

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

June 4, 2012
3:04 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 (Not Present)

HOWARD KOPEL (Sitting in for Rose Marie Walker)

DAVID DENENBERG
Ranking

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

CARNELL FOSKEY 7
GREG STEPAHNOFF. 11
FRANK MORONEY. 27
GEORGE GRAFT 29
ROB MARIN. 31
ERIC NAUGHTON. 34
MAURICE CHALMERS 35
JEFF CESTRA. 48
LISA LOCURTO 53
DONALE ASTRAB.

INSERTS TO TRANSCRIPT

Page 60, Line 3 - Page 71, Line 10

2 CHAIRMAN NICOLELLO: I'm going to ask
3 for the clerk to call the roll.

4 Legislator Kopel will be substituting for
5 Legislator Walker.

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 LEGISLATOR DENENBERG: Here.

13 CLERK MULLER: Legislator Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK MULLER: Legislator Muscarella?

16 LEGISLATOR MUSCARELLA: Here.

17 CLERK MULLER: Vice Chairwoman

18 Gonsalves?

19 LEGISLATOR GONSALVES: Present.

20 CLERK MULLER: Chairman Nicolello?

21 LEGISLATOR NICOLELLO: Here.

22 CLERK MULLER: We have a quorum.

23 CHAIRMAN NICOLELLO: Thank you.

24 Item 187-2012 is a resolution to
25 authorize the transfer of appropriations

2 heretofore made within the budget for the year
3 2012.

4 LEGISLATOR MUSCARELLA: So moved.

5 LEGISLATOR GONSALVES: Second.

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

8 LEGISLATOR GONSALVES: Who seconded it?

9 CHAIRMAN NICOLELLO: You did, Norma.

10 LEGISLATOR MUSCARELLA: I think you said
11 Walker.

12 CHAIRMAN NICOLELLO: A Freudian slip.

13 That was Legislator Gonsalves that
14 seconded that item.

15 There is an amendment to this item; I
16 think we've all received it.

17 Do I have a motion to amend?

18 LEGISLATOR MUSCARELLA: So moved.

19 LEGISLATOR GONSALVES: Second.

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

22 Any discussion on the amendment?

23 LEGISLATOR DENENBERG: The amendment did
24 what?

25 CHAIRMAN NICOLELLO: The amendment to

2 the item that is 187-2012.

3 LEGISLATOR DENENBERG: Yeah. But what
4 did it do?

5 CHAIRMAN NICOLELLO: Do we have someone
6 here from the administration, the parks
7 department?

8 LEGISLATOR DENENBERG: My question is
9 what did we amend it to do?

10 CHAIRMAN NICOLELLO: Commissioner, do
11 you have any knowledge of this item that's before
12 us?

13 COMMISSIONER FOSKEY: Yes. It's a
14 hotel/motel item. We're transferring \$600,000 to
15 our AA line, which is our salary line. When it
16 was done last year it was a projection and it
17 wasn't allocated properly. It was a
18 misallocation.

19 CHAIRMAN NICOLELLO: Do you know what
20 the amendment to the item is? Obviously,
21 initially I believe it was going towards the -- I
22 have it here somewhere.

23 COMMISSIONER FOSKEY: It's going to our
24 salaries.

25 CHAIRMAN NICOLELLO: It was initially

2 going towards Lakeside.

3 COMMISSIONER FOSKEY: Correct.

4 CHAIRMAN NICOLELLO: Is it still going
5 there?

6 COMMISSIONER FOSKEY: It's going towards
7 salaries not lakeside.

8 LEGISLATOR DENENBERG: Is that an
9 appropriate use of hotel/motel tax money?

10 COMMISSIONER FOSKEY: Yes, it is.

11 LEGISLATOR DENENBERG: Can you explain
12 how?

13 COMMISSIONER FOSKEY: Sure. We have
14 received rulings from the county attorney's
15 office.

16 There are a number of programs that we
17 work on that are funded by hotel/motel, so those
18 individuals that work on those particular
19 programs, particularly museums, the funding also,
20 their salaries come from hotel/motel.

21 LEGISLATOR DENENBERG: Initially the
22 item looked like it was for the different
23 programs that parks department sponsors at
24 Lakeside Theatre.

