#### NASSAU COUNTY LEGISLATURE

NORMA GONSALVES, PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO, CHAIRMAN

1550 Franklin Avenue Mineola, New York

February 10, 2014 4:00 p.m.

REGAL REPORTING SERVICES 516-747-7353

# APPEARANCES:

RICHARD NICOLELLO Chairman

VINCENT MUSCARELLA Vice-Chair

ROSE MARIE WALKER

MICHAEL VENDITTO

DAVID DENENBERG Ranking

DELIA DeRIGGI-WHITTON

ELLEN BIRNBAUM

WILLIAM J. MULLER, III Clerk

### LIST OF SPEAKERS

TOM DELANEY	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	7
GREG MAY									•			•	•			•			•		12
ROSEANNE D'ALLEVA		•	•		•			•	•	•		•	•		•				•		16
SHARON PERSAUD																					23

# INSERTS TO TRANSCRIPT

age 26, Line 12 - Page 29, Line 11

	1
1	Finance Committee - 2-10-14 5
2	CHAIRMAN NICOLELLO: I call the Finance
3	Committee to order. Would the Clerk please call
4	the roll?
5	I will act as clerk and call the roll.
6	Ranking Member Wink?
7	Legislator Birnbaum?
8	LEGISLATOR BIRNBAUM: Here.
9	CLERK MULLER: Legislator DeRiggi-
10	Whitton?
11	LEGISLATOR DeRIGGI-WHITTON: Here.
12	CLERK MULLER: Ranking Member Denenberg?
13	LEGISLATOR DENENBERG: Here.
14	CLERK MULLER: Legislator Venditto?
15	LEGISLATOR VENDITTO: Here.
16	CLERK MULLER: Legislator Walker?
17	LEGISLATOR WALKER: Here.
18	CLERK MULLER: Vice Chairman Muscarella?
19	LEGISLATOR MUSCARELLA: Here.
20	CLERK MULLER: Chairman Nicolello?
21	CHAIRMAN NICOLELLO: Here.
22	CLERK MULLER: We have a quorum.
23	CHAIRMAN NICOLELLO: Thank you.
24	Item 3-2014 is a local law to establish a
25	revolving fund for the Nassau County Emergency

1	Finance Committee - 2-10-14 6
2	Solutions Grant Program.
3	LEGISLATOR WALKER: So moved.
4	LEGISLATOR MUSCARELLA: Second.
5	CHAIRMAN NICOLELLO: Moved by Legislator
6	Walker, seconded by Legislator Muscarella.
7	This went through the Health Committee a
8	little while ago. Does anyone have any questions
9	on this item?
10	(No verbal response.)
11	Any public comment?
12	(No verbal response.)
13	All those in favor signify by saying aye.
14	(Aye.)
15	Those opposed?
16	(No verbal response.)
17	The item carries unanimously.
18	Item 29-2014 is a resolution making
19	certain determinations pursuant to the State
20	Environmental Quality Review Act and authorizing
21	the county executive, on behalf of the County of
22	Nassau, to execute a lease between the County of
23	Nassau, as tenant, and Steel-Los II Limited
24	Partnership, as Landlord, in connection with
25	certain premises located at street address 700

Finance Committee - 2-10-14

Hicksville Road.

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LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

This item went through committee just a few moments ago in Government Services. Do we have any questions on this item?

LEGISLATOR DENENBERG: I would just -- I did ask questions before but I have one more question on this.

CHAIRMAN NICOLELLO: Sure.

LEGISLATOR DENENBERG: Thank you, Mr. Delaney.

MR. DELANEY: Not a problem, Legislator Denenberg. How can I help you?

this item was filed last year because the current lease was expiring, and I don't know what happened in the last year. Over the last year we've been a holdover because this new lease was being negotiated or because we were unhappy with the last lease? Did we know about this one over the last year? Why the last year being a

Finance Committee - 2-10-14 holdover?

MR. DELANEY: It just took several months to get everything straight away. I think part of it was Mike Kelly was taking the lead on this thing -- we started working on this about a year ago, at this point right now, because our current lease did expire in August. The landlord was very good to us. We've just been going month-to-month right now.

LEGISLATOR DENENBERG: And then the current lease is going to be five years, too?

MR. DELANEY: Correct.

LEGISLATOR DENENBERG: What's the renewal option on the current lease?

MR. DELANEY: The --

LEGISLATOR DENENBERG: I'm sorry. When I saw current, it's bad. The lease we are voting on is going to be a five year lease, correct?

MR. DELANEY: Correct.

