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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PUBLIC WORKS AND PARKS COMMITTEE

VINCENT MUSCARELLA, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, September 9, 2013
3:56 P.M

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

VINCENT MUSCARELLA,
Chairman

HOWARD KOPEL,
Vice Chairman

FRANCIS BECKER

MICHAEL VENDITTO

DAVID DENENBERG,
Ranking

JOSEPH SCANNELL

CARRIE SOLAGES

WILLIAM J. MULLER, III
Clerk of the Legislature

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LIST OF SPEAKERS

CARNELL FOSKEY, Commissioner,
 Nassau County
 Department of Department of Parks,
 Recreation and Museums.....5

ARYEH LEMBERGER, Nassau County
 Department of Public Works.....17

Public Works and Parks Committee/9-9-13

2 CHAIRMAN MUSCARELLA: Public
3 Works and Parks Committee is hereby called
4 to order. I as the chair is here. Vice
5 Chairman Kopel is here. Francis Becker is
6 here. Michael Venditto?

7 LEGISLATOR VENDITTO: Here.

8 CHAIRMAN MUSCARELLA: Ranking
9 Member Dave Denenberg?

10 LEGISLATOR DENENBERG: Here.

11 CHAIRMAN MUSCARELLA: Joseph
12 Scannell?

13 LEGISLATOR SCANNELL: Here.

14 CHAIRMAN MUSCARELLA: And Carrie
15 Solages?

16 LEGISLATOR SOLAGES: Here.

17 CHAIRMAN MUSCARELLA: We have a
18 quorum. We have a number of items today
19 before us. I will, with permission, combine
20 a couple of them.

21 I'll call the first and second
22 items. Item 357 of 2013, an ordinance
23 supplemental to the annual appropriations
24 ordinance in connection with the Department
25 of Parks, Recreation and Museums.

Public Works and Parks Committee/9-9-13

2 And I will call Item 358 of 2013,
3 an ordinance supplemental to the annual
4 appropriation ordinance in connection with
5 the Department of Parks, Recreation and
6 Museums. Motion, please.

7 LEGISLATOR KOPEL: So moved.

8 LEGISLATOR VENDITTO: Second.

9 CHAIRMAN MUSCARELLA: By Mr.
10 Kopel, seconded by Mr. Venditto. Do we have
11 someone from the administration?

12 MR. MAY: Yes, we have
13 Commissioner Carnell Foskey.

14 CHAIRMAN MUSCARELLA:
15 Commissioner, good to see you.

16 COMMISSIONER FOSKEY: Yes. Good
17 afternoon. How are you?

18 CHAIRMAN MUSCARELLA: Very well,
19 thanks. Do you want to just give us a brief
20 overview of these two items?

21 COMMISSIONER FOSKEY: It's the
22 2014 budget for the Hotel Motel account to
23 be appropriated for the purposes of running
24 new programs and existing programs.

25 This budget, if adopted, is based

Public Works and Parks Committee/9-9-13

2 upon an expected revenue flow of \$3.3
3 million which will cover expenditures,
4 appropriates contractual services, building
5 restoration, and salaries necessary to
6 operate at full capacity.

7 CHAIRMAN MUSCARELLA: Those are
8 combining the 357 and 358 is \$3.3 million
9 and change; is that correct?

10 COMMISSIONER FOSKEY: Both of
11 them together, correct.

12 CHAIRMAN MUSCARELLA: We have
13 done this in the past. Do we have any
14 questions? Mr. Denenberg.

15 LEGISLATOR DENENBERG: Thank you.
16 Thank you, Commissioner Foskey. How are
17 you?

18 COMMISSIONER FOSKEY: I'm fine.
19 How are you?

20 LEGISLATOR DENENBERG: Good.
21 Thank you. Do you know what percentage of
22 the revenue from the Hotel Motel Tax goes
23 towards salaries per year?

24 COMMISSIONER FOSKEY: In this
25 particular one, it's out of the 3.3, it's

Public Works and Parks Committee/9-9-13

2 \$975,000.

