building, what are the
13 improvements?

14 MR. ARNOLD: I would have to go
15 back and speak to my facilities people, but
16 there is a long list of things that that
17 building needs to have addressed and that
18 would be -- the occupants would be directing
19 us what they need to have achieved at that
20 building.

21 LEGISLATOR CURRAN: You don't
22 have it in front of you but there is a lot
23 of basic fixes that need to happen?

24 MR. ARNOLD: Yes. I believe
25 there's a flooring issue, all kinds of

1 Finance Committee/1-9-17

2 different issues that need to be addressed
3 in that facility.

4 LEGISLATOR CURRAN: For the
5 police department IT infrastructure, do you
6 know what this refers to exactly?

7 MR. ARNOLD: Not 100 percent sure
8 what the grant was for. I believe it had to
9 do with their cyber protection. But don't
10 quote me on that. I would rather ask them
11 exactly where they got that.

12 LEGISLATOR CURRAN: So we can ask
13 them at the Full Leg.

14 MR. ARNOLD: Yes, I'll get that.

15 LEGISLATOR CURRAN: You might
16 have covered this already, but the half a
17 million for Christopher Morley Park comes
18 from where?

19 MR. ARNOLD: That was part of the
20 agreement with the water district, putting
21 the air stripper power on the property;

22 LEGISLATOR CURRAN: Thank you.

23 CHAIRMAN NICOLELLO: Any other
24 questions on these items?

25 (No verbal response.)

1 Finance Committee/1-9-17

2 Is there any public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Those items carry unanimously.

10 Item 607 of 2016 is a resolution
11 to amend resolution 387 of 2008 as last
12 amended by resolution 244 of 2015 to
13 designate newspapers to publish and identify
14 the real property listed by school district
15 number located wholly or partly in the Town
16 of Hempstead, North Hempstead, Oyster Bay,
17 City of Glen Cove and City of Long Beach on
18 which real estate tax liens are subject to
19 sale by the county treasurer.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Dunne, seconded by Legislator
24 Walker. We looked at this and it looks like
25 this is a pared down list of some of the

1 Finance Committee/1-9-17
2 newspapers, so there may be an amendment
3 coming in the next couple of weeks to add
4 some of our local newspapers onto this list.
5 Any discussion? Legislator Curran.

6 LEGISLATOR CURRAN: I don't know
7 if there's someone here to speak on this,
8 but how are the local papers selected? We
9 do it? The Legislature does it?

10 CHAIRMAN NICOLELLO: Yes. I
11 think we pick the papers.

12 LEGISLATOR CURRAN: So the
13 property owners, are they also contacted by
14 mail or is it just through the papers?

15 MR. BECKER: Yes. The answer to
16 the question is yes.

17 LEGISLATOR CURRAN: Also
18 individually by mail?

19 MR. BECKER: Yes.

20 LEGISLATOR CURRAN: How much does
21 this cost to advertise in all these
22 newspapers?

23 LEGISLATOR BECKER: I really
24 don't have any idea. It depends of course
25 from year to year.

1 Finance Committee/1-9-17

2 LEGISLATOR CURRAN: I guess it
3 depends on how many ads have to be put in
4 and that would vary.

5 MR. BECKER: Exactly.

6 LEGISLATOR CURRAN: Is there like
7 a range?

8 CHAIRMAN NICOLELLO: Counsel
9 tells me it's in the range of \$300,000 a
10 year.

11 LEGISLATOR CURRAN: \$300,000 a
12 year. Okay. The reason I ask this is, does
13 it make sense to advertise in these papers?

14 MR. BECKER: It's required by
15 law.

16 LEGISLATOR CURRAN: It is?

17 MR. BECKER: Yes. Required by
18 law.

19 CHAIRMAN NICOLELLO: Actually, we
20 are going take a look at this in the next
21 couple of weeks. One of the things we're
22 going to look at is, to the extent we have
23 to advertise, what that advertising consists
24 of; does it have to be the full statement
25 which generates all that money, or can it be

1 Finance Committee/1-9-17

2 an abbreviated statement directing
3 interested parties to the county's website
4 which may be --

5 LEGISLATOR CURRAN: Right. I'm
6 thinking with technology perhaps we can save
7 some money, fewer people are reading
8 newspapers than they ever were.

