

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

June 25, 2012
5:49 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

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

MARTIN VOLK. 10
JOHN BUTLER. 18
KEITH SATHER 19

INSERTS TO TRANSCRIPT

Page 7, Line 8 through Page 9, Line 17

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

4 Mr. Muller, could you call the roll,
5 please?

6 CLERK MULLER: Legislator DeRiggi-
7 Whitton?

8 LEGISLATOR DeRIGGI-WHITTON: Here.

9 CLERK MULLER: Legislator Bosworth?

10 LEGISLATOR BOSWORTH: Here.

11 CLERK MULLER: Ranking Member Denenberg?

12 (No verbal response.)

13 CLERK MULLER: Legislator Walker?

14 LEGISLATOR WALKER: Here.

15 CLERK MULLER: Legislator Muscarella?

16 CHAIRMAN NICOLELLO: He's here.

17 CLERK MULLER: Vice Chairman Gonsalves?

18 LEGISLATOR GONSALVES: Present.

19 CLERK MULLER: Chairman Nicolello?

20 CHAIRMAN NICOLELLO: Here.

21 CLERK MULLER: We have a quorum.

22 And Legislator Denenberg is here.

23 CHAIRMAN NICOLELLO: Do we have a motion
24 to suspend the rules?

25 LEGISLATOR GONSALVES: So moved.

2 LEGISLATOR WALKER: Second.

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

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

7 (Aye.)

8 Those opposed?

9 (No verbal response.)

10 This carries unanimously. The rules are
11 suspended.

12 Item 461-2012 is an ordinance making
13 certain determinations pursuant to the State
14 Environmental Quality Review Act and authorizing
15 the county executive of the County of Nassau to
16 accept, on behalf of the County of Nassau, an
17 offer of purchase from William Stross of certain
18 premises located in Port Washington.

19 LEGISLATOR MUSCARELLA: So moved.

20 LEGISLATOR WALKER: Second.

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

23 Any discussion?

24 LEGISLATOR GONSALVES: May the testimony
25 from the Planning Committee be incorporated into

2 this committee.

3 CHAIRMAN NICOLELLO: Okay. Thank you.

4 (Whereupon, the following are the minutes
5 from the June 25, 2012 Planning, Development, and
6 Environment Committee pertaining to Clerk Item
7 461-12.)

8 The first item is 461-12, an ordinance
9 making certain determinations pursuant to the
10 State Environmental Quality Review Act and
11 authorizing the county executive of the County of
12 Nassau to accept, on behalf of the County of
13 Nassau, an offer of purchase from William Stross
14 of certain premises located in Port Washington,
15 Town of North Hempstead, County of Nassau, State
16 of New York, said property known as Section 5,
17 Block A, Lot 313 on the land and tax map of the
18 County of Nassau, and authorizing the county
19 executive to execute a deed, contract of sale and
20 all pertinent documents in connection therewith
21 to consummate the sale.

22 Motion, please?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

2 Legislator Walker, seconded by Legislator
3 Muscarella.

4 How are you, Michael?

5 MR. KELLY: Hi. How are you? Michael
6 Kelly, Acting Director, Nassau County Office of
7 Real Estate Services.

8 Item 461-12 is to authorize the sale of
9 county owned property at Section 5, Block A, Lot
10 313 to William Stross. The purchase price is
11 \$801, which was the winning bid for the property.

12 The property was reviewed at public
13 hearing on March 1 of this year, and OSPAC voted
14 to release the property on March 14 and Planning
15 followed suit on March 15, and recommended that
16 the sale of this property be classified as an
17 unlisted action and that this legislature issue a
18 negative declaration and determination of non-
19 significance.

20 CHAIRWOMAN GONSALVES: Legislators, any
21 questions of Mr. Kelly?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Yes, Mr. Denenberg.