LEGISLATOR DENENBERG: What, in the lease we're voting on, the 700 Hicksville Road lease, is the renewal term?

MR. DELANEY: There is a built-in cost of living into this. It will slowly bring up our

1	Finance Committee - 2-10-14
2	cost, but very slowly.
3	LEGISLATOR DENENBERG: Is it our option
4	to renew for another five years? What happens
5	after the five years?
6	MR. DELANEY: Again, it will be a
7	negotiation at that point. The landlord
8	LEGISLATOR DENENBERG: Oh. Okay. So
9	there's no renewal option?
10	MR. DELANEY: Kevin left. I'm not sure
11	if there is a renewal option at this point on it.
12	LEGISLATOR DENENBERG: I'm looking at
13	it. I don't see a renewal option. I didn't ask
14	in Government Services. So you think it's just
15	five years then it expires?
16	MR. DELANEY: I think we have five years
17	on it, and then it's going to be up to
18	renegotiate it.
19	LEGISLATOR DENENBERG: Okay. I wish the
20	renewal terms weren't vague. I just don't like
21	the idea, when we're talking to OEM, to have to
22	pick up and perhaps find new digs, if you will,
23	five years from now.
24	MR. DELANEY: Understood.

LEGISLATOR DENENBERG: So that is one

1	Finance Committee - 2-10-14
2	concern I have.
3	Do you feel from this landlord and your
4	negotiating with this landlord that we'd have,
5	five years from now it should be I don't know
6	how you could tell the future anyway, that's why
7	you have a renewal clause in a lease.
8	MR. DELANEY: They're gentlemen, is the
9	best way to describe them. They are men of their
10	word.
11	LEGISLATOR DENENBERG: No other
12	questions, Mr. Chair.
13	CHAIRMAN NICOLELLO: Okay. Any other
14	questions?
15	(No verbal response.)
16	Any public comment?
17	(No verbal response.)
18	Thank you, Mr. Delaney.
19	All in favor signify by saying aye.
20	(Aye.)
21	Those opposed?
22	(No verbal response.)
23	This item carries unanimously.
24	Item 32-2014 is an ordinance providing
25	for a capital expenditure to finance the payment

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1	Finance Committee - 2-10-14
2	of certain judgments against the County of
3	Nassau, authorizing \$291,527.96 of bonds of the
4	County to finance said expenditure.
5	LEGISLATOR WALKER: So moved.
6	LEGISLATOR MUSCARELLA: Second.
7	CHAIRMAN NICOLELLO: Moved by Legislator
8	Walker, seconded by Legislator Muscarella.
9	This is a judgment. We can or may not go
10	into executive session, depending on the
11	preference of committee members. Does anyone see
12	a need for executive session on this item?
13	Any questions on this item?
14	(No verbal response.)
15	Any public comment?
16	(No verbal response.)
17	All in favor signify by saying aye.
18	(Aye.)
19	Those opposed?
20	(No verbal response.)
21	The item carries unanimously.
22	Items 33, 34, 36, and 37-2014 are all
23	resolutions to authorize the transfer of
24	appropriations heretofore made within the budget
25	for the year 2013.

1	Finance Committee - 2-10-14
2	LEGISLATOR VENDITTO: So moved.
3	LEGISLATOR WALKER: Second.
4	CHAIRMAN NICOLELLO: Moved by Legislator
5	Venditto, seconded by Legislator Walker.
6	Any questions on these items? Legislator
7	DeRiggi-Whitton.
8	LEGISLATOR DeRIGGI-WHITTON: I've just
9	noticed this a number of times, just that the
10	transfers have already taken place before they've
11	come to the Leg. I understand if it's an
12	emergency situation, but it seems to happen
13	almost every time.
14	Do you know that this already took place,
15	this transfer?
16	MR. MAY: I believe there are four we're
17	talking about. Which one are referring to?
18	LEGISLATOR DERIGGI-WHITTON: 33-14, the
19	\$325,000.
20	MR. MAY: $33-14$ was a polled item.
21	LEGISLATOR DERIGGI-WHITTON: How come I
22	wasn't polled on that?
23	MR. MAY: How come you weren't polled on
24	that one?
25	LEGISLATOR DeRIGGI-WHITTON: Yeah. I

never received a poll before or a questioning.

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MR. MAY: Typically, for a polling letter, which only requires -- for a board transfer which only requires ten votes, it's done with the Majority. For an item that is a supplemental appropriation, which requires 13 votes, both caucuses are polled.

LEGISLATOR DeRIGGI-WHITTON: So when you do a transfer you just poll the Majority?

