

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

September 10, 2012
3:36 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

RICHARD NICOLELLO
Chairman

NORMA GONSALVES
Vice-Chair

VINCENT MUSCARELLA

ROSE MARIE WALKER

DAVID DENENBERG
Ranking

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

LIST OF SPEAKERS

MAURICE CHALMERS. 24
KEN ARNOLD. 34
ROB WALKER. 36
CONNELL DENION. 46
JEFF CESTRA 56

INSERTS TO TRANSCRIPT

Page 8, Line 12 - Page 23, Line 10
Page 28, Line 22 - Page 32, Line 21
Page 74, Line 11 - Page 85, Line 6

2 CHAIRMAN NICOLELLO: I call the Finance
3 Committee to order.

4 I will act as clerk and call the roll.
5 Legislator DeRiggi-Whitton?

6 LEGISLATOR DERIGGI-WHITTON: Here.

7 CHAIRMAN NICOLELLO: Legislator
8 Bosworth?

9 LEGISLATOR BOSWORTH: Here.

10 CHAIRMAN NICOLELLO: Legislator
11 Denenberg?

12 LEGISLATOR DENENBERG: Here.

13 CHAIRMAN NICOLELLO: Legislator Walker?

14 LEGISLATOR WALKER: Here.

15 CHAIRMAN NICOLELLO: Legislator

16 Muscarella?

17 LEGISLATOR MUSCARELLA: Here.

18 CHAIRMAN NICOLELLO: Legislator

19 Gonsalves?

20 LEGISLATOR GONSALVES: Present.

21 CHAIRMAN NICOLELLO: I'm here. We have
22 a quorum.

23 First item is 536-2012, an ordinance
24 providing for a capital expenditure to finance
25 the payment of certain settled claims against the

2 County of Nassau authorizing \$271,269.93 of bonds
3 of the County to finance said expenditure.

4 LEGISLATOR MUSCARELLA: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator
7 Muscarella, seconded by Legislator Walker.

8 Any discussion on this item?

9 (No verbal response.)

10 Any public comment on this item?

11 (No verbal response.)

12 All those in favor signify by saying aye.

13 (Aye.)

14 Carries unanimously.

15 Item 538-2012 is a resolution providing
16 for the issuance of a warrant directing the
17 treasurer of the County of Nassau to pay to the
18 supervisors of the several cities, several towns,
19 and the treasurers of the several villages and
20 cities within the County of Nassau, the sums as
21 apportioned by the County Legislature.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR GONSALVES: Second.

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

2 Any discussion?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor signify by saying aye.

7 (Aye.)

8 Opposed?

9 (No verbal response.)

10 Carries unanimously.

11 Items 543, 544, 545, 546, 547, 548, 549,

12 550, 551, 552-2012 are all ordinances

13 supplemental to the annual appropriation

14 ordinance in connection with the Department of

15 Probation, Health Department, Department of

16 Social Services, District Attorney, and Public

17 Works Departments.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR GONSALVES: Second.

20 CHAIRMAN NICOLELLO: Moved by Legislator

21 Walker, seconded by Legislator Gonsalves.

22 LEGISLATOR DENENBERG: Mr. Chairman?

23 CHAIRMAN NICOLELLO: Sure. These items

24 were previously heard in the Health Committee,

25 Public Safety Committee, and Public Works

2 Committee.

3 Legislator Denenberg.

4 LEGISLATOR DENENBERG: Whatever the
5 transcript was in those committees are
6 incorporated by reference then?

7 CHAIRMAN NICOLELLO: Yes.

8 LEGISLATOR DENENBERG: Okay. Thank you.

9 (Whereupon, the following are the minutes
10 of the Health Committee pertaining Clerk Items
11 544, 545, 546, 547, 548, 549, and 551-12.)

12 We have nine items on the agenda today.
13 The first is Clerk Item 544-12, an ordinance
14 supplemental to the annual appropriation
15 ordinance in connection with the Health
16 Department.

17 May I have a motion?

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR BECKER: Second.

20 CHAIRWOMAN WALKER: Moved by Legislator
21 Gonsalves, seconded by Legislator Becker.

22 The item is before us.

23 We have Mary Ellen Laurain.

24 MS. LAURAIN: Good afternoon. Mary
25 Ellen Laurain, Department of Health.

2 Item 544 is a supplemental appropriation
3 in the amount of in the amount of \$42,559. This
4 a Medicaid reimbursement for prior years for the
5 early intervention administrative grant.

6 CHAIRWOMAN WALKER: Any questions from
7 the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor?

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Motion carries.

16 Item Number 545-12, an ordinance
17 supplemental to the annual appropriation
18 ordinance in connection with the Health
19 Department.

20 May I have a motion?

21 LEGISLATOR GONSALVES: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRWOMAN WALKER: Moved by Legislator
24 Gonsalves, seconded by Legislator Muscarella.

25 The item is before us.

2 We have Mary Ellen Laurain.

3 MS. LAURAIN: Mary Ellen Laurain,
4 Department of Health.

5 Item 545-12 is a supplemental
6 appropriation in the amount of in the amount of
7 \$79,167. This is for the sexually transmitted
8 disease intervention grant. It's New York State
9 Department of Health funded. It is follow up for
10 those diagnosed with sexually transmitted
11 diseases, to confirm that they are treated.

12 CHAIRWOMAN WALKER: Any questions from
13 the legislators?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor?

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Motion carries.

22 Clerk Item 546-12 is an ordinance
23 supplemental to the annual appropriation
24 ordinance in connection with the Health
25 Department.

2 May I have a motion, please?

3 LEGISLATOR BECKER: So moved.

4 LEGISLATOR GONSALVES: Second.

5 CHAIRWOMAN WALKER: Moved by Legislator
6 Becker, seconded by Legislator Gonsalves.

7 The item is before us.

8 Mary Ellen Laurain.

9 MS. LAURAIN: Mary Ellen Laurain,
10 Department of Health.

11 Item 546-12 is a supplemental
12 appropriation in the amount of in the amount of
13 \$7,776. This a FEMA grant. It is a one-day
14 reimbursement for August 25, 2011, and that was a
15 one-day planning in response to Hurricane Irene.

16 CHAIRWOMAN WALKER: Any questions or
17 comments by the legislators?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor?

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Motion carries.

2 Clerk Item 547-12 is an ordinance
3 supplemental to the annual appropriation
4 ordinance in connection with the Health
5 Department.

6 May I have a motion?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR BECKER: Second.

9 CHAIRWOMAN WALKER: Moved by Legislator
10 Gonsalves, seconded by Legislator Becker.

11 The item is before us.

12 MS. LAURAIN: Mary Ellen Laurain,
13 Department of Health.

14 Item 547-12 is a supplemental
15 appropriation for \$97,422. It is for the pre-
16 natal, peri-natal services network. This is New
17 York State Department of Health funded. It is 40
18 agencies whose goal is to improve birth outcomes
19 in Nassau County.

20 CHAIRWOMAN WALKER: Any questions or
21 comments from the legislators?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 All those in favor?

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Motion carries.

6 Clerk Item 548-12 is an ordinance
7 supplemental to the annual appropriation
8 ordinance in connection with the Department of
9 Health.

10 May I have a motion?

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR BECKER: Second.

13 CHAIRWOMAN WALKER: Moved by Legislator
14 Gonsalves, seconded by Legislator Becker.

15 The item is before us.

16 MS. LAURAIN: Mary Ellen Laurain,
17 Department of Health.

18 Item 548-12 is a supplemental
19 appropriation in the amount of in the amount of
20 \$103,156. This for the community help worker
21 program. It is New York State Department of
22 Health funded. It is a program that provides
23 case management for women who are pregnant and
24 at-risk. It's in the Village of Hempstead and
25 the community of Roosevelt.

2 CHAIRWOMAN WALKER: Any questions or
3 comments from the legislators?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All those in favor?

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Motion carries.

12 Clerk Item Number -- we're going to move
13 on today and stay with the Health Department.

14 Clerk Item 551-12 is an ordinance supplemental to
15 the annual appropriation ordinance in connection
16 with the Department of Health.

17 MS. LAURAIN: Mary Ellen Laurain,
18 Department of Health.

19 Item 551-12 is a supplemental
20 appropriation in the amount of in the amount of
21 171 --

22 CHAIRWOMAN WALKER: Could I have a
23 motion, please?

24 LEGISLATOR BECKER: So moved.

25 LEGISLATOR GONSALVES: Second.

2 CHAIRWOMAN WALKER: Seconded by
3 Legislator Gonsalves. By Legislator Becker and
4 Legislator Gonsalves.

5 MS. LAURAIN: Mary Ellen Laurain,
6 Department of Health.

7 Item 551-12 is a supplemental
8 appropriation in the amount of in the amount of
9 \$171,771. This is FEMA and New York State
10 Department of Health disaster reimbursement for
11 Hurricane Irene. It covered the period of August
12 26, 2011 to September 5, 2011. It was our
13 response to ensure that essential public health
14 services continued during that time.

15 CHAIRWOMAN WALKER: Any questions or
16 comments from the legislators?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor?

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Motion carries.

25 (Whereupon, the following are the minutes

2 of the Public Safety Committee pertaining to
3 Clerk Items 543 and 550-12.)

4 The first item is 543-12, an ordinance
5 supplemental to the annual appropriation
6 ordinance in connection with the Department of
7 Probation.

8 Can I please have a motion?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR KOPEL: Second.

11 CLERK MULLER: Moved by Legislator
12 Gonsalves, seconded by Legislator Kopel.

13 MR. SHANK: Good afternoon. My name's
14 Edward Shank. I'm the counsel to the Nassau
15 County Probation Department. Probation Director
16 Fowle has asked me to share the following with
17 you with regard to Item 543-12.