25 COMMISSIONER FOSKEY: That was an error.

2 LEGISLATOR DENENBERG: Okay. So the
3 Lakeside Theatre we're paying for through other
4 means. This would be for salaries.

5 COMMISSIONER FOSKEY: The people who work
6 on hotel/motel related projects.

7 LEGISLATOR DENENBERG: Okay. Which
8 would include what in parks?

9 COMMISSIONER FOSKEY: It would include
10 people at OVR. It includes some Taukapausha
11 people. It would also include anyone that worked
12 on a Lakeside event that was funded by
13 hotel/motel.

14 LEGISLATOR DENENBERG: Okay. So we do
15 have someone at Taukapausha now because of this,
16 right?

17 COMMISSIONER FOSKEY: You were there at
18 the grand opening and you saw the people there,
19 correct.

20 LEGISLATOR DENENBERG: That's a good
21 thing.

22 CHAIRMAN NICOLELLO: Any other
23 questions?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All in favor of this signify by saying
4 aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Carries unanimously.

9 That's the amendment. So the item is
10 amended.

11 Now we have to vote on the item as
12 amended.

13 All in favor of voting on the item as
14 amended signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 The item passes.

19 The next three items are for executive
20 session, so we'll wait until the end of the
21 meeting.

22 Items 341, 348-2012. They are ordinances
23 supplemental to annual appropriation ordinance in
24 connection with the police department, district
25 attorney, probation department, Office of

2 Management and Budget, and 348 is a resolution to
3 authorize the transfer of appropriations
4 heretofore made in the budget for the year 2012.

5 I have a motion from Legislator Kopel,
6 seconded by Legislator Muscarella.

7 The item is before the committee. Any
8 questions?

9 LEGISLATOR DENENBERG: I do on 348. I'm
10 sorry. Legislator Bosworth has questions first.

11 LEGISLATOR BOSWORTH: I actually have a
12 question on 341, the radios.

13 CHAIRMAN NICOLELLO: 341?

14 LEGISLATOR BOSWORTH: Yes.

15 CHAIRMAN NICOLELLO: Sure.

16 SERGEANT STEPHANOFF: Sergeant Greg
17 Stephanoff. How are you?

18 LEGISLATOR BOSWORTH: I know we had the
19 discussion about the 800 megahertz and how that
20 might, in fact, affect many of the localities.
21 Just so that we have this here now, is there an
22 update on exactly how these new radios will
23 interact with the radios that the different
24 village mayors currently have or what the plan
25 is?

2 SERGEANT STEPHANOFF: You're talking
3 about the radios that will communicate with
4 MetCom?

5 LEGISLATOR BOSWORTH: Yes.

6 SERGEANT STEPHANOFF: The radios that
7 communicate with MetCom are the same ones that
8 the county ambulances are using, and they will
9 all communicate together within each other. The
10 police radios that are coming on board are just
11 for the police or the villages and the county
12 also. But like our ambulances, there's at least
13 a couple in each precinct, have our radios, the
14 police radios, and the MetCom radios. It kind of
15 links everyone together.

16 LEGISLATOR BOSWORTH: Right. And do we
17 have information as to which -- are all the fire
18 departments getting this?

19 SERGEANT STEPHANOFF: Yes.

20 LEGISLATOR BOSWORTH: All of them?

21 SERGEANT STEPHANOFF: Yes. I spoke to
22 Chief Horace. All the fire department ambulances
23 will be equipped with them. We're actually
24 waiting on this. We're ready to start
25 installing. We're just waiting on this item.

2 Everything is moving forward nicely.

3 LEGISLATOR BOSWORTH: That's good to
4 hear. Thank you.

5 CHAIRMAN NICOLELLO: Thank you.

6 Legislator Denenberg, you had a question
7 on 348.

8 LEGISLATOR DENENBERG: On Item 348.

9 MR. ZASNER: Eric Zasner, Office of
10 Emergency Management. What we're doing is we're
11 looking to do a board transfer between some
12 equipment lines from our state homeland security
13 grant as well as our urban area security
14 initiative to be able to fund a one-time purchase
15 of a contract with Swift Reach where we will have
16 unlimited uses.

17 LEGISLATOR DENENBERG: The reason why
18 I'm asking is just before this Swift Reach came
19 up with respect to using it for pesticides or
20 aerial spraying notification or pesticides for
21 mosquitoes.

