

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NASSAU COUNTY LEGISLATURE

PETER SCHMITT,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, January 9, 2012
2:42 P.M

REGAL REPORTING SERVICE
(516) 747-7353

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

RICHARD NICOLELLO ,
Chairman

NORMA GONSALVES ,
Vice Chairwoman

VINCENT MUSCARELLA

ROSE MARIE WALKER

DAVID DENENBERG ,
Ranking

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LIST OF SPEAKERS

BOB CONROY, Nassau County OMB,
Office of Management and Budget.....5

KEITH SATHER, Nassau County
Correctional Center.....6

JOHN JARONCZYK, public comment,
President of Sheriff's
Officer Association.....20

1 Finance Committee/1-9-12

2 CHAIRMAN NICOLELLO: Calling the
3 Finance Committee to order. I'm going to
4 call the roll and act as clerk.

5 LEGISLATOR DENENBERG: Could you
6 just wait a second so some of the members
7 can come out?

8 CHAIRMAN NICOLELLO: I think
9 they're all here. Legislator
10 DeRiggi-Whitton?

11 LEGISLATOR DeRIGGI-WHITTON:
12 Here.

13 CHAIRMAN NICOLELLO: Legislator
14 Bosworth?

15 LEGISLATOR BOSWORTH: Here.

16 CHAIRMAN NICOLELLO: Ranking
17 Member Denenberg?

18 LEGISLATOR DENENBERG: Here.

19 CHAIRMAN NICOLELLO: Legislator
20 Walker?

21 LEGISLATOR WALKER: Here.

22 CHAIRMAN NICOLELLO: Legislator
23 Muscarella?

24 LEGISLATOR MUSCARELLA: Here.

25 CHAIRMAN NICOLELLO: Vice

1 Finance Committee/1-9-12

2 Chairwoman Gonsalves?

3 LEGISLATOR GONSALVES: Here.

4 CHAIRMAN NICOLELLO: And I'm
5 here. We have a quorum. I'm going to call
6 the entire first page, Items 1, 2, 3, 4, 6,
7 7, 8, 9, 10 of 2012. 1-7 of 2012 are
8 resolutions to authorize the transfer of
9 appropriations heretofore made within the
10 budget for the year 2011.

11 Items 8, 9 and 10 are ordinances
12 supplemental to the annual appropriation
13 ordinance in connection with the Health
14 Department, Traffic Safety Board, and
15 Department of Social Services.

16 LEGISLATOR MUSCARELLA: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator Muscarella, seconded by
20 Legislator Walker. Any discussion on these
21 items? Actually I have a couple of
22 questions myself on two of the items here.
23 Items 2 and 7.

24 MR. CONROY: Happy New Year. Bob
25 Conroy, OMB, Office of Management and

1 Finance Committee/1-9-12
2 Budget.

3 CHAIRMAN NICOLELLO: Item 2,
4 there were transfers in Item 2. There's an
5 approximate \$3 million transfer, in
6 particular, \$3 million transfer between
7 police headquarters fringe into salary.

8 MR. CONROY: They are covering a
9 salary shortfall that they anticipated at
10 year end with excess they had in fringes, in
11 fringe benefits.

12 CHAIRMAN NICOLELLO: Item 7
13 involves a correctional center transfer of
14 \$800,000.

15 MR. SATHER: Good afternoon.
16 Captain Keith Sather, Nassau County
17 Correctional Center. The \$800,000 is
18 typical month 13 board transfer to cover
19 payroll expenses.

20 CHAIRMAN NICOLELLO: Any other
21 questions on these items? Legislator
22 Denenberg.

23 LEGISLATOR DENENBERG: Starting
24 with what the chairman was asking about.
25 Number 2, that's actually \$3.9 million and

1 Finance Committee/1-9-12
2 that's to cover salaries of Department of
3 Health?

4 CHAIRMAN NICOLELLO: No, \$3
5 million of that is police headquarters.

6 LEGISLATOR DENENBERG: So it was
7 taken from those departments and \$3 million
8 is for police headquarters?

9 MR. CONROY: Correct.

10 LEGISLATOR DENENBERG: Was that
11 overtime, to cover overtime?

12 MR. CONROY: Primarily because
13 overtime is over budget.

14 LEGISLATOR DENENBERG: Do we have
15 a final number on where we were for police
16 overtime in 2011?

17 MR. CONROY: We are still working
18 that up.

19 LEGISLATOR DENENBERG: I think at
20 budget time we were talking about \$52
21 million, could that have been correct?

22 MR. CONROY: I don't know where
23 we are with that now. I think through
24 November we were about \$5 million over
25 budget in the police department for

1 Finance Committee/1-9-12

2 overtime.

