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NASSAU COUNTY LEGISLATURE

PETER SCHMITT,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, March 5, 2012
5:50 P.M

REGAL REPORTING SERVICE
(516) 747-7353

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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

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LIST OF SPEAKERS

MARYELLEN LORRAINE, Nassau County
Department of Health.....8

1 Finance Committee/3-5-12

2 CHAIRMAN NICOLELLO: Calling the
3 Finance Committee to order. Mr. Muller,
4 would you call the roll, please?

5 CLERK MULLER: Legislator
6 DeRiggi-Whitton? I know she's here.

7 CHAIRMAN NICOLELLO: She's here.

8 CLERK MULLER: Legislator
9 Bosworth?

10 LEGISLATOR BOSWORTH: Here.

11 CLERK MULLER: Ranking Member

12 Denenberg?

13 LEGISLATOR DENENBERG: Here.

14 CLERK MULLER: Legislator Walker?

15 LEGISLATOR WALKER: Here.

16 CLERK MULLER: Legislator

17 Muscarella?

18 LEGISLATOR MUSCARELLA: Here.

19 CLERK MULLER: Vice Chairwoman

20 Gonsalves?

21 LEGISLATOR GONSALVES: Here.

22 CLERK MULLER: Chairman

23 Nicolello?

24 CHAIRMAN NICOLELLO: Here.

25 CLERK MULLER: We have a quorum.

1 Finance Committee/3-5-12

2 CHAIRMAN NICOLELLO: We have a
3 quorum. I'm going to call the first four
4 items on the agenda, 107, 108, 109, and 110
5 of 2012. They're all resolutions to
6 authorize the transfer of appropriations
7 heretofore made within the budget for the
8 year 2012 and ordinances supplemental to the
9 annual appropriations ordinance in
10 connection with the Office of Real Estate
11 Services and the Correctional Center.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN NICOLELLO: Motion by
15 Legislator Walker, seconded by Legislator
16 Muscarella. Any discussion on Items 107 to
17 110?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 Seeing none, all those in favor
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Finance Committee/3-5-12
2 Carries unanimously. Items 112,
3 113, 114 of 2012 are resolutions to
4 authorize the county assessor and/or county
5 treasurer and/or the receiver of taxes of
6 the towns of Hempstead, North Hempstead, and
7 Oyster Bay to correct erroneous assessments.
8 LEGISLATOR GONSALVES: So moved.
9 LEGISLATOR WALKER: Second.
10 CHAIRMAN NICOLELLO: Motion by
11 Legislator Gonsalves, seconded by Legislator
12 Walker.
13 LEGISLATOR DERIGGI-WHITTON: Can
14 you just acknowledge I'm here?
15 CHAIRMAN NICOLELLO: Legislator
16 DeRiggi Whitton has been here from the
17 beginning. Any other discussion?
18 (No verbal response.)
19 Is there any public comment?
20 (No verbal response.)
21 All those in favor of passing
22 this, signify by saying aye.
23 (Aye.)
24 Any opposed?
25 (No verbal response.)

1 Finance Committee/3-5-12

2 The item passes unanimously.

3 Item 117 of 2012, a resolution authorizing
4 the county executive to execute a federal
5 aid transportation project agreement between
6 the County of Nassau acting on behalf of the
7 Department of Public Works and the New York
8 State Department of Transportation.

9 LEGISLATOR MUSCARELLA: So moved.

10 LEGISLATOR GONSALVES: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Muscarella, seconded by
13 Legislator Gonsalves. Any discussion on
14 this item? It passed through planning
15 before.

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 Seeing none, all those in favor
20 of passing this, signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Carries unanimously. Items 118,
25 119, 120, 121, 122, 123 of 2012 are

1 Finance Committee/3-5-12
2 ordinances supplemental to the annual
3 appropriation ordinance in connection with
4 the Office of Emergency Management, police
5 department, fire commission, correctional
6 center, Department of Public Works, health
7 department, office of the medical examiner
8 and Nassau Community College. All those
9 items were heard in committees earlier.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRMAN NICOLELLO: Motion by
13 Legislator Walker, seconded by Legislator
14 Muscarella. Any discussion on these items?