18 It's an appropriation of \$142,800 from
19 the New York State Division of Criminal Justice
20 Services funding to support probation's role in
21 Operation Impact.

22 The Nassau County Police Department and
23 District Attorney's Office are the lead Impact
24 partners with 2012/13 DEC JS support totaling
25 \$971,400 locally.

2 The primary goal is the reduction of
3 violent crime and, in particular, gun violence.
4 Impact funds support probation's field
5 intelligence officer who is embedded at NCPD's
6 lead development center, and attends Nassau NSTAT
7 crime analyst and Impact meetings.

8 Routinely sharing information with our
9 Impact partners, the FIO's daily activities
10 including NCPD arrest reports and field
11 interviews with the probation database and
12 sharing debriefing intelligence on probationers
13 who test positive for drugs. Operation Impact
14 also continues to fund Operation Night Watch.
15 Conducted primarily with the NCPD, Night Watch
16 partners also include the Glen Cove and Long
17 Beach City, Hempstead, Freeport, Port Washington,
18 and other village police departments. Teams of
19 probation and police officers conduct off hours
20 on announced searches of the homes of high risk
21 probationers. These are individuals who have
22 sustained arrests, have tested positive for
23 cocaine, opiates, or prescription drugs, are gang
24 members, robbers, burglars, or have been the
25 subject of noteworthy field interviews or are

2 otherwise significantly non-compliant with their
3 probation conditions.

4 From July 2008 through December 2011,
5 Night Watch teams conducted 2,457 homes visits,
6 leading to 1,453 searches to ensure offender
7 compliance with probation conditions. These
8 searches, in addition to warrant sweeps,
9 supported by Impact have, since July 2008, led to
10 174 probationer arrests, including 10 firearms
11 and related charges and 35 other weapons charges.
12 Through the first eight months of 2012, Night
13 Watch teams have visited 354 high risk probations
14 and made an additional 21 arrests.

15 For the second consecutive year, Impact
16 supports probation's Night Light initiative
17 focusing on juvenile delinquents who are truant.
18 Night Light recognizes the connection between
19 truancy, substance abuse, and delinquency. So
20 far, in 2012, 141 juveniles have been visited off
21 hours. Probation, working with other Impact
22 stakeholders, to enhance our ability to collect
23 and share information and using that information
24 to inform resource allocation decisions to
25 further reduce crime in Nassau County.

2 Thank you.

3 LEGISLATOR BELESI: Any questions or
4 public comment?

5 (No verbal response.)

6 All those in favor of this item please
7 signify by saying aye.

8 (Aye.)

9 Opposed?

10 (No verbal response.)

11 The item passes unanimously.

12 CLERK MULLER: Clerk Item 550-12, an
13 ordinance supplemental to the annual
14 appropriation ordinance in connection with the
15 district attorney.

16 Please entertain a motion to place this
17 matter before the committee.

18 LEGISLATOR GONSALVES: So moved.

19 CLERK MULLER: Moved by Legislator
20 Gonsalves. Seconded?

21 LEGISLATOR FORD: Second.

22 CLERK MULLER: Legislator Ford.

23 MR. MCMANUS: Bob McManus, Nassau County
24 District Attorney's Office. This appropriation
25 is also related to Operation Impact. The Impact

partnership involves the police department -- Nassau County Police Department, the sheriff's office, the probation department, and the Hempstead Police Department. The aim is to reduce gun violence and address the crimes of robbery and aggravated assault using a collaborative approach, maintaining a focus on collection of crime data in order to prioritize crime problems and identify opportunities for intervention while considering alternative strategies, when necessary.

The project goal is to reduce fire arm related violent crime, residential burglaries through various enforcement, and prosecutorial strategies, and through the enhancement of crime analysis and intelligence, developed by the Nassau County Lead Development Center.

LEGISLATOR BELESI: Is there any debate or discussion? Legislator Ford.

LEGISLATOR FORD: I like this program that we have. I commend the district attorney as well as probation, working with Impact.

Just a quick question. Is the county still doing the gun buybacks, where they work

2 with the various, like, either church
3 organizations or neighborhood organizations? I
4 know, like, we did it through Christian Life
5 Church two years ago, I think it was.

6 MR. MCMANUS: Yes. We've done one -- a
7 gun buyback program as recently as about two
8 months ago.

9 LEGISLATOR FORD: Perfect.

10 MR. MCMANUS: So they are done at least
11 two or three times a year.

12 LEGISLATOR FORD: Thank you very much.

13 LEGISLATOR BELESI: Any public comment?

14 (No verbal response.)

15 All those in favor please signify by
16 saying aye.

17 (Aye.)

18 Opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 (Whereupon, the following is the minutes
22 of the Public Works Committee pertaining to Clerk
23 Item 552-12.)

24 Our first item is Clerk Item 552-2012,
25 which is an ordinance supplemental to the annual

2 appropriation ordinance in connection with the
3 Department of Public Works.

4 LEGISLATOR GONSALVES: Motion.

5 LEGISLATOR KOPEL: Second.

6 CHAIRMAN MUSCARELLA: Motion by Ms.
7 Gonsalves, seconded by Mr. Kopel.

8 Do we have somebody here to give us an
9 overview?

10 MR. ARNOLD: This supplemental ordinance
11 --

12 CHAIRMAN MUSCARELLA: Why don't you
13 identify yourself?

14 MR. ARNOLD: Ken Arnold, Public Works.
15 The supplemental ordinance is for reimbursement
16 of expenses related to the hurricane. The
17 department covered some expenses in their other
18 appropriation for OEM. OEM has asked for federal
19 funding for this reimbursement and this ordinance
20 moves that money into the Public Works'
21 appropriate budget lines.

22 CHAIRMAN MUSCARELLA: Do we have any
23 questions?

24 (No verbal response.)

25 Hearing none. All those in favor signify

2 by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 That item carries.

7 (Whereupon, the following is the
8 continuation of the September 10, 2012 Finance
9 Committee meeting.)

10 CHAIRMAN NICOLELLO: Any other
11 discussion?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor signify by saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 Carries unanimously.

20 554-2012 is an ordinance providing for a
21 capital expenditure to finance the payment of
22 certain payments by the County of Nassau to COBA
23 - C-O-B-A - employees upon separation from
24 employment, authorizing \$3.5 million of bonds of
25 the County of Nassau to finance said expenditure.

2 LEGISLATOR MUSCARELLA: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRMAN NICOLELLO: Moved by Legislator
5 Muscarella, seconded by Legislator Walker.

6 Is anyone here from the administration on
7 this item?

8 LEGISLATOR DENENBERG: I have a question
9 for Mr. Chalmers.

10 CHAIRMAN NICOLELLO: Why don't we have
11 Mr. Chalmers come up?

12 MR. CHALMERS: Maurice Chalmers, Budget
13 Review.

14 LEGISLATOR DENENBERG: Have you had an
15 opportunity to look at this item?

16 MR. CHALMERS: Actually, we got the data
17 this morning.

18 LEGISLATOR DENENBERG: What data did you
19 receive?

20 MR. CHALMERS: The number of employees
21 that actually put in for the incentive.

22 LEGISLATOR DENENBERG: And how many
23 employees was that?

24 MR. CHALMERS: Forty-seven.

25 LEGISLATOR DENENBERG: So 47 correction

officers put in for this incentive?

MR. CHALMERS: That's correct.

LEGISLATOR DENENBERG: Okay. How much money do we need for that?

MR. CHALMERS: We are in the process of calculating that number right now.

LEGISLATOR DENENBERG: As I understand it, this bond ordinance is approximately 3.5 million; the exact number was just read in by the committee chair.

MR. CHALMERS: Yes.

LEGISLATOR DENENBERG: So you don't know if that's what we need yet, if that's the full amount, or if that's more than the full amount?

MR. CHALMERS: I don't have an exact number yet, no.

LEGISLATOR DENENBERG: When would you have that for us?

MR. CHALMERS: I was asked by your caucus. I should have it sometime this week.

LEGISLATOR DENENBERG: So before Full?

MR. CHALMERS: Absolutely.

LEGISLATOR DENENBERG: When you have the number you'll report it to us?

2 MR. CHALMERS: I'll send out a memo to
3 the Legislature.

4 LEGISLATOR DENENBERG: Okay. Thank you.

5 MR. CHALMERS: You're welcome.

6 LEGISLATOR DENENBERG: For the
7 democratic caucus, obviously on the item, we're
8 in favor of the item. We would like to know
9 exactly what the financial impact is before we
10 approve bonding in a certain amount to make sure
11 that it matches what we actually need for the
12 correction officer incentive program.

13 CHAIRMAN NICOLELLO: I think speaking
14 for this side; I think we agree with you with
15 respect to those remarks. In terms of today, I
16 don't think we should hold this up. If --

17 LEGISLATOR DENENBERG: We're prepared to
18 pass it through committee and wait for the
19 information from Mr. Chalmers before Full.

20 CHAIRMAN NICOLELLO: That's agreed.

21 LEGISLATOR DENENBERG: Thanks.

22 CHAIRMAN NICOLELLO: All those in favor
23 of this -- I'm sorry. Any public comment?

24 LEGISLATOR DENENBERG: I think you and I
25 are afraid now.

2 CHAIRMAN NICOLELLO: Of what, we agree
3 on something?

4 LEGISLATOR DENENBERG: We agree.

5 CHAIRMAN NICOLELLO: Something must be
6 wrong here.

7 All those in favor signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 The item carries unanimously. It will be
12 reported to Rules and then the Full Legislature,
13 and then we'll have our reports not only from Mr.
14 Chalmers but from the administration as well.