MR. MAY: That's correct. For a board transfer.

LEGISLATOR DeRIGGI-WHITTON: Not even just the Finance Committee members don't get polled on this side?

MR. MAY: It's just the Majority.

LEGISLATOR DERIGGI-WHITTON: I would like to request that you poll us as well. I just think it would be, like, you know, the professional things to do.

MR. MAY: I don't know that it's not professional. I know that these have happened probably for the -- at least the last, I'm going to say, five years for sure, because I know that we've reviewed items from 2009 under the previous

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administration and the previous Majority. I don't know that those pollings were done with the Minority.

LEGISLATOR DeRIGGI-WHITTON: Probably not. But you know what?

MR. MAY: I don't really think that you're characterizing it as an unprofessional is appropriate.

LEGISLATOR DeRIGGI-WHITTON: T'm not saying it's not professional. We keep saying we want to have total, you know, be transparent in government. I would just appreciate, as a courtesy, as someone who is on the Finance Committee, that when you poll to transfer, especially a decent amount of money, it would just be courteous to poll all of us.

CHAIRMAN NICOLELLO: Before he responds. This has been going -- polling has been taking place for probably since the very beginning. I think it would be good practice to let the Minority know, as least through their leadership, that a poll is taking place. I don't know -- it would be too much for you to have to reach out to each one of us. But you should let the

Finance Committee -2-10-14 leadership know, of the Majority, that you're polling.

LEGISLATOR DENENBERG: To the Chair,
just as ranking member. I think Legislator

DeRiggi-Whitton wasn't talking about whether it's
good, bad or indifferent. The point is that
you're polling. When you need ten votes, you're
polling the Majority to make sure you have the
votes before you do the transfer. And what the
request on the Minority is, we understand you
don't need our votes to do the transfer, but we
would like to at least be notified that the
polling is done and the transfer is being made
period. And that's our request.

MR. MAY: Well, as per the discussion that we've had today, that is fine.

LEGISLATOR DeRIGGI-WHITTON: Good. It's not that we're doubting what the history has been. But I think we're all in the same boat, that we want to improve things, especially on the financial end. I think it will be a good step forward.

MR. MAY: That's fine.

CHAIRMAN NICOLELLO: Sounds good.

LEGISLATOR DENENBERG: To the Chair. I do have a question on this, on Item 33-14.

The \$325,000 from public works control center 01 salaries to control center 02 to cover salary shortages in control center 02 for years 2013, I'm reading that from, I guess, the backup or the resolution. What caused this shortage?

MR. MAY: I'd have to defer to Roseanne
D'Alleva from the Office of Management and
Budget.

MS. D'ALLEVA: Good afternoon.

Basically, the shortage was derived from salaries, in terms of overtime, and less capital expenditures being journaled to capital, less salary expenditures being journaled to capital.

LEGISLATOR DENENBERG: I'm sorry. I guess I didn't -- can you explain that?

MS. D'ALLEVA: There is basically more overtime than we had the previous year. What we've noticed is, you know, unfortunately due to Sandy a lot of comp time was accrued during 2012. The first quarter of this year, in '13, let's say, people used that time.

LEGISLATOR DENENBERG: So other people

Finance Committee -2-10-14 had to work overtime.

MS. D'ALLEVA: That's right.

LEGISLATOR DENENBERG: Okay. All right.

And then why was control center 01 short -- not short, long?

MS. D'ALLEVA: 02 --

LEGISLATOR DENENBERG: Because you were able to just take it from one salary to another, correct?

MS. D'ALLEVA: There are a couple of different factors going on. 02 has the snow budget in it and we had two storms already in '13, and those overtime slips, you know, there were a couple of days that went on the '14 check that basically caused a shortage in '13. There are a couple of different factors. There are vacancies in 01 --

LEGISLATOR DENENBERG: You're saying snow in '14 affected '13 or you're just saying snow in December '13?

MS. D'ALLEVA: No. The snow budget.

What happens is the snow overtime that was done
in November and December, because I believe we
had two storms and those overtime slips caused,

1	Finance Committee - 2-10-14 18
2	it was one of the factors.
3	LEGISLATOR DENENBERG: All right.
4	CHAIRMAN NICOLELLO: Okay. Thank you,
5	Ms. D'Alleva.
6	Any other questions?
7	(No verbal response.)
8	Any public comments?
9	(No verbal response.)
10	All in favor of these four items signify
11	by saying aye.
12	(Aye.)
13	Any opposed?
14	(No verbal response.)
15	They carry unanimously.
16	Items 40, 41, 42, 43, and 44 are
17	ordinances supplemental to the annual
18	appropriation ordinance in connection with the
19	Traffic Safety Board, Department of Health, and
20	Nassau Community College.
21	LEGISLATOR MUSCARELLA: So moved.
22	LEGISLATOR WALKER: Second.
23	CHAIRMAN NICOLELLO: Moved by Legislator
24	Muscarella, seconded by Legislator Walker.
25	Any questions on these items?