15 LEGISLATOR DENENBERG: I have a
16 question on 119.

17 CHAIRMAN NICOLELLO: Health
18 Department, Water Management Program?

19 LEGISLATOR DENENBERG: Correct.

20 MS. LORRAINE: MaryEllen
21 Lorraine, Department of Health.

22 LEGISLATOR DENENBERG: Now this
23 is \$155,330 in funds from New York State
24 Department of Health, correct?

25 MS. LORRAINE: \$153,330.

1 Finance Committee/3-5-12

2 LEGISLATOR DENENBERG: Is this
3 119?

4 MS. LORRAINE: I'm sorry, you're
5 correct, the \$155,330. You're correct.

6 LEGISLATOR DENENBERG: That's
7 okay. Now, this money from the Department
8 of Health to enhance the public water supply
9 in Nassau County, we use this money for the
10 underground injection wells to take sampling
11 and test it. What are we doing?

12 MS. LORRAINE: The public water
13 districts do the sampling. We conduct
14 surveillance samples and we also assure that
15 those wells that may have been contaminated
16 when it reaches -- that all of the steps are
17 being followed to protect the water supply.

18 LEGISLATOR DENENBERG: Because
19 there was recently news about a public well
20 that had been from the Grumman property
21 going down gradient had been impacted and
22 that was something that the DEC was
23 requiring Aqua Water to do a clean up. They
24 were getting back federal funds. When I
25 inquired, I didn't understand why Nassau

1 Finance Committee/3-5-12
2 County Department of Health would not have
3 made studies on that because I thought all
4 the water samples go through us when it
5 comes to drinking water.

6 MS. LORRAINE: It may be -- the
7 DEC may have taken the lead on that. I
8 would have to have one of our engineers in
9 the water department call you directly on
10 that. I can arrange for that.

11 LEGISLATOR DENENBERG: And the
12 environmental lab, the lab that does the
13 water testing is still open?

14 MS. LORRAINE: That's correct.

15 LEGISLATOR DENENBERG: It's
16 separate than the clinical lab, correct?

17 MS. LORRAINE: Correct.

18 LEGISLATOR DENENBERG: And there
19 is no litigation involving the environmental
20 lab, correct?

21 MS. LORRAINE: There is pending
22 litigation regarding the laboratory itself.

23 LEGISLATOR DENENBERG: Including
24 both the environmental and --

25 MS. LORRAINE: The environmental

1 Finance Committee/3-5-12
2 and clinical lab are under one laboratory
3 called the public health laboratory.

4 LEGISLATOR DENENBERG: So the
5 environmental lab aspect is still open,
6 correct?

7 MS. LORRAINE: That's correct.

8 LEGISLATOR DENENBERG: The
9 clinical lab aspect is the one that's not?

10 MS. LORRAINE: I really can't
11 comment on that due to the litigation.

12 LEGISLATOR DENENBERG: You can't
13 comment on whether it's open or not?

14 MS. LORRAINE: I would have to
15 defer to the county attorney on that.

16 LEGISLATOR DENENBERG: Because?

17 MS. LORRAINE: Of the pending
18 litigation.

19 LEGISLATOR DENENBERG: I'm just
20 asking whether the clinical lab is open.

21 MS. LORRAINE: Right now the
22 clinical lab is not accepting samples.

23 LEGISLATOR DENENBERG: All right.
24 But the environmental lab is, is that
25 correct?

1 Finance Committee/3-5-12

2 MS. LORRAINE: That's correct.

3 LEGISLATOR DENENBERG: I guess
4 the reason why I was asking is that my
5 concern is, I thought I got information that
6 the state had just closed the clinical lab
7 or closed it from accepting samples. I
8 don't know if that's true or not, I don't
9 know how it impacts, if at all, the
10 environmental lab.