3 LEGISLATOR DENENBERG: Only \$5
4 million over budget?

5 MR. CONROY: Yes.

6 LEGISLATOR DENENBERG: I thought
7 we were like \$14 million over budget. In
8 fact, I'm sure -- I'm looking at my notes
9 and I think it was 52 and it was budgeted at
10 38. That would be \$14 million. We were
11 asking about that. A number of us were
12 asking about that because we were budgeting
13 I think only \$7 million for overtime for
14 '12.

15 MR. CONROY: That could be the
16 case. I'm going back to November. I don't
17 know where it winds up. We're still working
18 that up.

19 LEGISLATOR DENENBERG: So I would
20 like to know what the final number is, as we
21 make this board transfer to pay salaries,
22 mostly for overtime and police, I would like
23 to know what the final number was for
24 overtime in the police department and the
25 ongoing budget concern for this committee in

1 Finance Committee/1-9-12
2 particular is, if we were over \$52 million
3 last year, and now we have even less
4 officers, how can we possibly expect
5 overtime to go down to \$7 million?

6 This transfer alone is half of
7 what we budgeted for an entire year.

8 MR. CONROY: I'll get back to you
9 with that.

10 LEGISLATOR DENENBERG: You're
11 going to get back to me in what way? You're
12 going to send a letter to the chair and
13 ranking member?

14 MR. CONROY: However you want.

15 CHAIRMAN NICOLELLO: You said the
16 numbers weren't finalized, right?

17 MR. CONROY: Yes.

18 CHAIRMAN NICOLELLO: So myself
19 and ranking member, and I believe the two
20 leaders of the caucuses would be interested
21 in that information as soon as it's
22 available.

23 MR. CONROY: Absolutely.

24 LEGISLATOR DENENBERG: Item
25 number 7 which is the \$800,000 transfer from

1 Finance Committee/1-9-12
2 department of correction, general expenses
3 to the salary line, is that for overtime in
4 the correction department?

5 MR. SATHER: Yes, sir.

6 LEGISLATOR DENENBERG: So we had
7 the money in general expenses to cover the
8 overtime?

9 MR. SATHER: Yes, sir. We had a
10 surplus in both our general expenses and our
11 contractual expenses for 2011 that we were
12 able to move it over.

13 LEGISLATOR DENENBERG: What is
14 the amount for overtime in the Department of
15 Corrections for '11 at the present time?

16 MR. SATHER: At the present time
17 it does appear we will be coming in at or
18 close to budget, but because all the numbers
19 aren't in for month 13 yet, I can't give you
20 a definite answer.

21 LEGISLATOR DENENBERG: What did
22 we budget?

23 MR. SATHER: I believe we
24 budgeted 19.5.

25 LEGISLATOR DENENBERG: So my

1 Finance Committee/1-9-12
2 question is, if we're on or close to budget,
3 why did we need the \$800,000 transfer?

4 MR. SATHER: First of all, the
5 \$800,000 right now, the overage is about
6 \$400,000. We're budgeting additional monies
7 in anticipation of covering any additional
8 expenses from month 13. As I said we are at
9 or close to budget. I don't have those
10 final numbers yet.

11 LEGISLATOR DENENBERG: What did
12 we budget for '12 in overtime in
13 connections?

14 MR. SATHER: I don't have that
15 number right now. I can get you that
16 number.

17 LEGISLATOR DENENBERG: Will it be
18 affected by the demotions that were within
19 the items that passed at the end of the year
20 after the budget?

21 MR. SATHER: Sir, I'm not here to
22 answer those questions today. I'm here to
23 answer questions on this line transfer.

24 LEGISLATOR DENENBERG: Well, we
25 are making a transfer to cover for overtime

1 Finance Committee/1-9-12
2 so I'm concerned about overtime last year
3 and I'm also concerned about overtime within
4 the budget this year, and I know that a
5 number of people were demoted from corporal,
6 or -- we approved, the legislature approved
7 an item to demote people. I'm wondering how
8 that would affect our overtime.

9 MR. SATHER: I can only answer
10 questions on the line transfer for the 2011
11 budget, sir.

12 LEGISLATOR DENENBERG: I would
13 ask that, Mr. Nicoletto, as chairman, I do
14 know that there was someone -- John
15 Jaronczyk had been here to speak about -- he
16 had a public comment that he tried to make
17 in the Public Safety Committee but it
18 relates to certainly the corrections
19 department as well as overtime expenses in
20 the corrections department. So I would ask
21 that he be allowed to speak now.