15 Items 556 and 557-2012. Item 556-2012 is
16 a resolution making certain determinations
17 pursuant to SEQRA and authorizing the county
18 executive on behalf of the County of Nassau to
19 accept a contribution from the Roslyn Landmark
20 Society for the renovation of a residential unit
21 at Cedarmere.

22 Item 557-2012 is an ordinance making
23 certain determinations pursuant to SEQRA and
24 authorizing the county executive to accept on
25 behalf of the County an offer of purchase from

2 Greentree Foundation for certain premises located
3 in the Village of North Hills.

4 LEGISLATOR MUSCARELLA: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator
7 Muscarella, seconded by Legislator Walker.

8 These items went through committees
9 earlier in the day.

10 Any discussion at this time?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 The items are reported.

19 (Whereupon, the following is the minutes
20 of the Public Works Committee pertaining to Clerk
21 Item 556-12.)

22 Next. Item 556-2012, a resolution making
23 certain determinations pursuant to the SEQRA and
24 authorizing the county executive on behalf of the
25 County of Nassau to accept a contribution from

2 the Roslyn Landmark Society, Inc., for the
3 resolution of a residential unit at Cedarmere,
4 Village of Roslyn Harbor, State of New York, to
5 execute an agreement with the Roslyn Landmark
6 Society, Inc., in relation to such agreement, and
7 to execute all and any ancillary documents
8 necessary to carry out the purposes of such
9 agreement.

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRMAN MUSCARELLA: Moved by
13 Legislator Gonsalves, seconded by Legislator
14 Kopel.

15 Hello, Commissioner.

16 COMMISSIONER FOSKEY: Good afternoon.
17 Carnell Foskey, the Commissioner of the Nassau
18 County Department of Park, Recreation, and
19 Museums.

20 This money will allow Smith & Degroat to
21 renovate a one-bedroom apartment located on the
22 grounds of Cedarmere. The monies will be used
23 for the upkeep and maintenance of the grounds
24 there.

25 CHAIRMAN MUSCARELLA: And this money is

2 \$20,000 from the Roslyn Landmark Society, Inc.?

3 COMMISSIONER FOSKEY: It's a gift.

4 Correct.

5 CHAIRMAN MUSCARELLA: It is a gift, no
6 contingencies, no conditions?

7 COMMISSIONER FOSKEY: None. It just has
8 to remain at Cedarmere.

9 CHAIRMAN MUSCARELLA: Do we have any
10 questions?

11 (No verbal response.)

12 COMMISSIONER FOSKEY: Thank you.

13 CHAIRMAN MUSCARELLA: Hearing none. All
14 those in favor signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 That item carries.

19 (Whereupon, the following is the minutes
20 of the Planning, Development and Environment
21 Committee pertaining to Clerk Item 557-12.)

22 The next item is Item 557-12. This is an
23 ordinance making certain determinations pursuant
24 to SEQRA and authorizing the county executive to
25 accept, on behalf of the county, an offer of sale

2 from Greentree Foundation, a certain premises
3 located in the Incorporated Village of North
4 Hills, Town of North Hempstead, County of Nassau,
5 State of New York, Section 3, Block #, Lot 1066
6 on the land and tax map of the County of Nassau,
7 and authorizing the county executive to execute a
8 deed, contract of sale, and all pertinent
9 documents in connection therewith to consummate
10 the sale.

11 Motion, please?

12 LEGISLATOR FORD: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRWOMAN GONSALVES: Moved by

15 Legislator Ford, seconded by Legislator

16 Nicolello.

17 Any comments on the part of the

18 legislators?

19 Hold on. Mr. Kelly, acting director of

20 real estate.

21 MR. KELLY: Michael Kelly, Acting

22 Director, Nassau County Department of Public

23 Works, Division of Real Estate Services. This is

24 to authorize the county executive to sell Section

25 3, Block E, Lot 1066 located in the Incorporated

2 Village of North Hills to the Greentree
3 Foundation. The purchase price is \$6,825. The
4 appraisal was \$6500.

5 The sale of the property was heard at a
6 public hearing on January 5 of this year, and in
7 OSPAC and Planning voted to recommend the sale on
8 January 11 and January 19, respectively, and to
9 issue a negative declaration and determination of
10 non-significance.

11 CHAIRWOMAN GONSALVES: Any questions of
12 Mr. Kelly?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All those in favor indicate by saying
17 aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Motion carries unanimously.

22 (Whereupon, the following is the
23 continuation of the minutes of the Finance
24 Committee meeting.)

25 CHAIRMAN NICOLELLO: Items 562, 563, 564

2 --

3 LEGISLATOR DENENBERG: To the Chair. On
4 those we're incorporating the record as well from
5 the other committees, correct?

6 CHAIRMAN NICOLELLO: Yes.

7 LEGISLATOR DENENBERG: Thanks.

8 CHAIRMAN NICOLELLO: Once again, 562,
9 563, 564, 565-2012 are ordinances supplemental to
10 the annual appropriation ordinance in connection
11 with the Office of Housing and Community
12 Development and the Police Department.

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRMAN NICOLELLO: Moved by Legislator
16 Gonsalves, seconded by Legislator Walker.

17 These items went through Planning and
18 Public Safety a few moments ago.

19 I didn't call 565, that's Parks
20 Department and Public Works.

21 Any discussion amongst the legislators?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 All those in favor signify by saying aye.

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Carries unanimously.

6 Item 566-2012 is a bond ordinance
7 providing for a capital expenditure to finance
8 the capital projects specified herein within the
9 County of Nassau and authorizing \$4,981,755 of
10 bonds of the County of Nassau to finance said
11 expenditure.

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRMAN NICOLELLO: Moved by Legislator
15 Gonsalves, seconded by Legislator Walker.

16 Mr. Arnold was here before. Mr. Arnold,
17 I don't know if you have something to report from
18 your discussions earlier.

19 MR. ARNOLD: I expect Connell Denion
20 from the county attorney's office to be here very
21 shortly. He's on his way down, if you could give
22 us a couple of minutes.

23 CHAIRMAN NICOLELLO: Okay.

24 MR. ARNOLD: While we wait, I do have a
25 couple of other pieces of information.

2 We did an ordinance in 11 for the buses.
3 I can give you what number ordinance that was.
4 It was Ordinance 81-2011 for \$3.1 million. The
5 department is putting together the 12 plan, and
6 that will be submitted this week, which will
7 cover that difference in budget that was brought
8 up as part of the bond ordinance --

9 LEGISLATOR DENENBERG: Yeah, but -- to
10 the Chair, if I may.

11 CHAIRMAN NICOLELLO: Legislator
12 Denenberg.

13 LEGISLATOR DENENBERG: So, when I was
14 looking before -- and I know that Legislators
15 Gonsalves and Nicoletto were on the committee, we
16 passed it through committee because, in general,
17 we're in favor of the program and it's 90 percent
18 reimbursable. My question continued to be
19 whether the bond authorization that we're voting
20 on now was supported by the capital plan, and my
21 concern is if it's not the ordinance, in and of
22 itself, might not be proper and NIFA might have
23 an issue. But if \$3.1 million was approved in
24 2011, then some of those items that I cumulated
25 in 2011 were probably used for that 3.1 million,

2 right?

3 MR. ARNOLD: I know that there -- some
4 of that will be used for some of the buses being
5 delivered early in the fall, but the balance of
6 the buses that we're receiving require this new
7 ordinance. I don't have the exact breakout in
8 front of me.

9 LEGISLATOR DENENBERG: I saw a total of
10 4.5 million in the 2011 capital budget,
11 cumulating all of the, I'll call it, bus
12 infrastructure items. I believe it was three
13 items. We need 4.98 for this item, and that's
14 why I asked if we had done anything in 11. Thank
15 you for the information you gave. What was that
16 clerk item number again?

17 MR. ARNOLD: That's a bond ordinance
18 number. I'm not sure that's a clerk item.
19 That's Bond Ordinance 81-2011.

20 LEGISLATOR DENENBERG: So that was one
21 of the items that I had looked at and used in the
22 match from the 2011 capital budget. So we would
23 have even a bigger shortfall than the 400,000.

24 CHAIRMAN NICOLELLO: Mr. Walker.

25 DEPUTY COUNTY EXECUTIVE WALKER: The

1 administration's going to be forwarding to the
2 legislature this week the capital plan. Just on
3 the capital plan, it is -- I think we've said
4 this repeatedly. It is a little different now
5 with the advent of NIFA, having a capital plan.
6 Why I say that is because this legislature and
7 previous legislatures voted on the capital plan,
8 then also authorized bonding upwards of hundreds
9 and hundreds of millions of dollars. NIFA did
10 not weigh in on all those bond authorization. In
11 fact, in many cases they have not even been asked
12 to render a decision on the bond authorizations.
13 We submitted the budget last year, NIFA approved
14 \$70 million. And working in conjunction with the
15 Department of Public Works, \$70 million out of
16 \$110 million that were requested. We are now
17 working in conjunction now one expanding those
18 dollars from the original 70 here on out. So the
19 budget that we will submit, the 2012 capital
20 budget, will obviously be impacted by what this
21 bond authorization is. This is the committee
22 vote. This is not the final vote of the full
23 legislature on the authorization. So you will
24 have a corresponding capital plan that
25

2 corresponds with the exact bonding authorization
3 that you're asked to pass through the committee
4 for the vote for the Full Legislature.

5 We believe that you will have ample time
6 to vote on the capital plan and also on that bond
7 referendum prior to when the bond ordinance needs
8 to be adopted by the legislature.