3 LEGISLATOR DENENBERG: I guess I
4 can't do my math on that one. That seems
5 like --

6 COMMISSIONER FOSKEY: Somewhere
7 around 30 percent.

8 LEGISLATOR DENENBERG: And I just
9 don't know if Hotel Motel tax under law has
10 to be a certain percentage or not. I have
11 an OLBR report that was done recently, like
12 two weeks ago, August 30th, 2013, not even,
13 and that's where I got the number 1.6
14 million going for salaries, but that was
15 perhaps for some of 11 and 12.

16 COMMISSIONER FOSKEY: That was
17 more than one year, correct.

18 LEGISLATOR DENENBERG: So now
19 you're telling me it's 975 out of 3.3 for
20 our plan --

21 COMMISSIONER FOSKEY: It's
22 actually more than that. Your numbers are
23 not correct.

24 The 3.3 is just the amount that
25 we actually see. There are other monies

Public Works and Parks Committee/9-9-13

2 LCIV receives that actually do not come to
3 the department. So your 30 percent is kind
4 of high.

5 LEGISLATOR DENENBERG: I will ask
6 you to give me the percentage and, if you
7 can't give it to me now --

8 COMMISSIONER FOSKEY: I'll give
9 it to you later.

10 LEGISLATOR DENENBERG: Between
11 now and Full Leg because I will ask that at
12 Full Leg. And, per the report from OLBR,
13 which I hope you have a copy of, it did show
14 that a courtesy copy was going to yourself
15 among a number of other different
16 recipients.

17 In that report it states that 1.6
18 of the available revenue is being used for
19 salaries in accordance with the county
20 attorney opinion.

21 COMMISSIONER FOSKEY: Correct.

22 LEGISLATOR DENENBERG: Do you
23 have a copy of that opinion?

24 COMMISSIONER FOSKEY: I don't
25 have it with me, but that's why we were able

Public Works and Parks Committee/9-9-13

2 to do it. We did it based upon the opinion
3 from the county attorney.

4 LEGISLATOR DENENBERG: That's
5 what I thought. So not only do I want the
6 numbers that you would give me, but also a
7 copy of that county attorney's opinion.

8 COMMISSIONER FOSKEY: I'll share
9 that with you, sure.

10 CHAIRMAN MUSCARELLA: Can you
11 make that available to us also?

12 COMMISSIONER FOSKEY: Yes.

13 LEGISLATOR DENENBERG: Just a
14 couple more follow-up questions on this
15 particular matter. With respect to the
16 salaries for employees. It would be --
17 these salaries are for employees working
18 directly on the eligible programs, correct?

19 COMMISSIONER FOSKEY: You come to
20 Lakeside at night, correct?

21 LEGISLATOR DENENBERG: So it
22 would be the people working there?

23 COMMISSIONER FOSKEY: Yes.
24 Lakeside and other programs that are Hotel
25 Motel eligible. Whether a seasonal or

Public Works and Parks Committee/9-9-13
2 full-time employee, so it's any time that
3 they are working on a Hotel Motel related
4 project.

5 LEGISLATOR DENENBERG: So you and
6 I are there, when the county executive is
7 there or when anyone is there during one of
8 the Hotel Motel tax funded, if we have five
9 people working the grounds, or someone
10 working the lights, or someone working the
11 parking lot or security.

12 COMMISSIONER FOSKEY: Correct.

13 LEGISLATOR DENENBERG: We keep an
14 account of their time for that program for
15 that night?

16 COMMISSIONER FOSKEY: Correct.
17 Actually probably underreported. Usually
18 the maintenance people we don't charge the
19 Hotel Motel, even though we probably could.