1	Finance Committee - 2-10-14
2	(No verbal response.)
3	Any public comment?
4	(No verbal response.)
5	All in favor signify by saying aye.
6	(Aye.)
7	Those opposed?
8	(No verbal response.)
9	Those items carry unanimously.
10	Item 45-2014 is a resolution providing
11	for the issuance of a warrant directing the
12	Treasurer of the County of Nassau to pay to the
13	supervisors of the several towns and to the
14	treasurers of the several villages and cities
15	within the county, the sums as apportioned by the
16	County Legislature based on a report filed by the
17	treasurer and the county clerk showing the
18	deposits from mortgage taxes for the quarter
19	beginning October 1, 2013 through December 31,
20	2013.
21	LEGISLATOR VENDITTO: So moved.
22	LEGISLATOR WALKER: Second.
23	CHAIRMAN NICOLELLO: Moved by Legislator
24	Venditto, seconded by Legislator Walker.
25	Any questions on this item?

1	Finance Committee - 2-10-14 20
2	(No verbal response.)
3	Any public comment?
4	(No verbal response.)
5	All in favor signify by saying aye.
6	(Aye.)
7	Those opposed?
8	(No verbal response.)
9	That item carries unanimously.
10	Next items are 46, 47, 48, 49, 50, 51,
11	52, 53, 54-2014. These are all ordinances
12	supplemental to the annual appropriation
13	ordinance in connection with the police
14	department, health department, district attorney
15	and Traffic Safety Board.
16	LEGISLATOR WALKER: So moved.
17	LEGISLATOR MUSCARELLA: Second.
18	CHAIRMAN NICOLELLO: Moved by Legislator
19	Walker, seconded by Legislator Muscarella.
20	Any questions on these items?
21	(No verbal response.)
22	Any public comment?
23	(No verbal response.)
24	All in favor signify by saying aye.
25	(Aye.)

1	Finance Committee - 2-10-14 21
2	Those opposed?
3	(No verbal response.)
4	Those items carry unanimously.
5	Motion to suspend the rules?
6	LEGISLATOR MUSCARELLA: So moved.
7	LEGISLATOR VENDITTO: Second.
8	CHAIRMAN NICOLELLO: Moved by Legislator
9	Muscarella, seconded by Legislator Venditto.
10	All in favor of suspending the rules
11	signify by saying aye.
12	(Aye.)
13	Those opposed?
14	(No verbal response.)
15	Rules are suspended.
16	Items 58 and 59-2014 are ordinances
17	supplemental to the annual appropriation
18	ordinance in connection with the Department of
19	Toxicology, Medical Examiner, and the Traffic
20	Safety Board.
21	LEGISLATOR WALKER: So moved.
22	LEGISLATOR VENDITTO: Second.
23	CHAIRMAN NICOLELLO: Moved by Legislator
24	Walker, seconded by Legislator Venditto.
25	Any questions?

Finance Committee - 2-10-14 Legislator Denenberg.

LEGISLATOR DENENBERG: Thank you. Do you know the various projects that are going to be funded with, you know, this is several million dollars, upwards of \$4 million, on 63?

MR. MAY: On 63. We have Sharon Persaud from the Department of Public Works to answer questions on this item.

MS. PERSAUD: My name is Sharon Persaud. The program or projects with this funding is to purchase revenue equipment, such as CNG buses, hire transit buses to update the facilities at Mitchel Field and Rockville Centre, as well as some miscellaneous equipment and other shop equipment. And this is for the Nassau Inter-County Express.

LEGISLATOR DENENBERG: Will this allow any expansion of bus service for NICE?

MS. PERSAUD: No. This is strictly capital funded items.

LEGISLATOR DENENBERG: Is this pursuant to our agreement with NICE where we have to make this capital appropriation?

MS. PERSAUD: That is correct, sir.