9 LEGISLATOR DENENBERG: So the capital
10 budget that we're going to get, Mr. Walker, is
11 going to be 12/13, just 12, 12 for 13?

12 DEPUTY COUNTY EXECUTIVE WALKER: It will
13 be 12. Again, as I said, not that it's
14 meaningless, because no word of the executive and
15 legislature is meaningless, but it does carry a
16 different tone. A dollar figure that this
17 legislature may approve and the county executive
18 may agree with may not be the capital plan that
19 NIFA is willing to, in fact, approve to go to the
20 market for bonding. So it is -- it makes it a
21 little different and it makes it a little bit
22 harder. I know we have had separate
23 conversations relative to this, as I did with
24 many legislators that are on this committee, with
25 respect to certain projects. Why aren't things

1 moving forward? It's because of that very thing,
2 as I just mentioned. You need the approval of
3 NIFA. We've been working with them. They've
4 been working with us in a very, to me, Public
5 Works, who is -- recent on the sewer and storm
6 water borrowing, they've been working with us
7 hand-in-hand. It's a process that we believe,
8 done right, will move forward the proper way.

9
10 Yes, it will. It will be the 12 budget,
11 and then we will have the 13 after that.

12 LEGISLATOR DENENBERG: Okay. So my
13 concern didn't change from I'm sure that you
14 heard what I said in planning, at the time that -
15 - an hour or two ago when we passed this through
16 Planning. The multi-year borrowing requested in
17 this capital bond ordinance is 4.98 million.
18 What was in the 2011 budget, including Item 81-
19 2011, was 4.57 million. So I thought we were
20 400,000 short. Now I think we might be 400,000,
21 plus the 3.1 million that we already utilized
22 appropriately in 2011.

23 So we want to support this because it's
24 90 percent reimbursable and obviously the bus
25 infrastructure helps us all. But we'd be passing

2 something without the bond authorization. So
3 hopefully by the time we get to Full we have it,
4 because otherwise if we go to NIFA without the
5 proper bonding authorization in the capital
6 budget, they're going to reject it anyway.

7 DEPUTY COUNTY EXECUTIVE WALKER: I think
8 I answered that. What I said is we will have a
9 corresponding capital budget that will meet every
10 guideline and every dollar amount that needs to
11 be approved, so you will be approving a capital
12 plan and you will be approving -- if you do
13 approve this bond ordinance, it will be hand-in-
14 hand. It will have to be.

15 LEGISLATOR DENENBERG: Is there any time
16 constraint on this item? Like are we, by not
17 having --

18 DEPUTY COUNTY EXECUTIVE WALKER: No. We
19 believe --

20 LEGISLATOR DENENBERG: the capital plan
21 in place, jeopardizing this program?

22 DEPUTY COUNTY EXECUTIVE WALKER: If it's
23 not in place we believe by the end of October, we
24 could be having a serious issue. The end of
25 October.

2 LEGISLATOR DENENBERG: With this
3 request, you mean?

4 DEPUTY COUNTY EXECUTIVE WALKER: Without
5 having this authorization, correct.

6 LEGISLATOR DENENBERG: For this \$4.9
7 million request.

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 Correct.

10 LEGISLATOR DENENBERG: So the end of
11 October's when -- we need NIFA's approval by the
12 end of October?

13 DEPUTY COUNTY EXECUTIVE WALKER: No. I
14 don't believe so. We need to show the Feds that
15 we're moving forward in the process.

16 LEGISLATOR DENENBERG: Okay.

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Reimbursements and things of that nature.
19 Obviously we could actually -- we advance the
20 cash, that has done previously, and then we're
21 reimbursed.

22 LEGISLATOR DENENBERG: Okay. With that,
23 I would just request when this gets to Full that
24 we can show that there's full authorization for
25 what we're approving.

2 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.
3 You can't approve the bond ordinance -- you can't
4 have an approved bond ordinance without having an
5 approved capital plan.

6 LEGISLATOR DENENBERG: That's exactly
7 right.

8 DEPUTY COUNTY EXECUTIVE WALKER: We
9 agree with you.

10 LEGISLATOR DENENBERG: So my next
11 concern is pretty obvious. If this is all
12 supposed to happen two weeks from now and we
13 haven't seen the capital plan yet --

14 DEPUTY COUNTY EXECUTIVE WALKER: I said
15 by the end of October. So it doesn't necessarily
16 have to happen on September 20-whatever the date
17 is. I don't even know when the date of the next
18 meeting is.

19 LEGISLATOR DENENBERG: So you understand
20 my issue with it passing Full Leg if we don't
21 have it in place.

22 DEPUTY COUNTY EXECUTIVE WALKER: Yes.
23 That's why -- I think we answered it. We're
24 going to be filing the capital plan that
25 corresponds with this.

2 LEGISLATOR DENENBERG: Okay. I don't
3 know that that would happen at our next meeting,
4 full approval. If we have till October, I hope
5 it all works out.

6 CHAIRMAN NICOLELLO: Legislator
7 Bosworth.

8 LEGISLATOR BOSWORTH: Thank you. Hope
9 you had a good summer, Mr. Walker.

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 Likewise.

12 LEGISLATOR BOSWORTH: Good to see you.
13 Thank you.

14 You mentioned other projects and having
15 authorization. I hope you'll bear with me as I
16 ask about a project that's very important in my
17 community and I believe that it has gotten
18 authorization from sewer and storm water, and
19 that everything is basically ready to go, and
20 that's something called Middle Neck Road
21 drainage, which I'm sure you're familiar with.
22 It was passed in the previous capital projects,
23 and it was something that was really highlighted
24 as very important for the well being of my
25 community. So if I could impose upon you to get

2 a bit of a sense of what you think the timeline
3 is.

4 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.

5 CHAIRMAN NICOLELLO: Let me -- before
6 you go ahead and answer briefly. Basically, it's
7 not really germane to the issue that's before us.
8 I understand why you're asking. But I'd like to
9 get back to the issue.

10 DEPUTY COUNTY EXECUTIVE WALKER: Just in
11 capital program, in general, because it's for
12 every project.

13 LEGISLATOR BOSWORTH: Sure.

14 DEPUTY COUNTY EXECUTIVE WALKER: We have
15 recently been in negotiations or conversations
16 with NIFA for a sewer and storm water. We were
17 roughly requesting I think about \$39 million, \$40
18 million in which many of these projects are
19 included. We haven't started these projects
20 because we do not want to start advancing cash to
21 pay for projects and then have NIFA turn around
22 and say you should not have started that project
23 because we didn't give the approvals. I could
24 say that our conversation with them had been very
25 fluid and very well received on their part and on

2 our part. So I think many of those projects,
3 you're going to see them starting in the very,
4 very near future.

5 They haven't formally approved the
6 borrowing. It's been very good conversations.
7 I'll leave it at that. We should be moving
8 forward. It's not just your projects. I know
9 there's one actually in Legislator Nicoletto's
10 district as well that has that same problem, that
11 we are now moving forward -- and Mr. Denenberg's
12 district -- with sewer and storm water
13 specifically, both of you have projects that we
14 are going to be moving forward.

15 We could not have had worse weather, in
16 terms of drainage. These projects are important
17 and they will be moving forward. Again, we just
18 did not want to start advancing money that we
19 would not receive approval from NIFA for. We
20 learned and listened.

21 LEGISLATOR BOSWORTH: Thank you. And
22 Legislator Nicoletto, I appreciate your patience
23 with my asking.

24 CHAIRMAN NICOLELLO: Thank you.

25 Before you do, Legislator DeRiggi-

2 Whitton. Just so I'm clear in terms of what's
3 necessary for this item. You're going to be
4 submitting the capital plan for 2012?

5 DEPUTY COUNTY EXECUTIVE WALKER: Yes,
6 correct.

7 CHAIRMAN NICOLELLO: Does that have to
8 be approved in addition to the approval of the
9 specific item so we can access these monies?

10 DEPUTY COUNTY EXECUTIVE WALKER: I would
11 let Mr. Denion -- I don't know if Connell has
12 arrived -- answer that question. But I believe
13 just with the process we undertake, it would
14 actually dovetail the timeframe. If we get
15 approval on the plan and approval for bonding, we
16 would not go to the market until we have approval
17 for both. At that point, we'd satisfy the
18 requirements.

19 CHAIRMAN NICOLELLO: Mr. Denion.

20 MR. DENION: Connell Denion, Deputy
21 County Attorney.

22 Could you please read the question?

23 CHAIRMAN NICOLELLO: Sure. You've been
24 here the whole time, right?

25 MR. DENION: Just came in a little bit

2 late.

3 CHAIRMAN NICOLELLO: There are some
4 questions that have been raised about this
5 particular item, which is a bond ordinance with
6 respect to monies -- to purchase money or to pay
7 the county's share of purchasing buses. There's
8 a question as to whether a 2012 capital plan has
9 to be adopted along with this item in order to
10 access the monies that we're trying to access
11 here.

12 MR. DENION: I haven't looked at it that
13 closely. I don't know if that's necessarily
14 true. I would like to take a look at the issue
15 before I give you an answer. I'll look at it as
16 quickly as I can.

