

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

January 13, 2014
2:42 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

RICHARD NICOLELLO
Chairman

VINCENT MUSCARELLA
Vice-Chair

ROSE MARIE WALKER

MICHAEL VENDITTO

DAVID DENENBERG
Ranking

DELIA DeRIGGI-WHITTON

ELLEN BIRNBAUM

LIST OF SPEAKERS

GREG MAY. 20
MARY ELLEN LAURAIN. 20

INSERTS TO TRANSCRIPT

Page 8, Line 13 - Page 19, Line 20

2 CHAIRMAN NICOLELLO: I call the Finance
3 Committee to order. I ask our clerk to call the
4 roll, please.

5 CLERK MULLER: Legislator Birnbaum?

6 LEGISLATOR BIRNBAUM: Here.

7 CLERK MULLER: Legislator DeRiggi-
8 Whitton?

9 LEGISLATOR DeRIGGI-WHITTON: Here.

10 CLERK MULLER: Ranking Member Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Legislator Venditto?

13 LEGISLATOR VENDITTO: Here.

14 CLERK MULLER: Legislator Walker?

15 LEGISLATOR WALKER: Here.

16 CLERK MULLER: Vice Chairman Muscarella?

17 LEGISLATOR MUSCARELLA: Here.

18 CLERK MULLER: Chairman Nicoletto?

19 CHAIRMAN NICOLELLO: Here.

20 CLERK MULLER: We have a quorum.

21 CHAIRMAN NICOLELLO: Thank you.

22 First item is Item 4-2014, which is a
23 resolution authorizing the county executive to

2 execute a grant agreement between the County of
3 Nassau, acting on behalf of the County Department
4 of Parks, Recreation and Museums, and Franklin
5 Square Historical Society.

6 Moved by Legislator Muscarella, seconded
7 by Legislator Walker.

8 Any questions or discussions among the
9 legislators?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All in favor signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 I'm going to hold Items 7 and 11 for
19 executive session. We will call those at the
20 end.

21 Item 8, 9, and 10 are -- Item 8 is a
22 resolution to authorize the transfer of
23 appropriations heretofore made within the budget
24 for the year 2013. Items 9 and 10 are ordinances
25 supplemental to the annual appropriation

2 ordinance in connection with the Department of
3 Social Services and the Police Department.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR MUSCARELLA: Second.

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

8 Any questions or comments?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All in favor signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Items carry unanimously.

17 I'm going to call the next five -- I'm
18 skipping 11. Items 12, 13, 14, 15, and 16-2014.
19 Item 12 is an ordinance supplemental to the
20 annual appropriation ordinance in connection with
21 the Department of Social Services.

22 Item 13 is a resolution to authorize the
23 transfer of appropriations heretofore made within
24 the budget for the year 2013.

25 Items 14, 15, and 16 are ordinances

2 supplemental to the annual appropriations
3 ordinance in connection with the correctional
4 center and Health Department.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR VENDITTO: Second.

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

9 These items went through committees just
10 a few moments ago. We ask that those minutes be
11 incorporated by reference.

12 (Whereupon, the following are the minutes
13 of the January 13, 2014 Health Committee
14 pertaining to Clerk Items 12, 15, and 16-14.)

15 The next item is Clerk Item 12-14, which
16 is an ordinance supplemental to the annual
17 appropriation ordinance in connection with the
18 Department of Social Services.

19 I'm assuming, Mr. Broderick -- we need a
20 motion, please.

21 LEGISLATOR VENDITTO: So moved.

22 LEGISLATOR BECKER: Second.

23 CHAIRWOMAN WALKER: Moved by Legislator
24 Venditto, seconded by Legislator Becker.

25 MR. BRODERICK: Thank you, Legislator

2 Walker.

3 Last year the department received a grant
4 of \$100,000 from New York OCFS to combat daycare
5 fraud. The department was extremely successful,
6 I'm happy to say. Both the efforts of our
7 investigative staff and daycare staff had
8 utilized the \$100,000 and had a return on that of
9 well over \$1 million in cost avoidance.

10 This year, the OCFS had cut back on their
11 grants but they did give a grant to Nassau County
12 for \$36,000. We're going to use that to further
13 our efforts to combat waste, fraud, and abuse in
14 our daycare program.