22 The Swift Reach, we're using an outside
23 operator to run our notification system or is
24 Swift Reach simply the software that we operate
25 for our emergency notification system?

2 MR. ZASNER: Well, what Swift Reach is
3 is it's a system that we, at Emergency
4 Management, use so that we are able to
5 communicate with the public and at time of an
6 emergency. What would happen is that the county
7 executive or the commissioner can designate a
8 specific area or a countywide call campaign,
9 along with text messages, and you can do it based
10 on a map or you could do it on a countywide
11 whole. So it's a contract that we currently have
12 with Swift Reach Networks, which is a reverse 9-
13 1-1.

14 LEGISLATOR DENENBERG: Swift Reach --
15 so the contract is with Swift Reach in and of
16 itself, who is an outside contractor.

17 MR. ZASNER: Yes, they are.

18 LEGISLATOR DENENBERG: And we pay them
19 per use?

20 MR. ZASNER: Right now we pay them a
21 \$10,000 service fee, which is covered under our
22 grant and 35 cents per call when we use it. What
23 this is going to do is we're going to be able to
24 pay one price, Legislator, so that we will no
25 longer have to pay the per-use fee.

2 LEGISLATOR DENENBERG: So if we do a
3 call, for argument's sake, if we use the system
4 to call regarding aerial spraying, that would be
5 35 cents per call?

6 MR. ZASNER: Yes. Yes, Legislator. And
7 unfortunately those calls are not eligible under
8 our grant funds, so this is why we want to do
9 this purchase, so that we have the ability to
10 fund it all, the maintenance and the calls, under
11 this one ticket.

12 LEGISLATOR DENENBERG: It's a great
13 idea. We have to make calls regarding
14 emergencies. This would have been the system we
15 used when the hurricanes -- well, we got missed -
16 - but the Category -- the tropical storm as
17 opposed to the hurricane was hit and we gave
18 people notice of evacuation or notice of where to
19 look for instructions, this system would have
20 been used?

21 MR. ZASNER: Correct, Legislator. This
22 is -- there were several call campaigns for that
23 specific event that were used for the hurricane
24 or Tropical Storm Irene. As well, we've used it
25 in the past for some of our blizzards and other

2 emergencies that arise.

3 LEGISLATOR DENENBERG: It just seems --
4 maybe I'm the only one here. But 35 cents a call
5 sounds a little bit high, doesn't it? You could
6 use -- Legislator Muscarella and I donate our
7 cell phones.

8 MR. ZASNER: Actually, that's the reason
9 why we're looking to do a one-time use fee, so
10 that way we won't have to pay the 35 cents per
11 call for each event that comes up.

12 LEGISLATOR DENENBERG: It just seems
13 like a lot of money for, you know, in today's day
14 and age when these are all local calls and it
15 should seem like they're unlimited.

16 MR. ZASNER: It's done based on a map.
17 People also sign up, so it's also cellular phone
18 calls. It's a use of the reverse 9-1-1 system so
19 that's why we have a lot of calls to make. And
20 we agree that 35 cents was a little high, which
21 is why we're going to a pay-one-price system.

22 LEGISLATOR DENENBERG: How many -- and -
23 - two things. How many times has it been used,
24 the Swift Reach calls?

25 MR. ZASNER: Swift Reach was used

2 several times during last year. During the 2010
3 blizzards, as well as 2011. I know the
4 Department of Health does utilize it for their
5 aerial West Niles spraying. I know it's been
6 used -- was used during H1N1.

7 LEGISLATOR DENENBERG: Can you get me a
8 list of when it was used in 11?

9 MR. ZASNER: I can certainly get that
10 for you.

11 LEGISLATOR DENENBERG: Do you know off
12 the top of your head when it was used in 11?

13 MR. ZASNER: I know it was definitely
14 used during Hurricane Irene. It was used also
15 during the August earthquake, and several of the
16 snow storms. If you want a more detailed
17 breakdown, I will be more than happy to provide
18 that for you.

19 LEGISLATOR DENENBERG: Was it used for
20 the police precincts, the closure plan of the
21 police precincts?

22 MR. ZASNER: I can't speak for that one.
23 I'm sorry, Legislator.

24 LEGISLATOR DENENBERG: So you don't know
25 the answer, yes or no, or you're just not allowed

2 to speak to it?