9 CHAIRMAN NICOLELLO: So true.
10 Any other questions on this item?
11 Legislator Bynoe.

12 LEGISLATOR BYNOE: This is to the
13 benefit of communities so I would hope that
14 we would take into consideration that
15 certain communities may not always have
16 access to computers. So, while we look to
17 pare down or save money, that it might be to
18 the detriment of some communities that are
19 underserved.

20 CHAIRMAN NICOLELLO: I think
21 that's something that we would have to
22 definitely take a look at as far as looking
23 at this. Any other questions?

24 (No verbal response.)

25 Is there any public comment?

1 Finance Committee/1-9-17

2 (No verbal response.)

3 All those in favor signify by
4 saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 That item carries unanimously.

9 I'm going to call several items
10 together; 608, 609, 610, and they are
11 ordinances supplemental to the annual
12 appropriate ordinance in connection with the
13 office of Management and Budget, Emergency
14 Management, Public Works, Health and the
15 Medical Examiner.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator Dunne, seconded by Legislator
20 Walker. These items just went through the
21 Public Safety, and I ask that all committees
22 be incorporated by reference.

23 (Whereupon, the please refer to
24 the minutes of the Planning, Public Safety,
25 Public Works, Health and Finance Committees

1 Finance Committee/1-9-17
2 pertaining to Clerk Items 608, 609, 610;
3 dated 1-9-17.)

4 Any questions on these three
5 items?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Items carries unanimously.

15 Item 612 is a resolution
16 authorizing the County Executive to execute
17 a grant agreement between the County of
18 Nassau acting on behalf of the Department of
19 Parks, recreation, and Museums and the Sea
20 Cliff Chamber Players, Inc.

21 A motion, please.

22 LEGISLATOR MACKENZIE: So moved.

23 LEGISLATOR DUNNE: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator MacKenzie, seconded by Legislator

1 Finance Committee/1-9-17

2 Dunne. The item is before the committee. I
3 see Eileen Krieb approaching.

4 MR. PODLESAK: Mr. Chairman, I
5 would just point out that there is a second
6 item, 1-17, it's similar, you might want to
7 hear both of them together.

8 CHAIRMAN NICOLELLO: That's fine.
9 1-17 is a resolution authorizing the County
10 Executive to execute a grant agreement
11 between the County of Nassau acting on
12 behalf of the Department of Parks and
13 Artists in Partnership, Inc.

14 A motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR WALKER: Second.

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

20 MS. KRIEB: Item 612-16 is a
21 contract with Sea Cliff Chambers for
22 entertainment provided through the Parks
23 Department during the holiday season for
24 \$10,000 funded through Hotel Motel funding;

25 And the second 1-17 is a \$5,000

1 Finance Committee/1-9-17

2 grant to Artists in Partnership for their
3 cultural advancement in their local area.

4 CHAIRMAN NICOLELLO: I have a
5 question about 612 of '16. Looks like the
6 services to be provided have already been
7 provided.

8 MS. KRIEB: Yes, the contract was
9 filed in '16 but not calendared till now, so
10 it was delayed because of all the paper
11 disclosure forms that were needed and it was
12 filed -- the services had been performed
13 during the holiday season.

14 CHAIRMAN NICOLELLO: So the delay
15 was occasioned by the gathering of the --

16 MS. KRIEB: Disclosure and forms,
17 yes. Very confused.

18 CHAIRMAN NICOLELLO: Now, the
19 processing of these grants are done by the
20 Parks Department, correct?

21 MS. KRIEB: Yes.

22 CHAIRMAN NICOLELLO: It just
23 seems like they're coming to us on a regular
24 basis after the fact. What can we do to
25 make sure that these come before us before

1 Finance Committee/1-9-17

2 they actually perform the services?