15 CHAIRWOMAN WALKER: Any questions from
16 the legislators?

17 (No verbal response.)

18 Any comments?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor?

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The motion carries and will move on to
3 Finance.

4 MR. BRODERICK: Thank you.

5 CHAIRWOMAN WALKER: Thank you, Mr.
6 Broderick.

7 Our next item is Clerk Item 15-14, which
8 is an ordinance supplemental to the annual
9 appropriation ordinance in connection with the
10 Health Department.

11 Motion, please?

12 LEGISLATOR BECKER: So moved.

13 LEGISLATOR SCHAEFER: Second.

14 CHAIRWOMAN WALKER: Moved by Legislator
15 Becker, seconded by Legislator Schaefer.

16 MR. MAY: We have Ms. Mary Ellen Laurain
17 from the Health Department.

18 CHAIRWOMAN WALKER: Ms. Laurain, also to
19 wish you a very, very Happy New Year.

20 MS. LAURAIN: Same to you. Thank you.
21 Mary Ellen Laurain, Department of Health.

22 Item 15-14 is a supplemental
23 appropriation in the amount of \$9,180,804. This
24 is for the Ryan White HIV grant. It is 100
25 percent funded through the United States

2 Department of Health and Human Services. This
3 provides comprehensive HIV and AIDS services.

4 Nassau receives the grant because the
5 federal government considers Long Island one
6 area. So then, through an inter-government
7 agreement with Suffolk County, the United Way
8 administers the grant.

9 CHAIRWOMAN WALKER: Are there any
10 legislators that have any comment? Legislator
11 Solages.

12 LEGISLATOR SOLAGES: Thank you very much,
13 Madam Chair Walker.

14 Where there be any difference in which
15 the funds will be administered compared to the
16 past?

17 MS. LAURAIN: We don't anticipate that.
18 This is an estimate of the funding. We haven't
19 received the award. We've been doing this for
20 about 19 years. So we do not have the confirmed
21 about with the federal government. So we don't
22 break services, we need to continue with the
23 grant.

24 LEGISLATOR SOLAGES: Understood.
25 There's been significant progress in the

2 treatment of HIV in that those affected with the
3 disease are living longer. And I would like to
4 know would this affect your strategy in terms of
5 addressing this with the different organizations?

6 MS. LAURAIN: We don't anticipate that,
7 no.

8 LEGISLATOR SOLAGES: Okay. Understood.
9 Nothing further.

10 CHAIRWOMAN WALKER: Any other
11 legislators?

12 (No verbal response.)

13 I do have two people who have questions
14 on this, and certainly anyone else who wishes to.
15 But I have Mr. Richard Brodsky.

16 (No verbal response.)

17 Rabia Aziz. Did I pronounce that right?
18 I hope, Rabia. Thank you.

19 MS. AZIZ: Good afternoon. I'd like to
20 thank the Nassau legislative body for holding
21 this open forum for public comment on HIV/AIDS.

22 Too often we don't hear about HIV/AIDS
23 any longer. In the decades of the 90's, we heard
24 a lot about it. However, I'm here today to tell
25 you that it's still very much an issue of

HIV/AIDS in Nassau/Suffolk County.

The previous speaker spoke about the federal funds coming into Nassau/Suffolk County, and that was because early in the 90's we were able to document the number of HIV positive individuals on Long Island to set up our own EMA.

When the federal funds for Ryan White were first distributed or first to be distributed, Long Island was part of New York City. It was a pandemic in New York City. We, as human service providers, knew that we could no longer compete with New York City for the funds. We were able to document the number of HIV positive individuals in Nassau/Suffolk County for the Nassau/Suffolk health region to be its own EMA.

At present, the United Way quotes that there are 6,158 persons living in Nassau/Suffolk County that is either infected with HIV or have full blown AIDS. So, therefore, we know that we still have a lot of work to do. Because of the inter-governmental agreement between Nassau and Suffolk County, we have created a public health model that is revered within the State of New

1 York. Because the planning council, which
2 administrated the funds, exists at the United
3 Way, the community-based programs that provide
4 services are able to access the money in a timely
5 way and deliver those services without any break
6 in care.
7

8 As we know, prevention and treatment is
9 most important in taking care of HIV. The
10 national HIV strategy, which is to get to zero
11 infection rates, is very important, and is that
12 those individuals are infected with HIV or have
13 full blown AIDS have treatment and care. And
14 through the Ryan White Planning Council, the \$9
15 million or some dollars that will eventually come
16 back to Nassau and Suffolk Counties is used to
17 keep those individuals in care and also provide
18 for those individuals that are at risk. The
19 Nassau/Suffolk County region has done an
20 excellent job in terms of developing an
21 infrastructure that allows that to happen.