3 MR. ZASNER: Legislator, that's not the
4 purview of why I'm testifying today, and I don't
5 have an exact list of every time that it was
6 used.

7 LEGISLATOR DENENBERG: So you don't know
8 if it was used with respect to the police
9 precinct closure plan?

10 MR. ZASNER: Not that I would know of.
11 I'm not saying it was or it wasn't, Legislator.

12 LEGISLATOR DENENBERG: Can you give me a
13 list of when it was used in 2011?

14 MR. ZASNER: I can absolutely get that
15 for you.

16 LEGISLATOR DENENBERG: And now we're
17 going to pay one price.

18 MR. ZASNER: Yes.

19 LEGISLATOR DENENBERG: What's that one
20 price going to be and what's it based on?

21 MR. ZASNER: It's \$295,000.

22 LEGISLATOR DENENBERG: No matter how
23 many times we use it a year?

24 MR. ZASNER: No matter how many times we
25 use it a year, keeping in mind that currently we

2 pay \$120,000 in maintenance fees for the two
3 dedicated DS3 lines.

4 LEGISLATOR DENENBERG: So we pay
5 \$120,000 a year no matter what and then we pay 35
6 cents per call.

7 MR. ZASNER: Yes.

8 LEGISLATOR DENENBERG: If it's a
9 countywide call, how much would one countywide
10 call cost at 35 cents per call?

11 MR. ZASNER: I would have to get you the
12 exact figures. But I believe it's in the range
13 of about \$30,000.

14 LEGISLATOR DENENBERG: So 120 -- you
15 would need like six calls to come up to 295,
16 right?

17 MR. ZASNER: Keeping in mind that it is
18 used by, as I said, the health department and
19 it's been used for various things. It is very
20 possible that we can certainly do this -- and the
21 other benefits of this is that we'll be able to
22 utilize grant money so it will be no cost to the
23 county.

24 LEGISLATOR DENENBERG: Your testimony
25 has been very, you know, very informative.

2 However, just to see how economical it is, I
3 would like to see how many times we used the
4 system last year, the Swift Reach system, and the
5 cost per usage. If it was six times and it was
6 30,000 per usage, that's 180,000 plus the 120
7 would be 300. So a one-time contract at 295
8 seems to make sense. If we only used it three
9 times, then it's 90 plus the 120 and that's 210.
10 You know?

11 MR. ZASNER: I absolutely know. That's
12 one of the things though, Legislator, that's the
13 nature of an emergency; they are sometimes hard
14 to predict. We're not always sure -- there are
15 times that we are going to definitely be using it
16 well above the \$295,000.

17 LEGISLATOR DENENBERG: That obviously is
18 one of my concerns, too. I think that Hurricane
19 Irene and -- or -- the earthquake, the eight
20 inches of rain are an emergency. I don't think
21 the police closure plan, if that's how it was
22 used, was an emergency.

23 Thank you.

24 CHAIRMAN NICOLELLO: Legislator DeRiggi-
25 Whitton.

2 LEGISLATOR DeRIGGI-WHITTON: Hi. How
3 are you?

4 MR. ZASNER: Hi.

5 LEGISLATOR DeRIGGI-WHITTON: Just real
6 quick. So you don't exactly have the budget for
7 how much it was for the last year. Is that
8 correct?

9 MR. ZASNER: Last year -- and I know
10 there are some outstanding invoices -- we did pay
11 \$256,000 last year and there are a still other
12 invoices outstanding.

13 LEGISLATOR DeRIGGI-WHITTON: So you're
14 close to the 295,000 then, just last year.

15 MR. ZASNER: Yes.

16 LEGISLATOR DeRIGGI-WHITTON: And I think
17 you said this before, but can you just repeat it?
18 Who is the one who determines when these calls go
19 out? Like, who determines when they're used?

20 MR. ZASNER: The Commissioner of
21 Emergency Management.

22 LEGISLATOR DeRIGGI-WHITTON: He's the
23 only one who can give the okay?

24 MR. ZASNER: I'm not 100 percent
25 certain. But I would also believe that it would

2 be the deputy county executive for public safety
3 as well.