1	Finance Committee - 2-10-14 24
2	LEGISLATOR DENENBERG: Were any vehicles
3	taken out of service?
4	MS. PERSAUD: No. These are for
5	replacement buses. We cannot take the vehicles
6	out of service until we actually have
7	replacements onsite. We need all the vehicles
8	LEGISLATOR DENENBERG: So once we
9	appropriate this money, we're going to purchase
10	monies and then take the older ones out of
11	service?
12	MS. PERSAUD: That is correct.
13	LEGISLATOR DENENBERG: Okay.
14	LEGISLATOR BIRNBAUM: I have a question.
15	CHAIRMAN NICOLELLO: Legislator
16	Birnbaum.
17	LEGISLATOR BIRNBAUM: How many vehicles?
18	How many buses are we talking about?
19	MS. PERSAUD: Right now, our capital
20	program for replacement of CNG buses is about 43,
21	for para-transit about 45.
22	LEGISLATOR BIRNBAUM: And what does this
23	represent, in terms of the overall system?
24	MS. PERSAUD: Probably for the fixed
25	route fleet maybe about 30 percent, and for the

in any debate or discussion on this item.

We have a motion by Legislator Walker, and a second by Legislator Venditto.

The item is before us.

This went before the Public Works

Committee a little earlier. Let's incorporate

the record from that committee into this

committee.

(Whereupon, the following are the minutes of the February 10, 2014 Public Works Committee pertaining to Clerk Item 65-14.)

We have, I believe, one item. Item 6514, a resolution authorizing the county executive
to execute an agreement between the County of
Nassau, acting on behalf of the Nassau County
Department of Public Works and Glen Harbor
Partners.

Motion --

LEGISLATOR DENENBERG: Before the motion is made, let the record reflect I am recusing myself from this matter. Thank you.

CHAIRMAN MUSCARELLA: Legislator

Denenberg is recusing himself. He will not take part in any discussion or vote on this matter.

We have with us -- is that Brian

Finance Committee - 2-10-14 27 1 2 Schneider making his way forward? 3 MR. MAY: Yes, it is. 4 MR. SCHNEIDER: Good afternoon. Brian 5 Schneider from Public Works. 6 This item is --7 CHAIRMAN MUSCARELLA: Before we start, I 8 believe Mr. Denenberg spoke and we did not have 9 the motion. 10 Mr. Becker makes the motion, seconded by Ms. Schaefer. The item is now before us. 11 12 MR. SCHNEIDER: This item is to execute 13 an agreement between the County, acting on behalf 14 of the Department of Public Works, and Glen Harbor Partners to allow for the connection of 15 16 this -- this subdivision of 60 residential units, 17 with a projected wastewater flow of 19,000 18 gallons per day, to connect to the Glen Cove Sewage Treatment Service District. The payment 19 20 from the developer will be \$139,400, with an annual service charge, depending upon adjusted 21 22 annual expenses and flows, of about \$22,500. 23 CHAIRMAN MUSCARELLA: Mr. Schneider, if

How do we determine that equalization

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I may.

charge?

Finance Committee - 2-10-14 1 2 MR. SCHNEIDER: That is a number that is 3 developed by the Department of Public Works, both 4 from the engineering department and also from the 5 Health Department. 6 CHAIRMAN MUSCARELLA: But how is it 7 computed? Is it by what the projected usage is? 8 Is it by -- I know it's a past practice. MR. SCHNEIDER: It's based on a charge 9 10 per residential unit. It's a formula that is 11 developed within the department based on the

total number of units. CHAIRMAN MUSCARELLA: But this is

something that is routine --

MR. SCHNEIDER: Correct.

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CHAIRMAN MUSCARELLA: in terms of -when a developer looks to hookup or have their --MR. SCHNEIDER: Yes. Correct. It's based strictly on the number of units, and it's something that is typical, usual, and customary for the department to come up with that --CHAIRMAN MUSCARELLA: And there's a

standard formula that --

MR. SCHNEIDER: Correct.

CHAIRMAN MUSCARELLA: is devised in

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It carries unanimously by a vote of six to nothing.

Motion to adjourn?

LEGISLATOR MUSCARELLA: So moved.

1	Finance Committee - 2-10-14
2	CHAIRMAN NICOLELLO: Motion to adjourn
3	by Legislator Muscarella. Second?
4	LEGISLATOR WALKER: Second.
5	CHAIRMAN NICOLELLO: Seconded by
6	Legislator Walker.
7	All in favor of adjourning?
8	(Aye.)
9	Those opposed?
10	(No verbal response.)
11	Committee is adjourned.
12	(Whereupon, the Finance Committee
13	adjourned at 4:19 p.m.)
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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 24th day of February, 2014.

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FRANK GRAY