17 CHAIRMAN NICOLELLO: What part of the
18 issue --

19 MR. DENION: I'd want to look at the
20 Charter, the language of the Charter, Capital
21 Budget Law.

22 CHAIRMAN NICOLELLO: Fair enough.

23 MR. DENION: I would get back to you as
24 soon as I can.

25 CHAIRMAN NICOLELLO: Sure. Legislator

2 Denenberg.

3 LEGISLATOR DENENBERG: Connell -- Mr.
4 Denion, thank you for coming.

5 My question originated that before we
6 approve the bonding -- or before we approve 4.98
7 million for our portion of this program, so it's
8 90 percent of the money comes from elsewhere, so
9 all of us want to approve 4.9 million in bonding.
10 I didn't see sufficient bonding available under
11 the 2011 capital plan. I saw three items that
12 cumulative was 4.55 million. And then I asked
13 Mr. Arnold whether we used any of that bonding
14 last year, and he wasn't -- I'm sorry. Can I
15 continue? So I saw 4.55 million from 2011, of
16 which I think some of that had been used already
17 for this very program, the federal program last
18 year. About 3.1 million Ken Arnold just reported
19 was utilized under one of the items. So my
20 question was how can we approve this 4.9 million
21 if it's not in the capital plan and if it's going
22 to go to NIFA and it's not in the capital plan or
23 is not in the capital plan and might be subject
24 to NIFA rejecting this bonding. Mr. Walker then
25 came down and so did Mr. Arnold. But Mr. Walker

2 said the 12 capital budget would be coming to us
3 so that that would be available to approve before
4 or at the same time that this bond authorization
5 was approved. So I think all of us have a
6 question as to whether we need to pass the
7 capital plan or at least access a new capital
8 plan before we can approve this bonding.

9 MR. DENION: I think the timing will be
10 helpful, if the 12 plan is coming, fiscal
11 budget's coming, then I think around the same
12 time it should be okay. Plus, the Charter has a
13 provision to allow for bond ordinances in
14 contemplation of capital programs necessary to
15 enter into contracts. That's what I wanted to
16 take a look at and sort of make sure that we get
17 the timing right on this.

18 LEGISLATOR DENENBERG: That's our
19 concern too. We're ready to pass it through
20 committee. But without a capital budget in place
21 or some mechanism to cover this 4.9, I don't know
22 that we could get it done on September 24.

23 MR. DENION: Again, we'll take a look at
24 it and get back to you as soon as we can. But
25 with the budget coming or the 11 being amended,

2 one way or the other we should be able to get
3 there.

4 CHAIRMAN NICOLELLO: Thank you.
5 Legislator DeRiggi-Whitton, you have a question.

6 LEGISLATOR DeRIGGI-WHITTON: Could I
7 just ask a question before you leave?

8 Just basically saying what David said.
9 Is it actually legal for us to do this without
10 the budget being passed?

11 MR. DENION: Again, I think that's the
12 main point. If the 12 budget is coming around
13 the same time while we're amending the 11 to
14 account for a contract that's being entered into
15 in furtherance of the 11 budget, I think the
16 Charter allows for that but I just want to make
17 sure.

18 LEGISLATOR DeRIGGI-WHITTON: And as far
19 as advising NIFA that we're willing to bond, I'm
20 just concerned that everything is really coming
21 in at the same time.

22 MR. DENION: I think that's what we're
23 going to be looking at to make sure that we have
24 the timing right.

25 LEGISLATOR DeRIGGI-WHITTON: Rob Walker,

2 can I ask you one quick question, if you don't
3 mind?

4 CHAIRMAN NICOLELLO: As long as it's on
5 this item.

6 LEGISLATOR DeRIGGI-WHITTON: It is. It
7 is.

8 CHAIRMAN NICOLELLO: Okay.

9 LEGISLATOR DeRIGGI-WHITTON: As far as
10 the buses, I understand the whole deal that they
11 are going to be managing the buses, Veolia. I
12 have that. But how do we know for sure that
13 these buses are necessary? Is there anyone
14 overseeing their requests?

15 DEPUTY COUNTY EXECUTIVE WALKER: Yes.
16 There are actually requirements that we meet with
17 the FTA, because the FTA has to approve that as
18 well. So prior to the FTA actually reimbursing
19 or agreeing to reimbursement, it goes through a
20 whole procurement policy and a process. There
21 are a number of buses we have to have. There is
22 a surplus number we have to have that we are
23 required. Can't go over that. If you go over,
24 you actually wouldn't receive funding. So there
25 are requirements that are put in place by the

2 law.

3 LEGISLATOR DeRIGGI-WHITTON: Have we
4 seen what they've suggested?

5 DEPUTY COUNTY EXECUTIVE WALKER: Yeah,
6 we have actually agreed to it. There's a number
7 of buses that meet all of the requirements, and
8 we agreed to it for the reimbursement rate, as do
9 the Feds. There is actually an application
10 process, yes.

11 LEGISLATOR DeRIGGI-WHITTON: The Feds
12 have agreed to whatever --

13 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

14 LEGISLATOR DeRIGGI-WHITTON: Let's say
15 four buses --

16 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

17 LEGISLATOR DeRIGGI-WHITTON: So we
18 already have in writing from them that that is
19 necessary?

20 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

21 LEGISLATOR DeRIGGI-WHITTON: And again,
22 in your opinion, do you feel that going -- we
23 still have to go to NIFA to get the approval for
24 bonding, and we still have to get -- basically,
25 to have a legal opinion as to whether or not we

2 can even request the bonding because the budget
3 hasn't been approved. Is that where you see us
4 standing right now with this as well?

5 DEPUTY COUNTY EXECUTIVE WALKER: No. I
6 am very confident -- I stand a little
7 differently. I am very confident that the
8 legislature will approve the capital plan, we
9 will have the bonding in place, and NIFA, again,
10 through our processes that we go through NIFA,
11 NIFA will approve. I should never opine on
12 someone else. But I believe it's 90 percent.
13 The reimbursement rate is extremely high. They
14 approved those in the past, and they should
15 approve it going forward. It will have to fit
16 into the confines in the capital plan, fit into
17 the confines of the bonding authorization, and
18 the budget that NIFA has approved.

19 LEGISLATOR DeRIGGI-WHITTON: Could I ask
20 you one other favor? Could you provide us with a
21 copy of that recommendation for the buses that
22 you have? I would just like to see that.

23 DEPUTY COUNTY EXECUTIVE WALKER: We'll
24 get you the application on file.

25 LEGISLATOR DeRIGGI-WHITTON: I just feel

2 better before we go ahead and bond, just to show
3 that it's necessary.

4 CHAIRMAN NICOLELLO: I think it's 49
5 buses, isn't it?

6 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.

7 CHAIRMAN NICOLELLO: Thank you.

8 Any other questions or discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 Those in favor signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 Items 567, 568, 569, 570, 571, 572-2012,
18 which are resolution to authorize the county
19 assessor and/or county treasurer and/or receiver
20 of taxes from the Town of Hempstead and Town of
21 Oyster Bay to exempt from real property taxation
22 certain real properties situated in various
23 school districts, and to correct erroneous
24 assessments and taxes and to partially exempt
25 from real properties certain taxable real

2 properties.

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by Legislator
6 Muscarella, seconded by Legislator Walker.

7 Any discussion? Legislator Denenberg.

8 LEGISLATOR DENENBERG: I have questions.
9 I'll let Legislator Bosworth go first, if that's
10 okay with the Chairman.

11 CHAIRMAN NICOLELLO: Sure.

12 LEGISLATOR BOSWORTH: I'd just like to
13 point out that in the listing it lists Port
14 Washington School District as being in the Town
15 of Hempstead; it's actually in the Town of North
16 Hempstead. I just ask that that be corrected in
17 all the documents that that's listed in.

18 CHAIRMAN NICOLELLO: Do you know which
19 item that was?

20 LEGISLATOR BOSWORTH: 567, again it's in
21 568. 569 has Town of Hempstead and it's got
22 Herricks, which is the Town of North Hempstead,
23 and Great Neck, which is the Town of North
24 Hempstead. I believe that's it.

25 CHAIRMAN NICOLELLO: Okay. Please state

2 your name for the record.

3 MR. CESTRA: Okay. My name is Jeff
4 Cestra from the Assessment Unit, Title,
5 Accountant.

6 CHAIRMAN NICOLELLO: Based on what we've
7 just heard, do these items need to be amended or
8 corrected?

9 MR. CESTRA: I'll have to look at the
10 petitions again.

11 CHAIRMAN NICOLELLO: And can you have
12 something for us in two weeks that's amended, if
13 necessary?

14 MR. CESTRA: Yes. We could definitely
15 amend it. Yes. And we would.

16 CHAIRMAN NICOLELLO: Legislator
17 Denenberg.

18 LEGISLATOR DENENBERG: Did you want
19 something?

20 LEGISLATOR MUSCARELLA: If I just may.
21 Jeff, I think it has to be on file seven days
22 before. So if it has to be amended, it has to go
23 within a week.

24 MR. CESTRA: Right. A week is plenty of
25 time.

2 LEGISLATOR DENENBERG: Okay. My
3 question is with respect to the erroneous
4 assessments, whether it's for the school
5 districts, exempt purposes, or the basic STAR
6 errors, I asked this the last time it came before
7 us. Does the County have to pay for these
8 errors?

9 MR. CESTRA: Yes.

10 LEGISLATOR DENENBERG: I still don't
11 understand why we have to pay. And you didn't
12 explain it to me and you said you would try to
13 send me something afterwards but I never got it.
14 Why, if it's an error with basic STAR, or
15 enhanced STAR, or an exemption for religious
16 purposes, or for non-profit purposes, those are
17 state exemptions. STAR is school tax -- state
18 school tax relief. Why, if there's an error, do
19 we have to pay? Was it our error or the state's
20 error?

21 MR. CESTRA: For example. Let's just
22 touch the school STAR for example. The school
23 STAR, what happens is the state is going to
24 reimburse the school a certain percentage of
25 money.

2 LEGISLATOR DENENBERG: Right.

3 MR. CESTRA: And, therefore, when the
4 county creates a petition to refund the
5 petitioner, basically the county is liable for
6 the money paid. The school, in other words, will
7 not reimburse the county, the state will not
8 reimburse the county.