22 Our hospitals of Stony Brook and NUMC
23 have been at the forefront of HIV/AIDS since day
24 one. To continue that, we do need those federal
25 dollars to come into the County. Also, for

1 supportive services, the HIV transportation
2 program is very important to connect to care. As
3 you know, the eastern part of Suffolk County is
4 very rural. They have to come into Stony Brook
5 to get care, and that's an important issue.

6
7 We know that we have a raging heroin
8 epidemic here in Nassau and Suffolk Counties.
9 One of the major transmissions of HIV is injected
10 drug use. And so we know that if we are not
11 proactive and keep that health structure in
12 place, that we can see that kind of epidemic
13 coming back again.

14 So I just would like to implore everyone
15 within the legislative body to vote pro for this
16 conduit of funds so that the services can
17 continue and that we can deliver the services to
18 the community.

19 Thank you very much.

20 CHAIRWOMAN WALKER: Thank you. And
21 thank you for your dedication and all your hard
22 work and sharing all of that information with us.

23 MS. AZIZ: Thank you.

24 LEGISLATOR SOLAGES: Madam Chair, if I
25 may. Ms. Aziz, thank you very much for coming

here today. I'd just like to put on the record that Ms. Aziz was part of a program that we held last year on Valentine's Day on this issue. And I will provide a press release to all of my colleagues here, on the legislature, with respect to -- and there's also a link on You-Tube of that entire forum. This issue is a very important issue, and I just want to make sure that we keep this at the forefront of this health crisis.

CHAIRWOMAN WALKER: Thank you,
Legislator Solages.

LEGISLATOR SOLAGES: Thank you.

CHAIRWOMAN WALKER: Thank you very much.

MS. AZIZ: Thank you.

CHAIRWOMAN WALKER: Did Mr. Brodsky come in yet? If Mr. Brodsky does come in, we'll give him the opportunity to speak after our next item that's brought up.

All those in favor of Clerk Item 15-14?

(Aye.)

Any opposed?

(No verbal response.)

The motion carries, and will go on to
Finance.

2 Our last item is Clerk Item 16-14, which
3 is an ordinance supplemental to the annual
4 appropriation ordinance in connection with the
5 Health Department.

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

8 CHAIRWOMAN WALKER: We just need a
9 motion.

10 LEGISLATOR BECKER: So moved.

11 LEGISLATOR SCHAEFER: Second.

12 CHAIRWOMAN WALKER: Moved by Legislator
13 Becker, seconded by Legislator Schaeffer.

14 MS. LAURAIN: Item 16-14 is a
15 supplemental appropriation in the amount of
16 \$190,000. This is for the sexually transmitted
17 disease intervention program. It is funded
18 through New York State Department of Health.
19 Staff at the Department of Health confirm
20 treatment -- diagnosis and treatment of disease.

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

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 Seeing none, all those in favor?

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Motion passes unanimously and once again
7 moves on to Finance.

8 (Whereupon, the following is the minutes
9 of the January 13, 2014 Public Safety Committee
10 pertaining to Clerk Item 13-14.)

11 The next item is 14-14, an ordinance
12 supplemental to the annual appropriations
13 ordinance in connection with the correctional
14 center.

15 Who do we have from the correctional
16 center?

17 Motion from Denise Ford, seconded by
18 Legislator MacKenzie.

19 Who do we have?

20 MR. MAY: We have Captain Keith Sather
21 from the corrections facility.

22 CHAIRMAN DUNNE: Captain, explain the
23 item please.

24 CAPTAIN SATHER: Good afternoon. Item
25 14 is an appropriation in the amount of \$43,673.

2 This represents the correctional center's share
3 of federal forfeiture money through its
4 cooperative with the Federal Drug Enforcement
5 Agency. These monies will be used for the
6 purchase of equipment and training within the
7 department.