22 CHAIRMAN NICOLELLO: Number one,
23 Mr. Jaronczyk is perfectly capable of
24 speaking for himself. Number two, we are
25 dealing with a single transfer right now.

1 Finance Committee/1-9-12

2 If this individual before us has knowledge
3 of the transfer, you're getting into global
4 issues that he's not here to testify about.

5 So if you have any other
6 questions about this particular transfer,
7 then you can feel free to speak about that.

8 LEGISLATOR DENENBERG: Let me
9 just close by saying this. This \$800,000
10 that we are transferring, you're saying, let
11 me just be clear, that that stays within
12 what we had budgeted, correct?

13 MR. SATHER: Correct. It's an
14 internal transfer and has no impact on our
15 operational budget.

16 LEGISLATOR DENENBERG: But if we
17 had budgeted enough for overtime or within
18 our 19.5 for overtime, why do we need to
19 transfer this to the salary line?

20 MR. SATHER: As I said, we are
21 close to budget, but there is going to be
22 some overage which we have taken from other
23 areas, other lines within our budget.

24 LEGISLATOR DENENBERG: So then is
25 it safe to say, if we budgeted 19.5 we are

1 Finance Committee/1-9-12
2 at about 20.3 at least by transferring the
3 \$800,000?

4 MR. SATHER: No, sir. I would
5 say closer to 19.8, 19.9. But, again, month
6 13 is not over yet so I don't have all the
7 final figures. This is typical for this
8 time of year that these adjustments have to
9 be made in the budget.

10 LEGISLATOR DENENBERG: I'll hear
11 your answer but it just seems to me that if
12 you were at or close to budget, I'm not sure
13 why we need the board transfer. Thank you.

14 CHAIRMAN NICOLELLO: Do we have
15 any further questions?

16 LEGISLATOR DeRIGGI-WHITTON: Can
17 I just ask one question? You mentioned that
18 \$400,000 is going to be covering potential
19 overtime, correct, out of this,
20 approximately that much?

21 MR. SATHER: Correct.

22 LEGISLATOR DeRIGGI-WHITTON: Do
23 you have any idea what the other 400 might
24 be used for for the end of the year?

25 MR. SATHER: No, at this point,

1 Finance Committee/1-9-12

2 the additional monies we are asking for are
3 in anticipation of any other overages, but
4 it would not necessarily have to be used.

5 LEGISLATOR DeRIGGI-WHITTON: What
6 type of overages are those, just typically?

7 MR. SATHER: There could be
8 additional overtime that has not been
9 entered. We also had, on the last paycheck,
10 we had one day of that paycheck that was
11 still in 2011, things like that that could
12 affect the salary line.

13 CHAIRMAN NICOLELLO: Legislator
14 Bosworth.

15 LEGISLATOR BOSWORTH: Legislator
16 Nicolello, I understand that we have to
17 limit ourselves to talking about what an
18 item on the agenda is, and this is about a
19 transfer, but it is a transfer that's being
20 made in the correctional department.

21 So I guess my question to you is,
22 when is it appropriate to speak about what
23 occurred at the jail this weekend?

24 CHAIRMAN NICOLELLO: I can only
25 speak for the Finance Committee. It's not

1 Finance Committee/1-9-12
2 something that is before this committee and
3 doesn't have a financial implication.

4 I think that's something that
5 really should be discussed with Kevan and
6 discuss with the presiding officer and maybe
7 there will be a time at the Full Legislature
8 or something like that.

9 But with respect to the Finance
10 Committee, it's certainly not something we
11 should be discussing when we are just
12 talking about transfers.

13 LEGISLATOR BOSWORTH: I know, but
14 it's a transfer in relationship to staffing.
15 So I don't think it's like a tremendous leap
16 to think that perhaps it would be something
17 that would appropriate to discuss. I
18 respect what you're saying, but that's why
19 I'm asking when the appropriate time is.
20 Because, to me, this has to do with
21 staffing.

22 CHAIRMAN NICOLELLO: If you want
23 to make that connection, you could connect
24 everything to finance. Every operation in
25 this county has an impact, has a

1 Finance Committee/1-9-12
2 relationship to finance. I think we need to
3 narrow our focus, at least just for this
4 particular committee. Obviously there's
5 many other opportunities and forums to do
6 what you want to do, speak about that. I
7 think we are all interested to find out that
8 information.