2 LEGISLATOR DENENBERG: At OSPAC and the
3 Planning Commission, was there any opposition at
4 all?

5 CHAIRWOMAN GONSALVES: He just said no.

6 MR. KELLY: No, there was none.

7 CHAIRWOMAN GONSALVES: You weren't
8 listening.

9 LEGISLATOR DENENBERG: I couldn't hear
10 over the noise.

11 CHAIRWOMAN GONSALVES: Oh, okay.

12 All those in favor of Item 461 moving on
13 to Finance say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 (Whereupon, the following is the
19 continuation of the minutes of the June 25, 2012
20 Finance Committee meeting.)

21 CHAIRMAN NICOLELLO: Any public comment?

22 (No verbal response.)

23 All those in favor signify by saying aye.

24 (Aye.)

25 Those opposed?

2 (No verbal response.)

3 This carries unanimously.

4 Item 464-2012 is an ordinance providing
5 for a capital expenditure to finance the payment
6 of certain settled claims against the County of
7 Nassau, authorizing \$597,916.76 of bonds of the
8 County to finance said expenditure.

9 LEGISLATOR MUSCARELLA: So moved.

10 LEGISLATOR WALKER: Second.

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

13 Is there any discussion on this item?

14 LEGISLATOR DeRIGGI-WHITTON: Can I ask a
15 question?

16 CHAIRMAN NICOLELLO: Legislator DeRiggi-
17 Whitton goes first.

18 Mr. Volk.

19 MR. VOLK: Good afternoon, Legislators.
20 Legislators, this is an annual request for
21 bonding for a settlement that goes back
22 2007/2008. It's to pay off a settlement.

23 LEGISLATOR DeRIGGI-WHITTON: Hi. Can I
24 just ask you what type of settlement is that?

25 MR. VOLK: Sure. This was a tax cert

2 settlement that actually my office went up to the
3 New York State Court of Appeals on.

4 LEGISLATOR DeRIGGI-WHITTON: So this
5 item is to bond for tax certs for this amount of
6 money?

7 MR. VOLK: It is to bond for the annual
8 payment of a tax cert. That is correct,
9 Legislator.

10 CHAIRMAN NICOLELLO: Isn't this a PILOT?

11 MR. VOLK: Yes. It was a PILOT.

12 CHAIRMAN NICOLELLO: Okay.

13 LEGISLATOR DENENBERG: Question.

14 CHAIRMAN NICOLELLO: Legislator DeRiggi-
15 Whitton, are you done?

16 LEGISLATOR DeRIGGI-WHITTON: Yes.

17 CHAIRMAN NICOLELLO: Legislator
18 Denenberg.

19 LEGISLATOR DENENBERG: When you say the
20 annual payment of a tax cert and then a PILOT,
21 meaning this is just one year of payment or was
22 this the judgment in this case?

23 MR. VOLK: No. This is just one year of
24 payment. It goes through 2017.

25 LEGISLATOR DENENBERG: Every year we

2 have to pay 600,000?

3 MR. VOLK: That's what the Court of
4 Appeals so decreed.

5 CHAIRMAN NICOLELLO: Can I just jump in,
6 just a second? I think this was started because
7 Mr. Levinson decided that he was not going to
8 treat the PILOT like a tax cert and allow it to
9 have judgments or have grievances filed.

10 MR. VOLK: That's -- sorry.

11 CHAIRMAN NICOLELLO: Go ahead, if you
12 could explain it better.

13 MR. VOLK: I apologize, Legislator.
14 That is essentially correct. The argument was
15 that the county guarantee did not apply to PILOT
16 agreements, whereas normally in tax certs
17 traditionally it did. The county attorney's
18 office back then fought it and, as I said, fought
19 it all the way to the New York State Court of
20 Appeals. I was before the legislature last year,
21 my predecessors before that, and so on and so
22 forth.

23 LEGISLATOR DENENBERG: Does that affect
24 the position that we have -- that decision affect
25 the position that the administration has taken

2 that the county guarantees don't have to be
3 applied at all?