8 CHAIRMAN DUNNE: Legislator Ford has a
9 question.

10 LEGISLATOR FORD: He already answered
11 it.

12 CHAIRMAN DUNNE: Any other legislators
13 have questions?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 There being none, all in favor indicate
18 by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 It so passes. It goes on to Finance.

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

2 CHAIRMAN NICOLELLO: Any discussion on
3 these items?

4 LEGISLATOR DENENBERG: On 16.

5 CHAIRMAN NICOLELLO: Item 16-2014.

6 LEGISLATOR DENENBERG: Mr. May, do you
7 have a speaker on that?

8 MR. MAY: We have Ms. Mary Ellen Laurain
9 here to speak on that.

10 CHAIRMAN NICOLELLO: Okay.

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

13 LEGISLATOR DENENBERG: Where does this
14 funding come from?

15 MS. LAURAIN: New York State Department
16 of Health.

17 LEGISLATOR DENENBERG: And there's
18 testing contemplated in this program?

19 MS. LAURAIN: No. It's mandated by law
20 for health care providers to notify the
21 Department of Health of anybody who tests
22 positive for a sexually transmitted disease. So
23 our staff confirmed diagnosis and treatment and
24 do contact investigations.

25 LEGISLATOR DENENBERG: So there's

2 nothing that goes to a lab for testing at all?

3 MS. LAURAIN: There may be very few that
4 goes to the state. Most of it -- pretty much the
5 entire -- it's health care providers who are
6 mandated by law to report positive results.
7 We're not a clinical health department.

8 LEGISLATOR DENENBERG: Okay. I'm just
9 confirmed if any of this has to go to a clinical
10 lab, which we don't have a functioning one right
11 now, then where do we send the samples to?

12 MS. LAURAIN: Any time we need to
13 provide clinical laboratory testing, whether it
14 be measles or communicable disease, New York
15 State Department of Health Laboratory at
16 Wadsworth conducts those tests. West Nile virus
17 is an example.

18 LEGISLATOR DENENBERG: Okay. Thank you.

19 CHAIRMAN NICOLELLO: Another one of
20 these items is Item 15 which involves Ryan White
21 funding. Mr. Brodsky I believe wasn't here
22 earlier. I'm just wondering if he's here now.

23 (No verbal response.)

24 Okay. We'll be calling this again in
25 Rules, so if he's here at that time he can speak

on it.

Any further questions?

(No verbal response.)

Thank you, Ms. Laurain.

Any further questions or comments from
the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

We have a Finance Committee addendum.

Motion to suspend?

LEGISLATOR VENDITTO: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Motion by
Legislator Venditto, seconded by Legislator
Walker.

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

(Aye.)

2 Those opposed?

3 (No verbal response.)

4 The rules are suspended.

5 Item 25-2014 is a resolution to authorize
6 the transfer of appropriations heretofore made
7 within the budget for the year 2013.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN NICOLELLO: Moved by Legislator
11 Walker, seconded by Legislator Muscarella.

12 Any questions on this item?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 That item carries unanimously.

21 I am now going to call Items 7, 11, and
22 26.

23 Item 7 is a resolution authorizing the
24 county attorney to compromise and settle the
25 action of *Breton, Duran, Martinez-Navarez, and*

2 *Miranda v. The County of Nassau.*

3 Item 11 is an ordinance providing for a
4 capital expenditure to finance the payment of
5 certain settled claims against the County of
6 Nassau.

7 Item 26 is an ordinance providing for a
8 capital expenditure to finance the payment of
9 certain judgments, awards, determinations, or
10 compromised settled claims against the County.

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRMAN NICOLELLO: Moved by Legislator
14 Muscarella, seconded by Legislator Walker.

15 The items are before us.

16 Do we have a motion for executive
17 session?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRMAN NICOLELLO: Moved by Legislator
21 Walker, seconded by Legislator Muscarella.

22 All in favor of executive session signify
23 by saying aye.

24 (Aye.)

25 We are in executive session.

2 (Whereupon, the Finance Committee
3 recessed into executive session at 2:49 p.m.)

4 (Whereupon, the Finance Committee
5 reconvened at 3:20 p.m.)