3 MS. KRIEB: Our procedure now is
4 we obtain a request for the grant. We then
5 process it to get approval. Then we make
6 sure that they've satisfied the previous
7 grant so that when they get to the
8 Comptroller's Office it's not rejected.

9 So sometimes it's the back up
10 process it's taking longer to get from these
11 smaller historic or not for profit groups.
12 So we are trying our best to proceed as soon
13 as we give them the grant that they realize
14 now they have to provide the paperwork
15 backup to reconcile last years before they
16 can start this years.

17 CHAIRMAN NICOLELLO: What we are
18 looking for going forward, however, that
19 these come to us before the services are
20 provided.

21 I don't know if it requires you
22 to start planning earlier with respect to
23 this or develop a different process to keep
24 track of the paperwork that's coming in, but
25 especially with respect to these grants, it

1 Finance Committee/1-9-17

2 seems like a regular basis. It's two months
3 after they're being processed.

4 So it's a new year. I don't know
5 what has to be done in the department but
6 whatever has to be done to make these grants
7 come to us in a timely fashion.

8 MR. BECKER: Mr. Chairman, as in
9 the Office of Legislature Affairs, the new
10 disclosure forms have created some confusion
11 especially for the smaller groups. That
12 used to be a pretty simple process, but now
13 there's the lobbying form, and a whole bunch
14 of other forms.

15 Sometimes, for example, they put
16 on a lobbying form "not applicable" and we
17 don't accept that according to the County
18 Attorney, it has to say none.

19 There's has just been a bit of
20 back and forth and confusion and you have
21 seen this happen a few times, but as these
22 groups are becoming more familiar with the
23 process, we're not going to run into this
24 situation much more.

25 Plus, we are on the verge of

1 Finance Committee/1-9-17
2 showing the Legislature the contract routing
3 system, the electronic contract routing
4 system that's been developed over the last
5 three or four years and we hope to
6 demonstrate it for the Legislature in the
7 coming weeks, and that is going to
8 definitely help the process because the
9 paperwork going back and forth will not
10 occur anymore, it will all be done
11 electronically, and we're excited about
12 showing you this. This was happening when I
13 was legislator, I didn't know it was in the
14 process.

15 So I think you're going to find
16 moving forward you're not going to see this
17 happening that often if at all.

18 CHAIRMAN NICOLELLO: Actually we
19 had a preview of that over the summer, the
20 system that's coming, and I think that will
21 be a tremendous benefit once it's put in
22 place because, for our purposes, we will be
23 able to track how it went through the
24 process so, if there is a delay in a
25 particular department, I think we'll be able

1 Finance Committee/1-9-17

2 to see it. The sooner we can do that the
3 better. Any other questions?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 All those in favor signify by
8 saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 Thank you, Eileen.

13 Items 618, 621, 624 of 2016 are
14 all resolutions to authorize the transfer of
15 appropriations heretofore made within the
16 budget for the year 2016.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR WALKER: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Dunne, seconded by Legislator
21 Walker. Do we have anyone to speak about
22 these transfers?

23 MR. PERSICH: Andy Persich,
24 Management and Budget.

25 I'll start with 618, this is a

1 Finance Committee/1-9-17

2 board transfer to cover salaries between the
3 police department and the sewer district and
4 the Board of Elections. In the police
5 department we would hope to achieve some
6 attrition savings that didn't materialize
7 and we offset it with some savings that we
8 had in other funding sources.

9 The sewer district, because of
10 the capital back charges that we charged
11 certain personnel costs to, it didn't happen
12 so we had a shortfall in salaries there.

13 And in Board of Elections we had
14 to amend the original resolution that we did
15 for the inspectors because we ran short a
16 little bit in the funding source in the
17 EL-10 line for lack of a better thing and
18 that's what 618 is talking about.

19 In 624, which is the other board
20 transfer for the police department. It's
21 the same reason. We didn't achieve the
22 attrition savings. There was some overtime
23 costs. I will let Lieutenant Stephanoff
24 jump in at any time but there was some
25 extraordinary items that were not budgeted

1 Finance Committee/1-9-17

2 like the presidential debate and some other
3 Homeland Security items that created some
4 overtime anomaly.