4 MR. VOLK: Again, this was something
5 that had been entered into previously.

6 LEGISLATOR DENENBERG: Previous to?

7 MR. VOLK: This was entered into,
8 Legislator Denenberg, as I said, going back to
9 2007, Cablevision reached the agreement with ARC.
10 So this was actually done not by County Executive
11 Mangano and his office but by his predecessor.
12 And we are just abiding by the agreement.

13 LEGISLATOR DENENBERG: My question was
14 whether the Court of Appeals ruling with respect
15 to the county guarantee, whether that would
16 affect the administration's position.

17 MR. VOLK: Correct me if I'm wrong,
18 Legislator. But I don't believe the county
19 guarantee case is before the New York State Court
20 of Appeals yet.

21 LEGISLATOR DENENBERG: Again, I'll ask
22 the same question.

23 MR. VOLK: Yeah, please.

24 LEGISLATOR DENENBERG: This was a
25 decision on whether the county guarantee would

2 have to be applied to a PILOT.

3 MR. VOLK: Correct.

4 LEGISLATOR DENENBERG: So again, does
5 the Court of Appeals decision, would that in any
6 way --

7 CHAIRMAN NICOLELLO: Can I? This was a
8 decision that goes through 2017, correct?

9 MR. VOLK: Correct.

10 CHAIRMAN NICOLELLO: Okay. County
11 Executive Mangano's plan to eliminate the county
12 guarantee I don't think affects this decision.

13 MR. VOLK: No.

14 CHAIRMAN NICOLELLO: I would think that
15 we still are on the hook through 2017.

16 MR. VOLK: You are correct, Legislator
17 Muscarella. But it's not necessarily because of
18 the New York State Court of Appeals decision in
19 Goya (phonetic), it's because of the settlement
20 that was entered into. Therefore, in honoring
21 the settlement the county guarantee issue is
22 really irrelevant.

23 LEGISLATOR DENENBERG: But I thought --
24 why is it a settlement at this point. Isn't it a
25 judgment after the Court of Appeals?

2 MR. VOLK: The issue --

3 LEGISLATOR DENENBERG: It went to the
4 Court of Appeals --

5 MR. VOLK: This issue of whether the
6 PILOT agreement is subject to the county
7 guarantee, that is the issue that went up in Goya
8 to the New York State Court of Appeals.

9 LEGISLATOR DENENBERG: After we lost
10 there we settled on an amount?

11 MR. VOLK: Exactly.

12 LEGISLATOR DENENBERG: Okay. And then
13 my final question would be -- I would assume that
14 nothing that was written by the Court of Appeals
15 in deciding whether the county guarantee applies
16 to the PILOT would work against the county's
17 current position with respect to the county
18 guarantee that we don't have to apply it?

19 MR. VOLK: I would agree with that.
20 Again, we're just looking to honor the agreement
21 that our predecessors entered into.

22 LEGISLATOR DENENBERG: I'm done.

23 CHAIRMAN NICOLELLO: Did you have
24 another question, Legislator?

25 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.

2 What year is this representing?

3 MR. VOLK: This current year is for --
4 excuse me, 11/12.

5 LEGISLATOR DeRIGGI-WHITTON: So the
6 prior years, have they already been paid?

7 MR. VOLK: It is my understanding that
8 they have been.

9 LEGISLATOR DeRIGGI-WHITTON: Okay.

10 CHAIRMAN NICOLELLO: Any other
11 questions?

12 (No verbal response.)

13 Thank you, Mr. Volk.

14 MR. VOLK: Thank you.

15 CHAIRMAN NICOLELLO: Any public comment?

16 (No verbal response.)

17 All those in favor signify by saying aye.

18 (Aye.)

19 Those opposed?

20 (Nay.)