9 LEGISLATOR BOSWORTH: Again, I
10 understand what you're saying and I'm
11 looking to you as an experienced legislator
12 to ask you --

13 CHAIRMAN NICOLELLO: I think
14 Newsday called me an elder statesman, by the
15 way.

16 LEGISLATOR BOSWORTH: The
17 unkindest cut of all, right? But the
18 question is, where would it be appropriate
19 to address this?

20 CHAIRMAN NICOLELLO: It's a good
21 question. We can discuss that and figure
22 this out between ourselves. But, really,
23 this is not the right forum. The focus for
24 this is strictly finance and it's really --
25 the information that you're going to gather

1 Finance Committee/1-9-12
2 will go to the operation of the correctional
3 center and policy issues, such as that. I
4 agree, we need to find out that information.
5 We are all interested in it. But this isn't
6 the right place.

7 LEGISLATOR BOSWORTH: I believe
8 we are all interested in it and that's the
9 underlying reason for the question. I was
10 just trying to figure out where it would be
11 appropriate to speak to it.

12 CHAIRMAN NICOLELLO: I think the
13 Full Legislature is the place to do it.

14 LEGISLATOR BOSWORTH: So you're
15 saying Full Legislature because people have
16 the opportunity for public comment, but --

17 CHAIRMAN NICOLELLO: I don't have
18 the authority to say that, but that's one of
19 19, that's my reasoning. That's the place
20 to do it, there.

21 LEGISLATOR BOSWORTH: Okay.

22 LEGISLATOR DENENBERG: I would
23 just note on this record what I noted in
24 Public Safety, that it is a public safety
25 issue and, yet, it was clearly within the

1 Finance Committee/1-9-12
2 purview of public safety to hear public
3 comment on what occurred over the weekend
4 and on safety at the jail, and they chose
5 not to.

6 CHAIRMAN NICOLELLO: Are there
7 any other questions on this particular item?
8 Legislator Denenberg, Muscarella makes a
9 good point also. Before we wade into
10 something like this, we should make sure we
11 understand there could be litigation and, if
12 you make statements on the record, and that
13 item, such as this, and it comes back in a
14 financial capacity to haunt the county, we
15 have been considering settlement of one
16 matter involving Joanna Bird, and I recall
17 distinctly right after that happened, the
18 then county executive was in the media
19 making statements, and the police
20 commissioner at the time, which ultimately,
21 if this case does or did go to trial, would
22 have come back to haunt the county.

23 So before we start making
24 statements, we should just be very careful
25 about this. But I understand what you're

1 Finance Committee/1-9-12

2 talking --

3 LEGISLATOR DENENBERG: I was
4 talking about public comment. Public
5 comment is public comment. That doesn't
6 hold us to liability at all. It's public
7 comment.

8 CHAIRMAN NICOLELLO: That's true.
9 Do we have any further questions on these
10 items?

11 (No verbal response.)

12 Is there any public comment? Mr.
13 Jaronczyk, thank you for coming.

14 MR. JARONCZYK: Good afternoon.
15 My name is John Jaronczyk. I'm the
16 president of the Sheriff's Officer
17 Association.

18 CHAIRMAN NICOLELLO: If you want
19 to discuss this board transfer, you're more
20 than welcome to do that.

21 MR. JARONCZYK: I actually have
22 some questions, and I want to clarify some
23 comments that Legislator Denenberg had that
24 Captain Sather did not have information for.
25 I realize that I'm before the Finance

1 Finance Committee/1-9-12
2 Committee. I would just like to say for the
3 record that I find it disturbing --
4 actually, I find it disgusting that the
5 Public Safety Committee of the Nassau County
6 Legislature does not want to hear about an
7 incident and about budget cuts that affect
8 everyone that works inside, inmates,
9 officers and visitors at the correctional
10 center.

11 CHAIRMAN NICOLELLO: Thank you,
12 Mr. Jaronczyk, but, again, if you want to
13 talk about the board transfer, you're more
14 than welcome to do that.

15 MR. JARONCZYK: Thank you.

16 CHAIRMAN NICOLELLO: If you want
17 to start getting into what the Public Safety
18 Committee should or should not do, you can
19 do that in another forum. We have an agenda
20 and we're going to proceed with that agenda.

21 MR. JARONCZYK: I appreciate that
22 and I attempted to, but they did not want to
23 hear me. Getting back to this movement of
24 the money, my question is, how does this
25 affect the demotions? Now, Legislator

1 Finance Committee/1-9-12
2 Denenberg said that there were demotions
3 made at the jail. I would just like to say,
4 for the record, there were no demotions made
5 at the jail, there were none made, but they
6 are impending, they are looming.