20 LEGISLATOR DENENBERG: And just
21 one thing I found a little -- maybe you did
22 too so you would have the answer for me
23 Commissioner Foskey. The FEMA overtime,
24 Sandy FEMA holiday pay, FEMA meal money,
25 FEMA straight time as an item under Hotel

Public Works and Parks Committee/9-9-13

2 Motel tax proceeds that Mr. Chalmers showed
3 confused me because I don't understand how
4 it could be FEMA related or how Hotel Motel
5 tax could have been used for FEMA related
6 reimbursements.

7 I mean, as you said, it's usually
8 for one of the shows or something related to
9 entertainment at Lakeside Theater or one of
10 our other parks.

11 COMMISSIONER FOSKEY: Apparently,
12 there was some seasonals that were directly
13 charged to them. What we did, basically
14 what we did, we would journal the money
15 back. It might have come from FEMA, but
16 eventually it came from Hotel Motel. So
17 maybe they did some work at Old Bethpage
18 Village or one of the other properties,
19 there was a whole series of things that
20 involved Hotel Motel type of things that we
21 might have done during the storm.

22 Then, what we did, once we paid
23 it, we got reimbursed from FEMA for it. So
24 if someone worked on a Hotel Motel project,
25 not necessarily a concert, but maybe

Public Works and Parks Committee/9-9-13

2 something at the theater, for example, at
3 the electronic shop, they might have done
4 some things at the theater that we used for
5 Hotel Motel concerts that were FEMA related
6 because of the storm, so we would take the
7 money back and reimburse ourselves for it.

8 LEGISLATOR DENENBERG: It would
9 have been like fixing something that got
10 damaged in the storm at one of the parks?

11 COMMISSIONER FOSKEY: It could
12 have been. Could have been a cleanup at one
13 of the parks, at a historic sites, not a
14 park.

15 LEGISLATOR DENENBERG: Well,
16 there's definite numbers that Mr. Chalmers
17 saw, and he has negatives to that, so is
18 this something that was originally charged
19 to -- originally we paid and then we charged
20 it as a FEMA reimbursable expense?

21 COMMISSIONER FOSKEY: Yes.

22 LEGISLATOR DENENBERG: The OLBR
23 report, the August 30th report, says that
24 the Hotel Motel tax reports being
25 resubmitted, so two questions; is that true,

Public Works and Parks Committee/9-9-13

2 and, if so, why?

3 COMMISSIONER FOSKEY: It was just
4 to make more clear. There was some
5 confusion with them about the money that we
6 actually see that we are able to spend and
7 money that we never actually got, like the
8 LCIV group money that we never got. So it
9 was just clarify some of the things that
10 they had.

11 LEGISLATOR DENENBERG: So,
12 commissioner, when would that be
13 resubmitted?

14 COMMISSIONER FOSKEY: In the next
15 few weeks.

16 LEGISLATOR DENENBERG: When
17 that's resubmitted, can this committee get a
18 copy as well?

19 COMMISSIONER FOSKEY: Sure. I'll
20 give it to everyone, sure.

21 LEGISLATOR DENENBERG: Thank you.

22 CHAIRMAN MUSCARELLA: Any other
23 questions?

24 (No verbal response.)

25 Hearing none, all those in favor

Public Works and Parks Committee/9-9-13

2 of moving these items on please signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The items carry unanimously.

8 The next item is 367 of 2013, an
9 ordinance supplemental to the annual
10 appropriation ordinance in connection with
11 the Department of Parks, Recreation and
12 Museums. Commissioner Foskey, is he up
13 again?

14 I apologize. I called the first
15 two and not the third one initially. A
16 motion, please.

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR BECKER: Second.

