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NASSAU COUNTY LEGISLATURE

PETER SCHMITT,  
Presiding Officer

PUBLIC WORKS AND PARKS COMMITTEE

VINCENT MUSCARELLA, Chairman

1550 Franklin Avenue  
Mineola, New York

Monday, January 9, 2012  
2:17 P.M

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

VINCENT MUSCARELLA,  
Chairman

HOWARD KOPEL, (Substituted by  
Vice Chairman Rose Walker)

FRANCIS BECKER

NORMA GONSALVES

DAVID DENENBERG,  
Ranking

JOSEPH SCANNELL

CARRIE SOLAGES

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LIST OF SPEAKERS

ROB WALKER, Deputy County Executive.....5

BRIAN SCHNEIDER Nassau  
County Department of Public Works.....22

## Public Works and Parks Committee/1-9-12

2 CHAIRMAN MUSCARELLA: Calling the  
3 Public Works and Parks Committee to order.  
4 I am here. Subbing for Legislator Kopel is  
5 Legislator Walker. Francis Becker?  
6 LEGISLATOR BECKER: Present.  
7 CHAIRMAN MUSCARELLA: Norma  
8 Gonsalves?  
9 LEGISLATOR GONSALVES: Present.  
10 CHAIRMAN MUSCARELLA: David  
11 Denenberg?  
12 LEGISLATOR DENENBERG: Here.  
13 CHAIRMAN MUSCARELLA: Joseph  
14 Scannell?  
15 LEGISLATOR SCANNELL: Here.  
16 CHAIRMAN MUSCARELLA: Carrie A.  
17 Solages?  
18 LEGISLATOR SOLAGES: Present.  
19 CHAIRMAN MUSCARELLA: We are all  
20 here. First I'm going to ask for a motion  
21 to suspend the rules.  
22 LEGISLATOR BECKER: So moved.  
23 LEGISLATOR WALKER: Second.  
24 CHAIRMAN MUSCARELLA: Motion by  
25 Legislator Becker, seconded by Ro Walker.

Public Works and Parks Committee/1-9-12

2 All those in favor of suspending  
3 the rules please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 We have two items on this  
8 addendum calendar. The item carries  
9 unanimously. The first is item 24 of 2012  
10 which is a local law to amend Article 7 of  
11 the Nassau County Charter in relation to the  
12 establishment of a division of real estate  
13 services within the Department of Public  
14 Works. Motion, please.

15 LEGISLATOR BECKER: So moved.

16 LEGISLATOR GONSALVES: Second.

17 CHAIRMAN MUSCARELLA: Motion by  
18 Mr. Becker, seconded by Ms. Gonsalves. May  
19 I have someone here from the administration?  
20 Mr. Walker, Happy New Year. Can you give us  
21 an explanation as to what this is and why  
22 we're doing it?

23 MR. WALKER: Sure. This will  
24 allow, again, looking at mergers and better  
25 use of personnel. This is one of several

Public Works and Parks Committee/1-9-12

2 consolidations or mergers of departments  
3 that the county executive has put forth.  
4 Many have been enacted by the legislature  
5 already including human resources where  
6 there was four mergers into one.

7                   This, again, will take real  
8 estate services -- if you look at what real  
9 estate does in functioning, they work very  
10 hand and hand with the Department of Public  
11 Works currently in terms of managing assets.  
12 The assets are controlled by real estate,  
13 work and things of that nature are conducted  
14 by public works. This will allow the merger  
15 and the better use of personnel by which the  
16 commissioner of public works will now have  
17 additional staff to assist with the  
18 day-to-day operations of public works as  
19 well.

20                   CHAIRMAN MUSCARELLA: Currently  
21 the division is within the --

22                   MR. WALKER: It's basically  
23 almost a separate department, in essence.  
24 It's an office of real estate services but  
25 it functions as its own department. No

Public Works and Parks Committee/1-9-12

2 difference than the office of physically  
3 challenged, how it was previously, so it  
4 functions as its own office as it currently  
5 sits.