5 CHAIRMAN NICOLELLO: Are you able
6 to speak to 621 also?

7 MR. PERSICH: 621 I can speak to
8 too. I wanted to do those two first because
9 those relate to salaries. 621 is the
10 balance of the bond premiums that we are
11 moving over to the litigation fund, that's
12 defined by the NIFA resolution that we have
13 to do this way. This is the balance for the
14 remainder of 2016.

15 CHAIRMAN NICOLELLO: Does anyone
16 have any questions for Mr. Persich?
17 Legislator Birnbaum.

18 LEGISLATOR BIRNBAUM: On this
19 item, 618, in order to transfer funds, you
20 do need the approval of the Legislature but
21 obviously it's already been done, is that
22 correct?

23 MR. PERSICH: Correct. And
24 that's because these are the paid salaries
25 and we do a polling for this reason and

1 Finance Committee/1-9-17

2 that's what this item is about but in order
3 to move from point A to point B, whether it
4 be one dollar or a penny we need the
5 Legislature's approval.

6 LEGISLATOR BIRNBAUM: I don't
7 remember getting polled. Who do you poll?

8 MR. PERSICH: I don't know the
9 protocol. All I know is that we go to the
10 clerk. It goes to the majority minority
11 finance people. I'm pretty sure it does.

12 LEGISLATOR BIRNBAUM: I
13 definitely know I never got polled.

14 MR. PERSICH: I'm just telling
15 you but there is a process in place that it
16 does go to both sides.

17 LEGISLATOR BIRNBAUM: I don't
18 think so.

19 MR. PERSICH: I could be wrong,
20 but -- it goes to the clerk's office.

21 CHAIRMAN NICOLELLO: Legislator
22 Bynoe.

23 LEGISLATOR BYNOE: Can someone
24 from the Clerk's Office or from the majority
25 give us an idea as to how this occurs and

1 Finance Committee/1-9-17

2 who is actually polled? I can speak for two
3 of the finance committee members, we weren't
4 polled.

5 CHAIRMAN NICOLELLO: I don't know
6 exactly what the administration does. But
7 we do know that the majority does get polled
8 on these items.

9 LEGISLATOR BYNOE: Is somebody
10 here from the County Attorney's Office and
11 they can come down and speak to us and
12 advise us on the process and what I guess
13 legal remedies --

14 MR. BECKER: Legislator Bynoe,
15 the clerk's office is asked to do the
16 polling.

17 LEGISLATOR BYNOE: Yes, but I
18 suspect that they are following something
19 that the County Attorney's Office put in
20 place.

21 MR. BECKER: Per the Clerk's
22 Office at some point, but there is a legal
23 process to this.

24 LEGISLATOR BYNOE: Yes, I want
25 someone to explain it to us because --

1 Finance Committee/1-9-17

2 MR. BECKER: We don't know what
3 that is. We are asked to have a polling
4 done and the Clerk's Office does it.

5 LEGISLATOR BYNOE: But the point
6 is is that this item comes through Finance
7 and Rules, and if it's not the Finance and
8 Rules Committee members that are polled and
9 only the majority, then I think in all
10 actuality circumventing the committee, and
11 what is the purpose of having the committees
12 then look at this item if it's already been
13 polled and approved by the majority?

14 This is supposed to come through
15 the committees and I can speak for the
16 Finance Committee that we have not been
17 polled.

18 CHAIRMAN NICOLELLO: What happens
19 if we don't approve this budget transfer?

20 MR. PERSICH: It's salary
21 related. It's a common occurrence towards
22 the end the year because of the meetings and
23 stuff like that that there is a polling that
24 needs to occur because people will not get
25 paid.

1 Finance Committee/1-9-17

2 LEGISLATOR BYNOE: I'm not
3 actually disputing the fact that there is a
4 polling and I understand it's salaries and I
5 understand you have to pay them. I'm
6 disputing who they may have polled.