4 LEGISLATOR DeRIGGI-WHITTON: Okay.

5 LEGISLATOR DENENBERG: To the Chair.

6 LEGISLATOR DeRIGGI-WHITTON: Thank you.

7 LEGISLATOR DENENBERG: I just want to
8 make my request for 2011 and 2012 when the system
9 was used and the cost per usage.

10 CHAIRMAN NICOLELLO: That's noted.

11 Just a question. You're talking about
12 unlimited usage. What's the term of that? It's
13 not forever, right?

14 MR. ZASNER: It's an annual expense.

15 CHAIRMAN NICOLELLO: You said that grant
16 funding will reimburse us for what percentage of
17 the cost?

18 MR. ZASNER: It's going to be 100
19 percent funded by our grants. Currently, right
20 now it's \$120,000 and \$10,000 maintenance fee
21 which is covered under our grant and the 35 cents
22 per use is all covered from non-grant money. So
23 by doing it this way and paying one price for
24 295,000, we are able to use grant funds
25 completely so it will be no cost to the county.

2 CHAIRMAN NICOLELLO: Thank you.

3 Legislator Bosworth.

4 LEGISLATOR BOSWORTH: You referred to
5 grant funds. Which grants is this funded from?

6 MR. ZASNER: I'm sorry, Legislator.
7 It's coming out of the state homeland security
8 grant, as well as the urban area strategic
9 initiative grant. Those are two homeland
10 security grants that are managed by the Office of
11 Emergency Management.

12 LEGISLATOR BOSWORTH: I imagine if we're
13 doing it as a per, anecdotally, as emergencies
14 arise, that we're doing it very judiciously and
15 only making sure that it's done in an absolute
16 emergency. If we have this one-use thing, what's
17 to deter use from happening for what some might
18 consider non-emergency calls?

19 MR. ZASNER: I guess that would be left
20 up to the discretion of the commissioner as well
21 as the deputy county executive what incidents
22 would merit notification to the county or
23 specific communities.

24 LEGISLATOR BOSWORTH: And would there be
25 any safeguards in place to make sure that these

2 were done really for emergencies such as
3 earthquakes, flooding, or hurricanes and not for
4 anything that could be interpreted as partisan
5 calls?

6 MR. ZASNER: Legislator, I am not privy
7 to that but I can get you that answer as well. I
8 will have that conversation with the commissioner
9 and I can certainly get that for you as well.

10 LEGISLATOR BOSWORTH: I would appreciate
11 that. Thank you.

12 CHAIRMAN NICOLELLO: Any other
13 questions?

14 (No verbal response.)

15 Thank you, Mr. Zasner.

16 Any public comment?

17 (No verbal response.)

18 All those in favor signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 Item 351-2012 is an ordinance
24 supplemental to the annual appropriation
25 ordinance in connection with the police

2 department.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN NICOLELLO: Moved by Legislator
6 Kopel, seconded by Legislator Muscarella.

7 SERGEANT STEPHANOFF: Good afternoon.

8 Sergeant Greg Stephanoff.

9 This is an appropriation. It
10 appropriates \$10,365,788 from the employee
11 benefit fund to the police district fund to cover
12 the expense related to employee termination
13 payments from the retirements from the incentive.
14 And it was agreed upon that this fund would cover
15 part of the expense with the incentive plan.

16 CHAIRMAN NICOLELLO: That fund exists
17 for these types of payouts.

18 SERGEANT STEPHANOFF: Yes.

19 CHAIRMAN NICOLELLO: Any questions on
20 this item, which is 351-2012?

21 (No verbal response.)

22 Thank you, Sergeant.

23 SERGEANT STEPHANOFF: Thank you.

24 CHAIRMAN NICOLELLO: Any public comment?

25 (No verbal response.)

2 All those in favor signify by saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 I skipped over 350-12, which I'm going to
8 call right now. A resolution to authorize the
9 transfer of appropriations heretofore made within
10 the budget for the year 2011.

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR MUSCARELLA: Second.

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

15 The item is now before the committee.

16 This is the year-end budget transfers.
17 We have the chief deputy comptroller here who is
18 prepared to answer any questions if there are any
19 questions on this item.