21 It passes by a vote of four to three.

22 Items 466, 467, 468, 469, 470, 471, 472,
23 473, 474, 475, 476 will be called together. The
24 first four items are resolutions -- I'm going to
25 back up. The first two items, 466 and 467, are

2 resolutions to authorize the transfer of
3 appropriations heretofore made within the budget
4 for the year 2012. The balance of the items are
5 ordinances supplemental to the annual
6 appropriation ordinance in connection with the
7 Department of Public Works, Planning Department,
8 Health Department, and Department of Social
9 Services.

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN NICOLELLO: Moved by Legislator
13 Gonsalves, seconded by Legislator Walker.

14 The items are before the committee.

15 Are there any questions on these items?

16 (No verbal response.)

17 Many of these have been through other
18 committees, Public Works, Planning, and Health.

19 LEGISLATOR DENENBERG: Legislator
20 Whitton has a question.

21 CHAIRMAN NICOLELLO: Sure. Which one?

22 LEGISLATOR DeRIGGI-WHITTON: I'm just
23 curious. Where are these transfers being made
24 from? Is this from that contingency budget
25 again?

2 CHAIRMAN NICOLELLO: We have the two
3 transfers here. Do we have someone who can speak
4 as to the transfers? I think it's in the backup
5 anyway.

6 MR. BUTLER: John Butler, Public Works.
7 466-12, it's actually a transfer within the sewer
8 fund.

9 LEGISLATOR DeRIGGI-WHITTON: So it's
10 within the same line?

11 MR. BUTLER: It's within the same. It
12 doesn't come out. It's in the sewer fund. There
13 was a contract that came for the emergency that
14 was at Bay Park where they lost primary power.
15 It's just to fund the emergency contract that
16 went through for them to remain online.

17 LEGISLATOR DeRIGGI-WHITTON: And you
18 have that in your budget? You're okay with that?

19 MR. BUTLER: Yeah.

20 LEGISLATOR DeRIGGI-WHITTON: And how
21 much is that? Just so I know.

22 MR. BUTLER: It's a million dollars.

23 LEGISLATOR DeRIGGI-WHITTON: A million
24 dollars?

25 MR. BUTLER: Yep.

2 LEGISLATOR DeRIGGI-WHITTON: And what
3 about the next one?

4 CAPTAIN SATHER: Captain Sather,
5 Correctional Center.

6 467 is a \$25,000 transfer from the
7 building equipment line to a newly created
8 Granger equipment line that would allow the
9 department to make purchases from the Granger
10 catalogue.

11 LEGISLATOR DeRIGGI-WHITTON: So that's
12 inter-departmental as well.

13 CAPTAIN SATHER: Correct.

14 LEGISLATOR DeRIGGI-WHITTON: Okay. So
15 they're not coming from any other source.

16 CAPTAIN SATHER: No impact on the
17 operational budget.

18 LEGISLATOR DeRIGGI-WHITTON: Okay.

19 CHAIRMAN NICOLELLO: Okay. Any other
20 questions?

21 LEGISLATOR DeRIGGI-WHITTON: That's the
22 only transfers, right?

23 CHAIRMAN NICOLELLO: Those are the only
24 two transfers.

25 Hearing no further questions, any public

2 comment?

3 (No verbal response.)

4 Seeing no public comment, all those in
5 favor signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Carries unanimously.

10 Motion to adjourn?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR MUSCARELLA: Second.

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

16 All those in favor of adjourning signify
17 by saying aye.

18 (Aye.)

19 LEGISLATOR DeRIGGI-WHITTON: When we do
20 transfers, I think it would be good just to have
21 the amount and where they're coming from.

22 CHAIRMAN NICOLELLO: It's in the backup.

23 LEGISLATOR DeRIGGI-WHITTON: It's in --
24 even just for -- I don't know. I just think it
25 would make it a little more clear.

2 CHAIRMAN NICOLELLO: It's in the item
3 itself, as opposed to the agenda.

4 Rules is next.

5 (Whereupon, the Finance Committee
6 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 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 2nd day of July, 2012.

FRANK GRAY