19 CHAIRMAN MUSCARELLA: Motion by
20 Mr. Kopel, seconded by Mr. Becker.

21 COMMISSIONER FOSKEY: This is the
22 2014 budget for Mitchell Park maintenance
23 count. The proposal is based upon
24 anticipated fees to be collected by the
25 rifle range as well as the Mitchell Park

Public Works and Parks Committee/9-9-13

2 Athletic Track and Field Programs.

3 The amount we are requesting for
4 this fiscal year is \$1.52 million.

5 CHAIRMAN MUSCARELLA: This has
6 been computed by prior years, just an
7 estimate?

8 COMMISSIONER FOSKEY: I think it
9 might vary by \$5,000 from last year so it's
10 very close to last year.

11 CHAIRMAN MUSCARELLA: Any
12 questions?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 Hearing none, all those in favor
17 of moving this item signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 That item carries. I'm going to
22 call the next couple of items together. The
23 first up is Item 401 of 2013, a resolution
24 approving federal aid project administered
25 by the New York State Department of

Public Works and Parks Committee/9-9-13

2 Transportation and authorizing the County of
3 Nassau to participate if nonfederal share of
4 the cost of construction and the cost of
5 construction supervision and inspection of
6 the project and authorizing the county
7 executive of the County of Nassau to execute
8 an agreement on behalf of the county with
9 the State of New York, Department of
10 Transportation for the performance of such
11 work of the project and for the
12 participation of the county and the
13 nonfederal share of the cost of the project
14 identified as PIN 0760, for the replacement
15 of pavement markings under the project known
16 as pavement marking replacement Phase 7.

17 Next up I will call Item 402 of
18 2013, which is a resolution approving
19 federal aid project administered by the New
20 York State Department of Transportation and
21 authorizing the County of Nassau to
22 participate if nonfederal share of the cost
23 of construction and the cost of construction
24 supervision and inspection of the project
25 and authorizing the county executive of the

Public Works and Parks Committee/9-9-13

2 County of Nassau to execute an agreement on
3 behalf of the county with the New York State
4 Department of Transportation for the
5 performance of such work of the project and
6 for the participation by the county of the
7 nonfederal share of the cost of the project
8 identified as PIN 0760.28 for the
9 replacement of traffic signals under the
10 project known as Old Country Road signal
11 replacement Phase 1.

12 The last item is Item 403 of 2013
13 which is for the cost of the project
14 identified as PIN 0760.21 for the
15 replacement of traffic signals under the
16 project known as Traffic Signal Expansion
17 Phase 5. Motion, please.

18 LEGISLATOR BECKER: So moved.

19 LEGISLATOR VENDITTO: Second.

20 CHAIRMAN MUSCARELLA: Motion by
21 Mr. Becker, seconded by Mr. Venditto. Who
22 do we have?

23 MR. MAY: We have Aryeh Lemberger
24 from the Department of Public Works.

25 MR. LEMBERGER: Good afternoon.

Public Works and Parks Committee/9-9-13

2 Aryeh Lemberger, Department of Public Works.

3 CHAIRMAN MUSCARELLA: Could you
4 give us a brief overview of these projects?

5 MR. LEMBERGER: Yes. The first
6 item that you called PIN marking Phase 7 is
7 the replacement of long lines on various
8 county roadways, 140 miles of county
9 roadways. The long lines are the lines
10 along the roadways as opposed to the
11 characters, arrows or other PIN markings,
12 \$1.6 million.

13 Next item is Old Country Road
14 signal replacement from Herricks Road to the
15 Wantagh State Parkway. This is the first
16 phrase of signal replacement along Old
17 Country Road, \$2.8 million.

18 And the third item that you
19 called is signal expansion along Middle Neck
20 Road and Lakeville Road, \$3.7 million.

21 CHAIRMAN MUSCARELLA: Do we have
22 any questions?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

Public Works and Parks Committee/9-9-13

2 Hearing none, all those in favor
3 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Those three items are carried.

8 If I may, Mr. Kopel has asked for a moment.

9 Mr. Kopel waives his moment.

10 Motion to adjourn.

11 LEGISLATOR BECKER: So moved.

12 LEGISLATOR KOPEL: Second.

13 CHAIRMAN MUSCARELLA: By Mr.

14 Becker, seconded by Mr. Kopel. All those in
15 favor signify by saying aye.

16 (Aye.)

17 Public Works is adjourned.

18 (Whereupon, the Public Works
19 Committee adjourned at 4:10 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 September, 2013.



FRANK GRAY