7 LEGISLATOR DENENBERG: If I --

8 CHAIRMAN NICOLELLO: No, no.
9 Wait a second. Wait a second.

10 LEGISLATOR DENENBERG: I just
11 want to say for the record, I didn't say
12 there were demotions yet, I said that the
13 legislature had approved the demotions.

14 CHAIRMAN NICOLELLO: Thanks for
15 the clarification. We have an item before
16 us in the transfers. We had an individual
17 who was able to speak to those transfers.
18 The issues as to demotions and to overtime
19 for next year, he was not able to address.
20 If at a future meeting we have someone who
21 can speak to those things, then fine, but
22 right now, let's confine ourselves to this
23 board transfer.

24 Mr. Jaronczyk, if you have
25 something to say --

1 Finance Committee/1-9-12

2 MR. JARONCZYK: Does this
3 \$800,000 in money affect the demotions at
4 all?

5 CHAIRMAN NICOLELLO: No, it's
6 fairly clear, it's crystal clear that --

7 MR. JARONCZYK: Crystal clear?

8 CHAIRMAN NICOLELLO: Yes. It's
9 2011. It affects the 2011 budget for this
10 department.

11 MR. JARONCZYK: And Legislator
12 Denenberg had a question about the overtime
13 budget for 2012, that number is \$14.5
14 million. \$5 million less than 2011. So
15 Captain Sather could not give that
16 information, but it's \$5 million less.

17 CHAIRMAN NICOLELLO: Thank you.
18 Do we have any further public comment?

19 (No verbal response.)

20 Hearing none, all those in favor,
21 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Those items carry unanimously.

1 Finance Committee/1-9-12
2 Item 12 of 2012 is an ordinance making
3 certain determinations pursuant to the State
4 Environmental Quality Review Act and
5 authorizing the county executive to accept
6 on behalf of the County of Nassau an offer
7 of purchase from Shelter Rock Jewish Center,
8 Inc. Of certain premises located in Roslyn.

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRMAN NICOLELLO: Motion by
12 Norma Gonsalves, seconded by Legislator
13 Muscarella. This item went before the
14 planning committee just a little while ago.
15 Any legislators want to discuss this item?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 Hearing none, all those in favor,
20 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Carries unanimously. Calling the
25 next three items. Items 14, 31 and 32 of

1 Finance Committee/1-9-12
2 2012. Item 14 is a resolution authorizing
3 the county executive to execute a grant
4 agreement with the New York State Department
5 of Criminal Justice Services in relation to
6 the Nassau County Reentry Task Forces.

7 Items 31 and 32 are resolutions
8 to authorize the transfer of appropriations
9 heretofore made within the budget for the
10 year 2001.

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRMAN NICOLELLO: Motion by
14 Legislator Muscarella, seconded by
15 Legislator Walker. Any discussion?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 Hearing none, all those in favor
20 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Carries unanimously. Motion to
25 suspend the rules.

1 Finance Committee/1-9-12

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN NICOLELLO: Motion by
5 Legislator Walker, seconded by Legislator
6 Muscarella. We have one item. All those in
7 favor of suspending the rules say aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 The rules are suspended. Item 18
12 of 2012 is an ordinance amending prior
13 legislation establishing rules and
14 regulations for the use of parking on and
15 traffic in and through county owned
16 property.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR GONSALVES: Second.

19 CHAIRMAN NICOLELLO: Motion by
20 Legislator Walker, seconded by Legislator
21 Gonsalves. Any discussion? I see we have
22 Judge Marks at this time. Did you want to
23 say anything? That's what I talking about a
24 few moments ago in public safety.

25 JUDGE MARKS: That's correct.

1 Finance Committee/1-9-12

2 Anything additional for Judge Marks at this
3 time?

4 (No verbal response.)

5 Hearing none, is there any public
6 comment?

7 (No verbal response.)

8 All those in favor, signify by
9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 It carries by a vote of four to
14 three, four votes of the majority, three
15 votes of the minority voting against it.

16 Can I have a motion to adjourn the meeting?

17 LEGISLATOR MUSCARELLA: So moved.

18 LEGISLATOR WALKER: Second.

19 CHAIRMAN NICOLELLO: Motion by
20 Legislator Muscarella, seconded by
21 Legislator Walker. All those in favor,
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Finance Committee/1-9-12

The committee is adjourned.

(Whereupon, the Finance Committee
adjourned at 3:03 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
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 stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2012.

FRANK GRAY