6 CHAIRMAN MUSCARELLA: Under this  
7 proposed merger or consolidation, any  
8 financial effect on the county?

9 MR. WALKER: There will be  
10 financial effect in a positive, in fact, of  
11 dollar savings by which if any employees  
12 leave, and now we can better utilize each  
13 department or current department staff, you  
14 wouldn't have to hire new personnel or, more  
15 importantly, you're able to do additional  
16 work that's being done possibly by outside  
17 contractors now or by others.

18 CHAIRMAN MUSCARELLA: We  
19 currently have a commissioner or head of  
20 this department?

21 MR. WALKER: We have a director.

22 CHAIRMAN MUSCARELLA: A director.  
23 What happens to that director once this  
24 consolidation goes through?

25 MR. WALKER: That director will

Public Works and Parks Committee/1-9-12  
2 stay as a director and will report to the  
3 commissioner of public works.

4 CHAIRMAN MUSCARELLA: And  
5 currently reporting to no one?

6 MR. WALKER: Currently reports to  
7 the county executive's office.

8 CHAIRMAN MUSCARELLA: So, loaded  
9 question, why would the county executive  
10 propose this to get rid of someone who is  
11 directly under his control and put it under  
12 the control of another commissioner?

13 MR. WALKER: Again, it saves  
14 dollars, saves salaries if people leave. We  
15 will not have to replace any of those staff  
16 members. And, again, it allows some  
17 flexibility. We have an accounting  
18 executive in the department of planning.  
19 It's a small budget that can be used better  
20 off in other departments that need those  
21 types of services and one being DPW, one of  
22 the largest departments we have in the  
23 county.

24 CHAIRMAN MUSCARELLA: Anyone have  
25 any questions? Mr. Denenberg.



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2                   LEGISLATOR DENENBERG:   Happy New  
3 Year, Mr. Walker.

4                   MR. WALKER:   Likewise.

5                   LEGISLATOR DENENBERG:   Currently,  
6 the division of real estate that we  
7 currently have operates directly, you said  
8 directly under the county executive?

9                   MR. WALKER:   Correct.

10                  LEGISLATOR DENENBERG:   It's not  
11 through the county attorney's office?

12                  MR. WALKER:   No.

13                  LEGISLATOR DENENBERG:   The number  
14 of people that are in the division of real  
15 estate now are how many?

16                  MR. WALKER:   Roughly ten.

17                  LEGISLATOR DENENBERG:   Would that  
18 be Mr. Schroeder and Mr. Kelly?

19                  MR. WALKER:   Correct.

20                  LEGISLATOR DENENBERG:   So of the  
21 ten people that are currently working, who's  
22 the head of the division of real estate  
23 right now?

24                  MR. WALKER:   The director.

25                  LEGISLATOR DENENBERG:   Which is

## Public Works and Parks Committee/1-9-12

2 Mr. Schroeder?

3 MR. WALKER: Correct.

4 LEGISLATOR DENENBERG: What  
5 would happen -- all ten people now would be  
6 under Commissioner Shah then?

7 MR. WALKER: Yes.

8 LEGISLATOR DENENBERG: Are we  
9 reducing the number of people?

10 MR. WALKER: No.

11 LEGISLATOR DENENBERG: So where's  
12 the savings?

13 MR. WALKER: Well, when one  
14 person leaves you would have a reduction.

15 LEGISLATOR DENENBERG: But why do  
16 we have to move it over to public works in  
17 order to do that as opposed to have it --  
18 effectively right now I always thought it  
19 was under the county attorney's office. I  
20 thought we all thought that.

21 MR. WALKER: It's its own  
22 division. Basically it functions as a  
23 department. That's why in the budget book,  
24 if you look at the pages, it's got its own  
25 budget, not in the county attorneys.

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2                   LEGISLATOR DENENBERG: It just  
3 seemed like every real estate contract  
4 always went through the county attorney's  
5 office anyway.