9 LEGISLATOR DENENBERG: Why won't the
10 state reimburse the county?

11 MR. CESTRA: That's the way it's always
12 been done.

13 LEGISLATOR DENENBERG: But it's school
14 tax relief. The school -- actually, the school
15 is reimbursed by the state, correct?

16 MR. CESTRA: The monies the state gives
17 will be to the school, yes.

18 LEGISLATOR DENENBERG: Okay. So in this
19 case an error --

20 MR. CESTRA: And if anything, I said it
21 at the prior meeting, the process probably -- the
22 process probably that should take place, okay,
23 would be, in other words, the county would pay
24 for the refund, okay. The school then would have
25 to reimburse the county, and then the school

2 naturally gets the money back from the state,
3 okay. Currently, it's not done that way.

4 LEGISLATOR DENENBERG: If the school is
5 getting refunded by the state, why is the county
6 involved at all. If there's errors, why is the
7 county paying for the error?

8 MR. CESTRA: First of all, the county is
9 obligated to pay at this current level because,
10 let's face it, okay, the schools at this point
11 are out of the equation, okay. In other words,
12 the process is, okay, it's clearly, in other
13 words, the county develops a petition, okay.
14 Once the legislature approves the petition, the
15 treasurer gets to pay for it. The treasurer then
16 refunds the people. Whether it be the state, the
17 county, or the school -- or the town, it's still
18 county money at that point, okay.

19 LEGISLATOR DENENBERG: To me it's not
20 okay.

21 MR. CESTRA: I think the county exec is
22 trying to change all that around, okay.

23 LEGISLATOR DENENBERG: How much are
24 these corrections going to cost us?

25 MR. CESTRA: These corrections --

2 currently, I have no idea. We don't create a
3 dollar amount when we create these petitions.
4 Therefore, I would have to do the work in the
5 office.

6 LEGISLATOR DENENBERG: Whose error was
7 it? It says basic STAR erroneous, not approved.
8 Whose error was it?

9 MR. CESTRA: For example, the property
10 turned to an exempt property, let's say, in the
11 middle of the year. Obviously, it's nobody's
12 mistake.

13 LEGISLATOR DENENBERG: If it's no one's
14 mistake, why are we correcting an error?

15 MR. CESTRA: As I said, okay, if, in the
16 middle of the year, for example, let's say we're
17 talking 2012, okay, and, for example, if I own a
18 house and I sell it to an exempt property, okay,
19 exempt owner, okay, let's say a church, and the
20 church now owns the property, isn't the -- the
21 county, in other words, has to correct it because
22 you have a new owner of the property now, and the
23 new property owner is tax exempt.

24 LEGISLATOR DENENBERG: First of all,
25 that's great that the county has to correct that

2 it's tax exempt. If it's Star or Enhanced STAR
3 or religious exemption, not for profit, that's
4 state law, I would think that the county has to
5 correct it but the state does too. I don't
6 understand why the party paying it is the county.
7 If it's school tax relief, that's the state
8 reimbursing the schools, so why would the county
9 get involved?

10 MR. CESTRA: Well, the schools aren't
11 reimbursing the county.

12 LEGISLATOR DENENBERG: But why would
13 they reimburse the county? It's school tax
14 relief, not county tax relief.

15 MR. CESTRA: Right. Well, that's my
16 point then.

17 LEGISLATOR DENENBERG: What you're
18 saying hasn't answered my question. I'll let it
19 go. And I'm going to vote against it because I,
20 for the life of me, don't understand why we're
21 paying this.

22 The state reimburses the school. If an
23 error was made with the basic STAR or the
24 enhanced STAR, then the state should reimburse
25 less or more and it should not involve the

2 county. The only thing we ever do is the
3 Department of Assessment processes the
4 application, that's it. We never get the money.
5 We don't pay the money. We, the county, don't
6 pay the money and don't reimburse the money. The
7 state -- it's school tax relief directly from the
8 state to refund the schools so that people paying
9 the school tax pay less. If it's \$1200 in
10 Bellmore that school tax relief is worth, the
11 state reimburses the school that 1200 so Mr. and
12 Mrs. Joe Bellmore don't have to pay it. So if an
13 error is made, why is the county reimbursing it?

14 MR. CESTRA: The county is obligated to
15 pay. Now, whether or not its correct or wrong, I
16 mean, I don't necessarily say it's correct.

17 CHAIRMAN NICOLELLO: Mr. Cestra --

18 LEGISLATOR DENENBERG: We would have had
19 to have done something wrong.

20 CHAIRMAN NICOLELLO: Mr. Cestra, what is
21 it that obligates the county to pay? Is it a
22 matter of law?

23 MR. CESTRA: It's a matter of law at
24 this point, state law.

25 CHAIRMAN NICOLELLO: And that's the

2 information and this entire process is overseen
3 by the Office of Real Property Services, right?

4 MR. CESTRA: Correct.

5 CHAIRMAN NICOLELLO: So that's what the
6 state is telling you?

7 MR. CESTRA: Correct.

8 CHAIRMAN NICOLELLO: Legislator
9 Denenberg, if you have another way to do this, is
10 there's another way we can stop reimbursing the
11 state on these STAR payments, all of us would be
12 more than willing to look into something like
13 that and maybe gain some relief for the county.

14 MR. CESTRA: State law --

15 CHAIRMAN NICOLELLO: You're just beating
16 a dead horse.

17 LEGISLATOR DENENBERG: Identify the
18 state law, okay. Please identify that state law
19 to me. And I've gone back through our records,
20 and I haven't seen this in the past where these
21 kind of errors are coming out of the county
22 pocket.

23 CHAIRMAN NICOLELLO: This has been going
24 on for 16, close to 17 years, since I've been
25 here.

2 MR. CESTRA: Legislator Denenberg, I
3 don't like to call them errors, in the first
4 place, because if you get a new owner, it's not
5 necessarily a mistake.

6 CHAIRMAN NICOLELLO: Legislator
7 Denenberg has stated his position. He stated his
8 position in the past. Again, if you have a way
9 or suggestion that you can change how this is
10 done, I think not only the legislators --

11 LEGISLATOR DENENBERG: There might be
12 something on this end --

13 CHAIRMAN NICOLELLO: would you let me
14 finish?

15 LEGISLATOR DENENBERG: But it's not
16 being explained to me well.

17 CHAIRMAN NICOLELLO: Every --

18 LEGISLATOR DENENBERG: Because you're
19 clarifying what I'm saying.

20 CHAIRMAN NICOLELLO: Every time that
21 anybody interrupts you, you scream bloody murder,
22 yet you interrupt more people here than anyone
23 else combined, everyone else combined.

24 LEGISLATOR DENENBERG: You --

25 CHAIRMAN NICOLELLO: Are you going to

2 interrupt that?

3 LEGISLATOR DENENBERG: Are you done, so
4 I could respond to it?

5 CHAIRMAN NICOLELLO: No, let me just
6 finish.

7 You've stated your objection in the
8 record, ad naseum. If you have a solution to
9 this, if there's a way that we can stop repaying
10 the state for mistakes with the STAR and enhanced
11 STAR, then we'd be all ears and the
12 administration would be all ears. I'm going to
13 ask you to come up with some sort of solution if
14 you can. But what Mr. Cestra is telling us is
15 that this is governed by state law. And, I could
16 tell you this, we've been passing these things
17 since at least 1996, since I've been here. This
18 is nothing new. This is not the new
19 administration. And it was done for ten years
20 under the old administration.

21 Legislator DeRiggi-Whitton.

22 LEGISLATOR DENENBERG: Wait. Just to
23 answer --

24 CHAIRMAN NICOLELLO: Legislator DeRiggi-
25 Whitton.

2 LEGISLATOR DENENBERG: First of all, no
3 one gets interrupted more than me. Second of
4 all, my issue here is because --

5 CHAIRMAN NICOLELLO: I wonder why.

6 LEGISLATOR DENENBERG: I would love to
7 understand. It's not even explained to me what
8 the error is. He's saying it isn't even an
9 error. I'm trying to understand why the county
10 would be reimbursing anyone.

11 CHAIRMAN NICOLELLO: Look. Mr. Cestra's
12 done his best to try to explain what's happening
13 here. He's told you that it's a matter of state
14 law. If you feel you're not getting the full
15 answer from him, my suggestion to you is to write
16 to the Department of Assessment or call the
17 Department of Assessment, speak to whoever you
18 have to all the way up the chain, see if they can
19 provide you with the information that you need so
20 that we can move on from this. To go around in
21 circles, this is doing nobody any good.

22 Legislator DeRiggi-Whitton.

23 LEGISLATOR DeRIGGI-WHITTON: I had a
24 constituent that was on the other side of this,
25 she actually has a 501(c)(3). And what I think -

2 - if I understand correctly, when a 501(c)(3)
3 first purchases the property, they still pay
4 taxes till the end of that tax roll. Is that
5 correct?

6 MR. CESTRA: It's really going to
7 depend, in other words, on how the -- how the --
8 how the lawyers draw up the contract.

9 CHAIRMAN NICOLELLO: No. The answer to
10 that question is yes.

11 MR. CESTRA: Okay.

12 LEGISLATOR DeRIGGI-WHITTON: So then I
13 think that the refund comes into play at the
14 point where they file and say that they were the
15 501(c)(3) that did, in fact, pay these taxes,
16 which is technically an error, even though it's
17 just the way that we do it to make sure that the
18 tax roll is complete at the end of the year. So
19 these refunds are based on that. Is that
20 correct?