7 MR. PERSICH: Right. And let me
8 just reiterate. We get notification that
9 there is a shortfall and we have to react to
10 it.

11 LEGISLATOR BYNOE: I totally
12 understand.

13 MR. PERSICH: The process, I'm
14 not sure -- we do go through our process of
15 preparing the paperwork because we have to
16 identify how we're funding this and that's
17 what we do.

18 LEGISLATOR BYNOE: I totally
19 understand. For me to be perfectly clear,
20 I'm not in any way, shape, or form -- I'm
21 comfortable with the idea of polling based
22 on the situation. I just want to have
23 clarity and be sure we are polling the
24 correct members.

25 I feel as though the Finance and

1 Finance Committee/1-9-17
2 Rules Committees that are part of the
3 Democratic caucus were circumvented or we
4 weren't included and it was only the
5 majority.

6 I think this is something that
7 should be polled because it sounds like the
8 right process. I just think the methodology
9 for picking the individuals who are polled
10 from my perspective is faulty.

11 CHAIRMAN NICOLELLO: My
12 understanding is that this is how the
13 Legislature has operated since the
14 beginning. When we were in the majority and
15 when we were in the minority.

16 When we were in the minority we
17 did not get polled. They poll the majority
18 simply because they want to make sure
19 there's enough votes for the item. So
20 that's the procedure that's been followed
21 for -- I guess it would be -- poll everybody
22 if they wanted to, but as long as they have
23 a majority, they are able to go ahead with
24 what they need to do in terms of a budget
25 transfer to make sure people get paid.

1 Finance Committee/1-9-17

2 LEGISLATOR BYNOE: Chairman

3 Nicolello, I wasn't here when you guys were
4 in the minority so I will take your word for
5 it that that may have occurred.

6 But, honestly speaking, I don't
7 think that that would even be fair or right.

8 I think what's appropriate and
9 right should be something that we should
10 strive for as a body at this time despite
11 what may have been done in the past.

12 So, my point is, if this is
13 something that comes through Finance and
14 Rules, and those are the committees that
15 these things come through, that those are
16 the bodies that should be polled. I don't
17 think that we should then just poll one
18 particular caucus.

19 I honestly wouldn't be in favor
20 of that if I was in the majority. I don't
21 think that's the proper way to do things.
22 So I'm calling for the County Attorney at
23 some point to give us a legal opinion that
24 that was even a justified action. Because I
25 actually take exception that it was done

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2 that way.

3 So, as far as I'm concerned, the
4 items were already transferred. Us not
5 voting on it today is really fruitless. It
6 doesn't yield anything. Thank you.

7 CHAIRMAN NICOLELLO: Thank you.
8 Any other questions or discussion?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 Those opposed?

16 Those carry unanimously or not?

17 LEGISLATOR BYNOE: Yes.

18 CHAIRMAN NICOLELLO: Items 2 and
19 4 of 2017 -- I'm going to hold those for
20 later as they are executive session items.

21 Item 5 of 2017 is an ordinance
22 supplemental to annual appropriation
23 ordinance in connection with the Department
24 of Public Works.

25 LEGISLATOR MACKENZIE: So moved.

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2 LEGISLATOR DUNNE: Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Legislator MacKenzie, seconded by Legislator
5 Dunne. The item is before the committee.
6 It went through Public Works a few moments
7 ago. Any questions? It's Item 5 of 2017.

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 All those in favor signify by
12 saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 Item 6 of 2017 is an ordinance to
18 amend Ordinance Number 13 of 2016 adopting
19 the capital budget for the year 2016 for the
20 County of Nassau corresponding to the first
21 year of the four year capital plan.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR DUNNE: Second.

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

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2 Dunne. Mr. Arnold.

3 MR. ARNOLD: Ken Arnold, Public
4 Works. Item 6 of 2016 is a capital budget
5 amendment to rename a capital project from
6 land acquisitions to property acquisitions,
7 that's project 9B-480.