6                   CHAIRMAN MUSCARELLA: I'm  
7 informed, and I don't know if this is true,  
8 that Mr. Suozzi broke that out of the county  
9 attorney's office.

10                  LEGISLATOR DENENBERG: I don't  
11 remember when. I don't remember that at  
12 all. I don't remember whether it was  
13 Meredith Feinman or someone, would always  
14 come up with Mr. Schroeder and any of the  
15 other people in that department.

16                  CHAIRMAN MUSCARELLA: Actually,  
17 under the current administration, Mr. Kelly  
18 had been working under the county attorney's  
19 office and then was moved out to work for  
20 real estate, correct?

21                  MR. WALKER: He is the deputy  
22 director of real estate.

23                  LEGISLATOR DENENBERG: Before  
24 that he had been working on real estate with  
25 the county attorney's office.

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2 MR. WALKER: Okay.

3 LEGISLATOR DENENBERG: So I'm  
4 just thinking that we already have real  
5 estate attorneys or attorneys that work in  
6 real estate in the county attorney's office  
7 and we have a separate real estate  
8 department, you're saying, and now it's  
9 going to be brought under public works. I  
10 don't understand the logic. You said to  
11 save money, but if we have the same number  
12 of people and we're only going to reduce the  
13 number of people when people retire, we can  
14 do that whether we merge it with public  
15 works or keep it the way it is.

16 MR. WALKER: No, you wouldn't,  
17 because you would have to actually replace  
18 them to do those functions. Now they will  
19 be able to better utilize their staff that  
20 currently exists and actually work together.  
21 So if there's something that needs to be  
22 done by, I gave a perfect example of the  
23 county executive. The county executive, you  
24 do not have a big county executive and a lot  
25 of dollars in real estate. You have a

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2 bigger budget in public works. Commissioner  
3 Shah does need assistance in terms of  
4 financials, and now you're going to have  
5 someone that's going to be able to assist  
6 her with financials, so you don't have to  
7 hire someone back, someone that left on a  
8 retirement, or you don't have to go out to  
9 outside contractors which you discuss all  
10 the time. This allows us greater  
11 flexibility in the department which we think  
12 it's best suited, in fact that you're  
13 dealing with the assets of the county, most  
14 of them that are run in terms of daily  
15 operations by public works, and that's why  
16 it's most prudent to put it there.

17 LEGISLATOR DENENBERG: Just to  
18 take what came up today, where Mr. Schroeder  
19 or Mr. Kelly have been here answering  
20 questions, very well, it's each of these  
21 real estate transactions, are typically  
22 transactions that the expertise is legal as  
23 well as real estate. So now if it's in  
24 public works, then it's going to still be  
25 going to the county attorney's office?

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2 MR. WALKER: It doesn't go to the  
3 county attorney's office now, it goes to  
4 those two, Carl Schroeder and Mike Kelly who  
5 gets up and speaks to those issues. If they  
6 need assistance from the county attorney's  
7 office, like every other department does,  
8 they would still do that. They are not all  
9 of a sudden losing their expertise by going  
10 into a new department unless you get amnesia  
11 when you go from one department to another.

12 LEGISLATOR DENENBERG: So then  
13 I'm still not seeing the actual savings.  
14 I'm just seeing it's another layer of  
15 beauracracy --

16 MR. WALKER: No, it's not. It's  
17 decreasing.

18 LEGISLATOR DENENBERG: -- to  
19 speak to the county executive or to legal.

20 MR. WALKER: I disagree with you.  
21 You are actually decreasing beauracracy  
22 because now you're going to work for one  
23 department head and, when people do leave,  
24 you are going to have savings and, more  
25 importantly, like I mentioned, Sheila Shah

Public Works and Parks Committee/1-9-12

2 does need assistance. She needs assistance  
3 in her department. She is able now to  
4 utilize her staff that she's going to be  
5 getting to actually assist with her in her  
6 daily operations instead of having to hire  
7 people back.