21 MR. CESTRA: Yes.

22 LEGISLATOR DeRIGGI-WHITTON: So it's
23 just that we're collecting money from the
24 501(c)(3), which we really shouldn't be, because
25 it will fill the tax roll, then at some point we

2 have to return that money because they weren't
3 supposed to pay it originally.

4 MR. CESTRA: Right.

5 LEGISLATOR DeRIGGI-WHITTON: Okay. Is
6 this -- just to kind of back up what the other
7 legislator asked. Is this what everyone does?
8 Like, Suffolk County, do they do it this way as
9 well?

10 MR. CESTRA: Suffolk County I know pays
11 twice a year, that's to the extent I know.

12 LEGISLATOR DeRIGGI-WHITTON: So we know
13 it's a state law but we don't know if the other
14 counties do it the same way or not.

15 MR. CESTRA: The City I imagine doesn't.
16 Suffolk County and the other counties, New York,
17 I have no idea.

18 LEGISLATOR DeRIGGI-WHITTON: I think
19 before we bond on this I'd really feel more
20 comfortable if we had that information, like what
21 the other counties do. We're not the only county
22 in New York State that's faced with this issue.
23 And I think that I would feel more comfortable
24 knowing what the other counties do as well.
25 Maybe there's a way to fix this before it

2 happens. And before we bond for this, I know I
3 would feel comfortable -- unless we were sure
4 we're in line with what all the other counties
5 are doing.

6 As far as fixing this, maybe there is a
7 way -- this is another whole subject. But the
8 state law -- when the 501(c)(3) takes possession
9 of the property, just not to collect from them. I
10 know it's a really difficult burden on these not-
11 for-profit companies, as well.

12 CHAIRMAN NICOLELLO: Legislator
13 Muscarella.

14 LEGISLATOR MUSCARELLA: I just want to
15 point out that we're the only county that
16 assesses on a countywide basis, so I don't know
17 if reaching out to Suffolk County is going to get
18 you anything. If anything, you would have to
19 reach out to every village and town that does
20 their own assessments to see how it's handled.

21 CHAIRMAN NICOLELLO: We're not bonding
22 anything today, are we Mr. Cestra? This is
23 corrections of erroneous assessments.

24 MR. CESTRA: Corrections.

25 CHAIRMAN NICOLELLO: Any other

2 discussion? Legislator Bosworth.

3 LEGISLATOR BOSWORTH: Thank you. I
4 understand you don't have, off the top of your
5 head, what the state law is. But I would ask
6 that by the time this comes back to Full Leg that
7 we just have a copy of the state law or at least
8 a reference number to what that state law is.

9 MR. CESTRA: Okay.

10 LEGISLATOR BOSWORTH: Thank you.

11 LEGISLATOR MUSCARELLA: I think it can
12 be found in Real Property Tax Law Articles 5 and
13 7. I don't know which sections. But those are
14 the articles that pertain to this.

15 CHAIRMAN NICOLELLO: Any other
16 discussion?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor of these items signify
21 by saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 LEGISLATOR BOSWORTH: I just would like

2 to see the information. It's helpful that -- you
3 say the articles, I don't have that. I would
4 imagine the people who are working with us all
5 the time would really know exactly what the state
6 law is. And I am asking that we do provide what
7 that state law is.

8 CHAIRMAN NICOLELLO: I think we've made
9 that clear on the record, that request.

10 LEGISLATOR BOSWORTH: Thank you so much.

11 CHAIRMAN NICOLELLO: Thank you.

12 So that item passes by a vote of four to
13 three.

14 Items 573, 574, 575, 576, and 579-2012,
15 these are ordinances supplemental to the annual
16 appropriation ordinance in connection with the
17 Department of Social Services, Health Department,
18 Correctional Center, and Medical Examiner, and a
19 resolution to authorize the transfer of
20 appropriations heretofore made within the budget
21 for the year 2012.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR GONSALVES: Second.

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

2 These items passed through committees
3 earlier in the day, with the exception of 579-
4 2012.

5 Is there any discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 Those in favor signify by saying aye.
10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Those items carry unanimously.

14 580-2012 wasn't called in earlier
15 committees, so we will skip that one.

16 581, 582, 583, 584, 585, 586, 588-2012,
17 which involves ordinances making certain
18 determinations pursuant to SEQRA and authorizing
19 the County of Nassau, the county executive of the
20 County of Nassau to accept on behalf of the
21 County of Nassau, an offer of purchase from
22 Community Services for the Mentally Retarded,
23 Inc., in certain premises located in Glen Head;
24 an offer of purchase from Sandra L. Griffin of
25 certain premises located in Westbury, Town of

2 North Hempstead; an offer of purchase from 8
3 Dumond Place, LLC, of certain premises located in
4 Glen Head; an offer of purchase from Dimitrios
5 Ganasoulis of certain premises located in Glen
6 Head; an offer of purchase from the Town of North
7 Hempstead of certain premises located in
8 Westbury; an offer of purchase from Carl
9 D'Antonio of certain premises located in Carle
10 Place; an offer of purchase from the Incorporated
11 Village of Massapequa Park of certain premises
12 located in the Incorporated Village of Massapequa
13 Park.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRMAN NICOLELLO: Moved by Legislator
17 Walker, seconded by Legislator Muscarella.

18 Any discussion on these items?

19 LEGISLATOR DENENBERG: I asked questions
20 at the previous committee, so I would just
21 incorporate that record.

22 My concern is we're selling property that
23 Massapequa Park is going to get revenue from and
24 do a service to the community, if the community
25 wants a cell phone tower there. So I don't

2 understand why we would be selling property that
3 could be a revenue producer. Mr. Kelly had said
4 on the record that there were costs involved too.
5 So I abstained from now, so I could look into
6 what those costs were, and Mr. Kelly was going to
7 send some information to me.

8 (Whereupon, the following is the minutes
9 from the Planning, Development and Environment
10 Committee pertaining to Clerk Item 588-12.)

11 And the last item for Planning is 588-12,
12 this is an ordinance making certain
13 determinations pursuant to SEQRA and authorizing
14 the county executive to accept an offer of
15 purchase from the Incorporated Village of
16 Massapequa Park, located in Massapequa Park,
17 known as Section 57, Block 59, Part of Lot 4B and
18 authorizing the execution of all pertinent
19 documents related to the transaction.

20 Motion, please?

21 LEGISLATOR NICOLELLO: So moved.

22 LEGISLATOR FORD: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Nicolello, seconded by Legislator
25 Ford.

2 Okay.

3 MR. KELLY: 588-12 is to authorize the
4 county executive to sell a portion of real
5 property known as Section 57, Block 59, Part of
6 Lot 4B to the Village of Massapequa Park. The
7 purchase price is \$5,600. The property was
8 appraised for 4,000 by the county's appraiser.
9 The sale of the property was heard at a public
10 hearing on October 27, 2011, and on November 9
11 and November 10 of 2011, OSPAC and the Planning
12 Commission voted to recommend the sale. The
13 property would be sold subject to all existing
14 restrictions on the property that were in
15 existence since the 1980's, imposed by the City
16 of New York that it has to be used for park and
17 parkway purposes and certain other restrictions
18 that are contained in the settlement agreement
19 between Nassau County and the City of New York
20 from 1986. So if the Village wishes to do
21 anything with the property, they would have to
22 clear all those restrictions.

23 CHAIRWOMAN GONSALVES: Questions or
24 comments of Mr. Kelly?

25 LEGISLATOR JACOBS: Michael, could you

2 just clarify this for me? Was there any
3 objection to this? This is a cell tower type of
4 thing.

5 MR. KELLY: The Villages wants to put a
6 cell tower on the property.

7 LEGISLATOR JACOBS: They want to, okay.

8 MR. KELLY: There's no cell tower on the
9 property right now, and there are certain things
10 they are going to have to go through in order to
11 make that possible with the restrictions that are
12 on the property.

13 When this went to public hearing, we did
14 receive some phone calls from people within the
15 150 foot radius who were provided notice. But
16 there was no real opposition to it. We explained
17 where it was going to be --

18 LEGISLATOR JACOBS: Let me just ask you
19 one thing though. They understood what it was
20 going to be?

21 MR. KELLY: Yes.

22 LEGISLATOR JACOBS: Alright. And this
23 particular action would clear the way for that?

24 MR. KELLY: There's a lot of things that
25 would have to happen. We're selling this subject

2 to all of the restrictions on the property, that
3 it has to be used for park and parkway uses, that
4 it has to be used for municipal purposes --

5 LEGISLATOR JACOBS: Oh, I see.

6 MR. KELLY: We even state in the
7 contract and it's going to state in the deed that
8 it has to be used for those things. So they are
9 going to have to do whatever they need to do in
10 order to remove those restrictions, work around
11 those restrictions, which is why the purchase
12 price is what it is.

13 LEGISLATOR JACOBS: Is it obvious that -
14 - so, in other words, they're purchasing it fully
15 aware that they're purchasing it with
16 restrictions.

17 MR. KELLY: Absolutely. I've had many
18 conversations with the Village attorney on this
19 one.

20 LEGISLATOR JACOBS: Do they have any
21 reason to believe that they're going to be able
22 to -- oh. Are they in charge of the removal of
23 the restrictions then?