8 CHAIRMAN NICOLELLO: There's also
9 an increase from zero to one dollar?

10 MR. ARNOLD: That's correct.

11 CHAIRMAN NICOLELLO: Do you know
12 what the purpose of that is?

13 MR. ARNOLD: As far as the
14 building on the OEM building, it's to put a
15 place holder in the financial system.

16 CHAIRMAN NICOLELLO: All right.
17 Any questions on this item? Legislator
18 Curran.

19 LEGISLATOR CURRAN: What is the
20 purpose of this?

21 MR. ARNOLD: It was felt that
22 land acquisitions may not be the appropriate
23 name for the project if we were to look to
24 buy certain types of properties, we want to
25 broaden the scope to include all properties,

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2 so we just looked to change the definition
3 of the property acquisitions.

4 LEGISLATOR CURRAN: Is there a
5 particular project or purchase in mind for
6 this?

7 MR. ARNOLD: In looking at, I
8 believe in looking at the OEM building, they
9 felt that this is something they should do
10 for that project if the time comes they're
11 funded.

12 LEGISLATOR CURRAN: So the OEM
13 building, as I understand, was supposed to
14 be done with asset forfeiture money.

15 MR. ARNOLD: There's also some
16 county capital, my understanding is going to
17 cover that also.

18 LEGISLATOR CURRAN: Okay. So why
19 not leave this alone -- I guess my first
20 question would be, is there a list of land
21 that we were looking to acquire that maybe
22 we may not be acquiring since we're going --

23 MR. ARNOLD: No, there's not.

24 LEGISLATOR CURRAN: So, there is
25 no list? There is no intention to buy land?

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2 MR. ARNOLD: That's correct.

3 LEGISLATOR CURRAN: So then why
4 not keep this the way it is and open a new
5 capital project so that the asset forfeiture
6 money could go into that to do this
7 transaction?

8 MR. ARNOLD: It's the county's --
9 would prefer to have capital projects that
10 expand multiple sources. We box ourselves
11 in quite a bit when we have specific capital
12 projects and then we have excess funding or
13 we don't require all the funding that was
14 put in the project, those bond proceeds sit
15 fallow and you guys all ask me questions
16 about that, looking to broaden our capital
17 projects to encompass many things so if the
18 intent of the project does not go for one
19 thing it's capable of covering another
20 shortfall someplace else.

21 LEGISLATOR CURRAN: So you're
22 saying it wouldn't be -- by changing the
23 category, it could be for the OEM building
24 and for other things as well?

25 MR. ARNOLD: Possibly, yes, and

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2 we could find out later on that we boxed
3 ourselves in for other types of issues.

4 LEGISLATOR CURRAN: It concerns
5 me because it seems to me that the intent of
6 the original project in the capital plan was
7 for land acquisition, so we are sort of
8 commingling this money now to use it for
9 something else.

10 MR. ARNOLD: I have no answer to
11 that.

12 LEGISLATOR CURRAN: Okay.
13 There's a lot of unknowns for me on this
14 one. Thank you. I don't have anymore
15 questions.

16 CHAIRMAN NICOLELLO: Any other
17 questions?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 Those opposed?

25 (Nay.)

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2 Abstain?

3 (Abstain.)

4 The item passes four in the
5 positive, one against, and two abstentions.

6 Motion to suspend the rules to
7 the addendum.

8 LEGISLATOR MACKENZIE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Legislator
11 MacKenzie makes the motion, seconded by
12 Legislator Walker. All in favor of
13 suspending the rules signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Rules are suspended.

18 We are going to skip the first
19 item which is also executive session.

20 Item 9 of 2017 is an ordinance
21 supplemental to the annual appropriation
22 ordinance in connection with the Department
23 of Social Services.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR DUNNE: Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 Dunne. This item went through the Health
5 Committee a few moments ago.

6 Do we have any questions on this
7 item?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 All those in favor signify by
12 saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 We have two items we are going to
18 call together, Items 10 and 11 of 2017,
19 resolutions authorizing the County Executive
20 to execute a grant agreement between the
21 County of Nassau acting on behalf of the
22 Department of Parks, Recreation, Museums and
23 the Historical Society of Merricks as well
24 as an agreement with respect to the Hood
25 African Methodist Episcopal Zion Church.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR MACKENZIE: Second.