8 LEGISLATOR DENENBERG: There were  
9 six contracts today, six alone, to outsource  
10 public work's work because we don't have  
11 enough people in public works to do it  
12 whether it was design work or oversight work  
13 for critical path management in the sewer  
14 treatment plants, to requirements contracts,  
15 even for traffic engineering, the Pope  
16 contracts came back up and I wasn't even  
17 including that.

18 Now we are transferring what, to  
19 me, and to at least some of the other  
20 legislators up here have always felt it was  
21 a legal aspect or a legal function for real  
22 estate transactions to a public works  
23 department that is outsourcing typical  
24 public work oversight work.

25 MR. WALKER: They actually do

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2 more than that. But vote against it.  
3 That's your prerogative, you're able to vote  
4 against it. We believe it's a good use to  
5 put the two departments together.

6 LEGISLATOR DENENBERG: You know  
7 what, the more I try to look back, I still  
8 never knew that real estate, until Mr. Kelly  
9 got switched over from the county attorney's  
10 office to a division of real estate, I never  
11 even thought that real estate was anything  
12 separate than under the county attorney's  
13 office. I don't think it should be and I  
14 think this would go into a department that's  
15 outsourcing public work's work to now be  
16 under a public works department for what is  
17 mostly transactional work just doesn't make  
18 sense, but okay.

19 CHAIRMAN MUSCARELLA: It's my  
20 understanding and, as I'm going along, I'm  
21 getting some information I think that,  
22 historically, this division has been part of  
23 the general service department 20 or so  
24 years ago. The general service department  
25 has eventually become the Department of



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2 Public Works. So I guess we're kind of  
3 bringing it back to where it originally was.  
4 I understand. I mean, do I think there is  
5 going to be great savings here? No. Do I  
6 think there will be some soft-core savings  
7 in terms of initially moving people around  
8 and using the expertise within the planning  
9 department? That will probably be a  
10 benefit.

11 Then when people leave, I guess  
12 not replacing them, and having someone else  
13 within the department that may have a  
14 particular expertise in the planning  
15 department cover some of these functions, or  
16 they cover some of the planning department  
17 functions --

18 LEGISLATOR DENENBERG: If that's  
19 all true, any of that could have been done  
20 through the county attorney's office and  
21 virtually every time we've ever had, whether  
22 it's Norma or myself, you, calling items in  
23 committee where the real estate department  
24 comes up, it's almost always a legal  
25 transactional where we go through a legal

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2 contract and we're making sure the SEQRA  
3 process was followed, so, to me, moving it  
4 further away from the county attorney's  
5 office, if anything, has a potential to  
6 increase not decrease costs.

7 CHAIRMAN MUSCARELLA: What we get  
8 here in people coming before us, whether  
9 they are coming from the county attorney's  
10 office or the planning department, I don't  
11 know that it really affects us. Apparently,  
12 on a day to day basis in terms of running  
13 the county, that perhaps it does have an  
14 effect in terms of whether it's under the  
15 auspices of the planning department or  
16 county attorney or general services or the  
17 county executive's office.

18 So I, for one, I don't know that  
19 there is going to be any great savings or  
20 any great detriment to doing it this way, so  
21 I -- if we have no other questions, I will  
22 call the question.

23 LEGISLATOR DENENBERG: Thank you,  
24 Mr. Chairman. The irony is, eight -- I went  
25 back through contracts of public works

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2 outsourced today, typical work that was done  
3 in public works, and now we are giving more  
4 to public works and it just doesn't seem to  
5 make sense.

6 MR. WALKER: I will be glad to  
7 forward you all your votes that you approved  
8 similar contracts for the ten years that you  
9 were in charge of the committee, but that's  
10 not a problem.

11 LEGISLATOR GONSALVES: Mr.  
12 Denenberg, the contracts that came before us  
13 today in the rules, the outsourcing of those  
14 contracts was because we did not have the  
15 expertise in house. So it's not just a  
16 question of outsourcing arbitrarily.