24 MR. KELLY: They would have to be in
25 charge of everything, yes.

2 LEGISLATOR JACOBS: So they're for it.

3 MR. KELLY: Yes. We're removing
4 ourselves from this situation as far as this
5 goes.

6 LEGISLATOR JACOBS: Got it. Got it.

7 MR. KELLY: Once the subdivision
8 happens, I hand them the deed, that's it.

9 LEGISLATOR JACOBS: Thank you, Michael.

10 LEGISLATOR DENENBERG: I've got a
11 question.

12 CHAIRWOMAN GONSALVES: Legislator
13 Denenberg.

14 LEGISLATOR DENENBERG: Thank you.

15 Mike, my understanding is -- and we've
16 done this before with even parkland, where we've
17 gotten the approval where a neighborhood would
18 rather the parkland be used for a cell tower than
19 something that's closer to residents. For the
20 most part, my understanding is that here the
21 Village would like to use this property for the
22 cell tower because the alternatives to the
23 community might be a lot worse, where the cell
24 tower would be a lot closer to residential homes
25 as opposed to Sunrise Highway and the train

2 station.

3 MR. KELLY: Correct. And right now
4 there's a cell tower in front of the Village Hall
5 that they want to move to this location so it's
6 not there and it's not in that area anymore.
7 Also, there is a Verizon cell tower that's nearby
8 on a water tower for the Massapequa Water
9 District, I believe. I think they want to move
10 some facilities over there. So this is something
11 that we haven't gotten really any opposition on.
12 The Village is very supportive of this,
13 obviously.

14 LEGISLATOR DENENBERG: My concern is
15 this, I'll say it straight out, of course the
16 Village would welcome the opportunity for -- what
17 are they paying, \$5,000?

18 MR. KELLY: \$5,600.

19 LEGISLATOR DENENBERG: On the good hand,
20 to solve a situation where people don't want the
21 cell tower where it is now or where it would be.
22 But anyone who hosts, if you will, a cell tower
23 gets money from any of the companies that's
24 putting their sites on it. We actually, as a
25 legislative body, as an alternative, even though

2 the county typically doesn't do this, we used an
3 area near DPW down in Cedar Creek Park or
4 adjacent to Cedar Creek Park for an alternative
5 for a Wantagh area that I represent, the Wantagh
6 Mandalay area that didn't want to see the cell
7 tower on Merrick Road adjacent to homes, and the
8 county gets a lot of money.

9 MR. KELLY: Yes.

10 LEGISLATOR DENENBERG: So if we're doing
11 this sale to the Village we're giving up the
12 rental price, and we could provide the solution
13 to the neighborhood the same way the Village can.

14 MR. KELLY: I disagree. The county, in
15 order to develop a cell tower on this property,
16 as the Village would have to do as well, would
17 have to go through a lot in order to clear the
18 restrictions on the property in order to get that
19 done. So we're talking about a lot of work and -
20 -

21 LEGISLATOR DENENBERG: We've done that
22 before.

23 MR. KELLY: What's that?

24 LEGISLATOR DENENBERG: We have done it
25 before. You were involved. You helped me.

2 MR. KELLY: Not the cell tower in Cedar
3 Creek, because that's not on park property.
4 That's at a DPW water pollution control plant.

5 LEGISLATOR DENENBERG: Right.

6 MR. KELLY: That we can just put up a
7 tower where there are no restrictions on how we
8 use that property.

9 LEGISLATOR DENENBERG: So here you say
10 we'd have to go through two state legislatures.

11 MR. KELLY: I don't know about two state
12 legislatures. I would think you would have to go
13 through at least one.

14 LEGISLATOR DENENBERG: If it's parkland
15 you have to go through two successive state
16 legislatures --

17 MR. KELLY: If it's a preserve.

18 LEGISLATOR DENENBERG: And this year is
19 an obvious time to do it --

20 MR. KELLY: If it's a preserve you would
21 have to do it. If it's regular parkland, it's
22 just one.

23 Also, the county is subject to deed
24 restrictions that were placed on the property by
25 the City of New York were subject to a settlement

2 agreement that if this property is used for for-
3 profit purposes, if we sell it for profit and
4 take the restrictions off of the property, the
5 City gets a huge chunk of that money, per our
6 settlement agreement. So that's something that
7 the Village is going to have to work out with the
8 City of New York, as well.

9 LEGISLATOR DENENBERG: So you're saying
10 that whatever revenue the Village is going to get
11 is going to be offset by the City getting a piece
12 of it?

13 MR. KELLY: Or whatever deal they work
14 out with the City; I'm not sure. What your
15 question is, is wouldn't the County benefit
16 financially from doing this, and I don't believe
17 that -- from putting up a cell tower, not selling
18 the property -- would they benefit financially
19 from doing that. I'm not sure that we would
20 because all the hoops that we would have to go
21 through in order to get this done. So we would
22 be spending county resources, spending county
23 money. It's a very large administrative task to
24 do something like that. So what we're doing is
25 separating this property out from the rest of it,

2 selling it to the Village of Massapequa Park so
3 they can take care of it. I don't know if
4 they're ever going to be able to do it.

5 LEGISLATOR DENENBERG: How much of the
6 money, we get for selling this, do we have to
7 give to New York City?

8 MR. KELLY: We don't. Because under our
9 settlement agreement it says that that doesn't
10 apply, if we sell the property with all of the
11 existing restrictions on it, and that's what
12 we're doing.

13 LEGISLATOR DENENBERG: It just seems to
14 me that there's a lot of revenue in leasing this
15 to cell companies for a cell tower. And we've
16 done it before when communities desire us to use
17 our spot. I'm very proud of this Legislature,
18 that we'll never even entertain the idea of cell
19 tower if it's an issue in the community. But
20 where a community such as here or such as the DPW
21 land in Cedar Creek was asking us to provide a
22 solution from a location that was not as
23 desirable, we've done it. It seems hard for me
24 to believe that we wouldn't end up making money
25 for all the county taxpayers and at the same time

2 do the right thing for Massapequa Park people.

3 CHAIRWOMAN GONSALVES: Any other
4 questions of Mr. Kelly?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor indicate by saying
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion --

14 LEGISLATOR DENENBERG: You know what?
15 I'm going to abstain because I want to look into
16 this a little more. I want to see how much money
17 could be made --

18 CHAIRWOMAN GONSALVES: Fine. So it's
19 going to be --

20 LEGISLATOR DENENBERG: and how much it
21 could cost.

22 And we're asking Mr. Kelly if he can
23 provide us that deed information that you're
24 telling us about that could ask to the cost of
25 the county.

2 MR. KELLY: Certainly.

3 LEGISLATOR DENENBERG: Okay.

4 CHAIRWOMAN GONSALVES: Thank you.

5 Motion carries with six in favor and one
6 abstention.

7 (Whereupon, the following is the
8 continuation of the minutes of the Finance
9 Committee meeting.)

10 CHAIRMAN NICOLELLO: Do you have a
11 question, Legislator DeRiggi-Whitton?

12 LEGISLATOR DeRIGGI-WHITTON: No. But I
13 agree with what David is saying, which is I think
14 we should have that information prior to voting
15 on this.

16 CHAIRMAN NICOLELLO: Okay. Are you
17 abstaining also?

18 LEGISLATOR DeRIGGI-WHITTON: I think we
19 should table it, honestly.

20 CHAIRMAN NICOLELLO: Are you making a
21 motion to table?

22 LEGISLATOR DeRIGGI-WHITTON: Yes.

23 CHAIRMAN NICOLELLO: Motion to table is
24 non-debatable. I'm assuming that's with respect
25 to Item 588-2012. Okay.

2 All those in favor of tabling the item
3 signify by saying aye.

4 (Aye.)

5 Those opposed?

6 (Nay.)

7 Motion to table fails.

8 Any other discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 I'm going to break out this one item,
13 because obviously you're going to abstain with
14 respect to that.

15 Let's first vote on 581, 582, 583, 584,
16 585, 586, all in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Those items carry unanimously.

21 Item 588-2012, all in favor signify by
22 saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

2 We have four votes for, three
3 abstentions. The item moves on. Thank you.

4 Do I have a motion to suspend the rules?

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by Legislator
8 Muscarella, seconded by Legislator Walker.

9 All in favor of suspending the rules
10 signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Rules are suspended.

15 Items 591 and 592-2012 are ordinances
16 supplemental to the annual appropriation
17 ordinance in connection with the Office of the
18 Medical Examiner.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR GONSALVES: Second.

21 CHAIRMAN NICOLELLO: Moved by Legislator
22 Walker, seconded by Legislator Gonsalves.

23 Any questions on this item?

24 (No verbal response.)

25 Any discussion?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 Those in favor signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Carries unanimously.

10 We have two items that are for executive
11 session which I will call.

12 593 is an ordinance providing for a
13 capital expenditure to finance the payment of
14 certain settled claims against the County of
15 Nassau, authorizing \$408,000 of bonds of the
16 County of Nassau to finance said expenditure.

17 594 is a resolution authorizing the
18 county attorney to compromise and settle the
19 action, *In the Matter of Nassau County,*
20 *Respondent*, proceeding under Section 9600 of the
21 Solid Waste Disposal Act.

22 Do we have a motion to go into executive
23 session?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR GONSALVES: Second.

2 CHAIRMAN NICOLELLO: Moved by Legislator
3 Walker, seconded by Legislator Gonsalves.

4 We're in executive session.

5 (Whereupon, the Full Legislature recessed
6 at 4:25 p.m.)

7 (Whereupon, the Full Legislature
8 reconvened at 4:45 p.m.)

9 CHAIRMAN NICOLELLO: We've come out of
10 executive session. We have these two items to
11 vote on.

12 Items 593 and 594-2012, all in favor of
13 these items signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 The items pass unanimously.

18 Motion to adjourn by Legislator
19 Muscarella, seconded by Legislator Walker.

20 All in favor signify by saying aye.

21 (Aye.)

22 Committee is adjourned.

23 (Whereupon, the Finance Committee
24 adjourned at 4:46 p.m.)

25

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 state:

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 25th day of September, 2012.

FRANK GRAY