6 CHAIRMAN NICOLELLO: We are back from
7 executive session.

8 I'm going to call Items 7, 11, and 26-
9 2014.

10 All in favor of those items signify by
11 saying aye.

12 (Aye.)

13 LEGISLATOR DENENBERG: You're calling
14 all three together?

15 CHAIRMAN NICOLELLO: Yes. I just asked
16 you that. Unless you want me to call them
17 separately.

18 LEGISLATOR DENENBERG: Yeah. Please
19 call them separately.

20 CHAIRMAN NICOLELLO: Okay. Item 7-2014,
21 all in favor of Item 7 signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 That item carries unanimously.

2 LEGISLATOR DENENBERG: On Item 7, I just
3 wanted to state on the record that in executive
4 session -- based on executive session, it's our
5 understanding, at least on the Minority but I
6 think on the Majority side as well, that when
7 this comes to Full someone, if not the
8 commissioner or DSS, someone from DSS will update
9 us at least in executive session on steps being
10 taken by DSS to address, if there is any issue,
11 to address an issue in that department with
12 respect to prevent this from happening in the
13 future.

14 CHAIRMAN NICOLELLO: Okay.

15 All in favor signify by saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 That carries unanimously.

20 Item 11-2014, all in favor of Item 11
21 signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 Item 11 passes unanimously.

2 The last item is the item on the
3 addendum, Item 26-2014. All in favor of Item 26
4 signify by saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 LEGISLATOR DENENBERG: Just on behalf of
9 the Minority, again, on this situation, without
10 getting into the specifics of any of the
11 settlements, on behalf of the Minority, for a
12 judgment to have been sitting around for 11
13 months and increasing by 60 percent because of
14 that, we find -- we would request that the county
15 attorney's office --

16 CHAIRMAN NICOLELLO: Some of what you're
17 disclosing now was just discussed in executive
18 session.

19 LEGISLATOR DENENBERG: This matter
20 should have come to us more than 11 months ago
21 and it would have saved the taxpayers a lot of
22 money, that's our opinion. Over \$200,000 worth
23 of taxpayer money was wasted on this one. That's
24 our opinion. It's an order. And we're voting
25 for it. We would request that the new county

2 attorney act in a much more expeditious way.

3 CHAIRMAN NICOLELLO: I would just
4 caution committee members that things that are
5 discussed in executive session are confidential
6 and should not be disclosed. I'm not sure
7 exactly where the line is. But I would state
8 very clear that line, otherwise any one of us
9 could be violating the confidences of executive
10 session.

11 LEGISLATOR DENENBERG: Rich, the order
12 itself, which is a public document, is for 326.
13 The bond request and the item is for 529,000.
14 That's a matter of public record. And what I'm
15 stating is that difference certainly could have
16 been avoided. I would ask that County Attorney
17 Foskey change the practices of the past and move
18 much quicker at getting judgments to this body.

19 CHAIRMAN NICOLELLO: Apparently you
20 didn't understand what I said. Basically, what
21 I'm saying is what we discussed in executive
22 session is confidential under law. Maybe you're
23 right; maybe you're wrong. But I would be very
24 hesitant, if I was a legislator, discussing what
25 we just discussed in executive session for fear

2 of breaking that confidence. That was my only
3 course.

4 LEGISLATOR DeRIGGI-WHITTON: Could I
5 just add to that for one second, Rich?

6 Just to reiterate what Legislator
7 Denenberg said. We've been given the hope that
8 going forward all cases will be addressed in a
9 timely manner and that there are no other
10 situations that might come up in the near future.
11 I hope that everyone who is helping Foskey and
12 his whole staff just basically reviews everything
13 just to make sure, as in any situation where
14 there is a new leader, to make sure that we can
15 mitigate any additional expenses to anyone, to
16 the county, for any of the cases that are
17 outstanding.

18 CHAIRMAN NICOLELLO: Any further
19 questions?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 All in favor signify by saying aye.

24 (Aye.)

25 Those opposed?

2 (No verbal response.)

3 The items carry unanimously.

4 Motion by Legislator Venditto to adjourn,
5 seconded by Legislator Walker.

6 All in favor?

7 (Aye.)

8 This meeting is adjourned.

9 (Whereupon, the Finance Committee
10 adjourned at 3:24 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 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 28th day of January, 2014.

FRANK GRAY