17 LEGISLATOR DENENBERG: Okay.

18 LEGISLATOR GONSALVES: And it was  
19 testified to today.

20 LEGISLATOR DENENBERG: They  
21 certainly don't, but we're just giving more  
22 work to a department that we're outsourcing  
23 because they don't have the expertise. I  
24 don't see where the oversight on real estate  
25 and transactional work is going to come from

Public Works and Parks Committee/1-9-12

2 public works, not from the county attorney.

3 CHAIRMAN MUSCARELLA: Perhaps by  
4 putting it in house under that department it  
5 makes it easier for them. I don't know.  
6 Mr. Becker.

7 LEGISLATOR BECKER: I just feel  
8 that it's much to do about nothing. If this  
9 is the way the county executive would like  
10 to do this and manage the departments,  
11 that's fine with me. He believes there is a  
12 savings. It's up to him to meet his budget  
13 anyway.

14 But, Mr. Walker, we've just had a  
15 reduction in personnel to begin with. In  
16 your considerations right now with the  
17 reduction in personnel, I'm sure every  
18 department was hit, do you have right now  
19 people that we let go that we are not going  
20 to have to re-rehire, is there going to be  
21 an immediate savings right now?

22 MR. WALKER: It is. That's why I  
23 mentioned about the accounting executive.  
24 There is a long time civil service employee  
25 member that is on the real estate budget

Public Works and Parks Committee/1-9-12

2 that has great expertise in accounting. He  
3 will be very useful in terms of providing  
4 those services to the commissioner of public  
5 works who did lose some --

6 LEGISLATOR BECKER: So otherwise,  
7 if the departments remained the same, you  
8 would have had to hire somebody, correct?

9 MR. WALKER: Correct.

10 LEGISLATOR BECKER: Automatically  
11 there is a savings right there.

12 MR. WALKER: I agree with you 100  
13 percent.

14 LEGISLATOR BECKER: It makes  
15 sense to me then.

16 CHAIRMAN MUSCARELLA: Do we have  
17 any further questions?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 Hearing none, all those in favor  
22 of passing this, signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

## Public Works and Parks Committee/1-9-12

2                   Three nos.    The majority in favor  
3 and the minority against.    The next item is  
4 Item 26 of 2012 which is a resolution  
5 authorizing the county executive to execute  
6 an amendment to an intermunicipal agreement  
7 with the town of North Hempstead.

8                   LEGISLATOR GONSALVES:    So moved.

9                   LEGISLATOR BECKER:        Second.

10                  CHAIRMAN MUSCARELLA:    Motion by  
11 Norma Gonsalves, seconded by Legislator  
12 Becker.    Do we someone here to speak on  
13 this?

14                  MR. SCHNEIDER:    Brian Schneider  
15 from Public Works.    This item is an  
16 amendment to an existing intermunicipal  
17 agreement with the town of North Hempstead.  
18 We are amending this agreement to clarify  
19 the scope of a project with the town for the  
20 town to undertake storm water quality  
21 improvements under the Environmental Bond  
22 Act of 2006.    The language needed to be  
23 modified as we have done with many other  
24 IMAs to allow the municipality to be  
25 reimbursed for not only the purchase of the

Public Works and Parks Committee/1-9-12

2 catch basin inserts but also the  
3 installations.

4 CHAIRMAN MUSCARELLA: Do we have  
5 any questions?

6 (No verbal response.)

7 Hearing none, is there any public  
8 comment?

9 (No verbal response.)

10 All those in favor, signify by  
11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 That item is unanimously  
16 reported. There is no further business  
17 before us.

18 LEGISLATOR BECKER: So moved.

19 LEGISLATOR GONSALVES: Second.

20 CHAIRMAN MUSCARELLA: Moved by  
21 Legislator Becker, seconded by Legislator  
22 Gonsalves. To adjourn, all those in favor,  
23 signify by saying aye.

24 (Aye.)

25 We are adjourned. Next up is

Public Works and Parks Committee/1-9-12

2 health.

3 (Whereupon, the Public Works and  
4 Parks Committee adjourned at 2:33 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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FRANK GRAY