4 CHAIRMAN NICOLELLO: Moved by

5 Legislator Dunne, seconded by Legislator

6 MacKenzie. The item is before the

7 committee. Ms. Krieb.

8 MS. KRIEB: The Historical

9 Society of the Merricks is a Hotel Motel

10 Grant in the amount of \$10,000 for a

11 restoration program they have and a

12 traveling exhibit.

13 That's within the term expiring

14 12-31-17; and the second contract 11-17 is

15 with the Hood African Methodist Episcopal

16 Zion Church and it's merely an amendment

17 because they wrote not able to complete

18 funding their project from last year in a

19 timely manner so we have extended it to June

20 30, 2017.

21 CHAIRMAN NICOLELLO: Any

22 questions?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 All those in favor signify by
3 saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Those two items carry
8 unanimously. Now we are going to go to the
9 executive session items. They are items 2,
10 3 and 4 of 2017. 2 and 4 are resolutions
11 authorizing the County Attorney to
12 compromise and settle the claims of
13 Plaintiff Seemona Sumuasar and Chiara
14 McDonald as set forth in the action
15 entitled, by the same, verus Nassau County.

16 And a resolution authorizing the
17 County Attorney to compromise and settle the
18 claim of Plaintiff, Alicia Boudouris, as set
19 forth in the claim, the action entitled
20 Alicia Boudouris versus the County of
21 Nassau.

22 Item 3 is a resolution to
23 authorize the County Attorney to compromise
24 and settle the claim of Plaintiffs
25 Supervisor of the Town of Hempstead versus

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2 the County of Nassau.

3 LEGISLATOR CURRAN: Before we go
4 into executive session, can I ask a
5 question?

6 CHAIRMAN NICOLELLO: We just need
7 a motion.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Walker, seconded by Legislator
12 Dunne. Both items are before the committee.
13 Legislator Curran has a question.

14 LEGISLATOR CURRAN: So, since the
15 actual complaint and the order issued by the
16 court are public, can we discuss those in
17 public?

18 CHAIRMAN NICOLELLO: Which
19 complaint are we talking about?

20 LEGISLATOR CURRAN: I'm speaking
21 about the one involving corrections?

22 CHAIRMAN NICOLELLO: Go ahead and
23 ask the question and see if there is an
24 issue with it.

25 LEGISLATOR CURRAN: The question

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2 would be, has there been additional training
3 for corrections officers in light of this?

4 CHAIRMAN NICOLELLO: That's a
5 good question. But I don't know if we can
6 have them answer that here with the case
7 still open.

8 MS. LOCURTO: Lisa Locurto,
9 County Attorney's Office. I think it would
10 be better and more appropriate to discuss
11 that in executive session.

12 After we discuss it in executive
13 session, whatever we can put on the record
14 we will, but I think that's a question
15 better for executive session.

16 LEGISLATOR CURRAN: Thanks.

17 CHAIRMAN NICOLELLO: Do I have a
18 motion to go into executive session.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR MACKENZIE: Second.

21 CHAIRMAN NICOLELLO: Legislator
22 Dunne makes that motion, seconded by
23 Legislator MacKenzie. All those in favor of
24 executive session signify by saying aye.

25 (Aye.)

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2 Those opposed?

3 (No verbal response.)

4 We are in executive session and
5 all members of the Rules Committee are
6 invited to join us.

7 (Whereupon, the Finance Committee
8 recessed at 3:40 p.m. and reconvened at 4:58
9 p.m.)

10 CHAIRMAN NICOLELLO: We are out
11 of executive session. We have the items 2,
12 3 and 4 of 2017 before us. Is there any
13 public comment?

14 (No verbal response.)

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Those items carry unanimously.
21 Motion to adjourn.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Dunne, seconded by Legislator

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2 Walker. All in favor signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 We are now adjourned.

7 (Whereupon, the Finance Committee
8 adjourned at 5:00 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 24th day of January, 2017.

FRANK GRAY