11 MS. LORRAINE: I would have to
12 really defer to the county attorney due to
13 pending litigation.

14 LEGISLATOR DENENBERG: Really? I
15 think this is a matter of public importance
16 but you're telling me the environmental lab
17 is still accepting samples?

18 MS. LORRAINE: That's correct.

19 LEGISLATOR DENENBERG: And I
20 should speak to the county attorney
21 regarding the clinical lab?

22 MS. LORRAINE: I would -- the
23 appropriation before us, none of the funds
24 for this appropriation are paid for to the
25 laboratory. So I'm speaking on this

1 Finance Committee/3-5-12
2 appropriation. So as far as any other
3 questions outside of this, I really would
4 have to --

5 LEGISLATOR DENENBERG: I thought
6 it was paid for, the laboratory work?

7 MS. LORRAINE: No. This
8 appropriation pays for approximately one and
9 a half public health sanitarians. This
10 money is not used for our laboratory.

11 LEGISLATOR DENENBERG: So it was
12 for evaluations of VOC removal systems --

13 MS. LORRAINE: That's correct,
14 but the monies are not used -- the monies
15 are used to pay one and a half public health
16 sanitarians to conduct sampling.

17 LEGISLATOR DENENBERG: Okay.
18 I'll disagree with you there but I'm going
19 to let it go because we should say yes, but
20 to conduct sampling, sampling means testing.
21 All right.

22 I'm going to let it go but I
23 would ask the chair that, given that it's a
24 finance issue, and we're hearing about the
25 clinical lab, I would ask that perhaps we

1 Finance Committee/3-5-12
2 should look into what is going on with the
3 clinical lab if we can only hear about that
4 through the county attorney because of
5 litigation, and I'm hearing that half of our
6 lab, our public health lab is not accepting
7 samples.

8 CHAIRMAN NICOLELLO: Ms. Lorraine
9 has made it clear that it has no relevance
10 to this issue that's before us, number one.
11 Number two, I agree that --

12 LEGISLATOR DENENBERG: It has
13 relevance to state funding.

14 CHAIRMAN NICOLELLO: We should at
15 the appropriate time have hearings either
16 before the full legislature or the public
17 safety committee on the issue, but as far as
18 finance, I think we have to focus on what is
19 before us.

20 LEGISLATOR DENENBERG: I was just
21 wondering that if our clinical lab isn't
22 taking samples any more that we're going --
23 that state funding would be jeopardized.

24 CHAIRMAN NICOLELLO: Obviously
25 this state funding isn't because it's here

1 Finance Committee/3-5-12
2 before us. And one of the other things,
3 there is numerous committees and there's a
4 lot of overlap, obviously things have
5 financial implications and things have
6 public works, public health, public safety
7 implications, so we are not really looking
8 to do redundant hearings. If we need to do
9 hearings on that subject, we will focus on
10 what we -- the committees or full
11 legislature so that all legislators have an
12 opportunity to speak on it.

13 LEGISLATOR DENENBERG: We haven't
14 done any near as I can tell with respect to
15 the public health lab, clinical or
16 environmental.

17 CHAIRMAN NICOLELLO: Well,
18 obviously, given what we know about it and
19 given the lawsuits, I don't know if that
20 hearing would be in the best interest of
21 this county at this time, and I think
22 witnesses speaking on it would simply become
23 testimony that will become part of the
24 lawsuits against the county. That's another
25 subject. So can we just focus on what's

1 Finance Committee/3-5-12
2 before us today, which is Items 118 through
3 123? Any other questions on any of these
4 items?

5 (No verbal response.)

6 Is there any public comment on
7 those items?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Carries unanimously. May I have
15 a motion to adjourn, please?

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR GONSALVES: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator Walker, seconded by Legislator
20 Gonsalves. All those in favor, signify by
21 saying aye.

22 (Aye.)

23 The committee is adjourned.

24 (Whereupon, the Finance Committee
25 adjourned at 6:00 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, 2012.

FRANK GRAY