20 Are there any questions?

21 LEGISLATOR DENENBERG: I have questions,
22 Mr. Chairman.

23 CHAIRMAN NICOLELLO: Mr. Denenberg, go
24 ahead.

25 LEGISLATOR DENENBERG: Thank you.

2 First, the year-end -- Mr. Moroney, these
3 are for the year-end budget transfers?

4 MR. MORONEY: Yes.

5 LEGISLATOR DENENBERG: I'm sorry?

6 MR. MORONEY: Yes.

7 LEGISLATOR DENENBERG: In years past,
8 including the last two years, these were always
9 done in February, if not January. Why are they
10 being done so late this year?

11 MR. MORONEY: I'm relatively certain that
12 they were done in the spring of each year prior
13 to the close of the books, at least as long as
14 I've been here.

15 LEGISLATOR DENENBERG: Yeah. We've
16 always closed our books in February.

17 MR. MORONEY: Well, we're talking about
18 the caffer.

19 LEGISLATOR DENENBERG: I'm sorry?

20 MR. MORONEY: I'm talking about the
21 caffer, the audited statement. We close our
22 books in February, but we have certain things
23 that we needed to do over the course of the post
24 closing of the books, which is a technical term.

25 LEGISLATOR DENENBERG: I don't remember

2 these transfers being this late in the past. So
3 your answer is they have been in June in the
4 past?

5 MR. MORONEY: I have testified in the
6 past two Junes.

7 LEGISLATOR DENENBERG: Housing salary
8 transfers, \$2.6 million to cover salaries in the
9 housing department?

10 MR. MORONEY: Yes. That's part of the
11 reconciliation of the grants that's been going on
12 in the housing department.

13 LEGISLATOR DENENBERG: It just seems
14 like for a relatively small budget \$2.6 million
15 being transferred is a lot of money. How could
16 we be that far off?

17 MR. MORONEY: Well, there have been some
18 changes in the department. As the department has
19 shrunken and grants have come to close, we're
20 doing the reconciliations and trying to move the
21 money where it's supposed to be and making sure
22 that the grants are properly reconciled for
23 auditing purposes.

24 LEGISLATOR DENENBERG: But money's being
25 transferred in not out.

2 MR. MORONEY: That's correct.

3 CHAIRMAN NICOLELLO: Mr. Naughton is in
4 the back of the room. I don't know if he has any
5 information. This isn't Mr. Naughton.

6 MR. GRAFT: Good afternoon. George
7 Graft, Deputy Director for Finance for Office of
8 Housing and Community Development. Regarding
9 your question on the salary transfer --

10 LEGISLATOR DENENBERG: Correct. \$2.6
11 million short in the salary line in a department
12 that Mr. Moroney just said was shrinking. It
13 would seem to be that we would be that we would
14 be transferring money out not transferring into.
15 So I'm not sure why we were so short.

16 MR. GRAFT: Yes, our department is
17 shrinking. As a matter of fact, we've gone from
18 98 employees down to the upper 50's right now.
19 The reason is two-fold; on the community
20 development side we've had reductions from the
21 federal government in CDBG and home grants. What
22 we're talking about specifically here with this
23 \$2 million is actually part of the \$6.2 million
24 debt that the county had to incur dealing with
25 the Section 8 Department.

2 LEGISLATOR DENENBERG: Wait. This
3 transfer's to cover the Section 8 Department?

4 MR. GRAFT: This transfer is to cover
5 the shortfalls that had developed in Section 8,
6 yes --

7 LEGISLATOR DENENBERG: And those --

8 MR. GRAFT: over the course of --

9 LEGISLATOR DENENBERG: have developed
10 because we got less grant money?

11 MR. GRAFT: No. Section 8 has nothing
12 to do with that. That's an administrative fee
13 that comes in.

14 LEGISLATOR DENENBERG: Why was our
15 Section 8 administrative fee 2.6 or most of the
16 2.6 above budget?

17 MR. GRAFT: I'm sorry. Repeat the
18 question, please.

19 LEGISLATOR DENENBERG: Why was the
20 Section 8 administrative cost so far above
21 budget?

22 MR. GRAFT: This had to do with over --
23 basically, there were some over appropriations in
24 the number of vouchers that we've since corrected
25 and over the course of that.

2 LEGISLATOR DENENBERG: What does that
3 mean over appropriations in vouchers? The
4 vouchers are higher than we thought they would
5 be? I'm not sure what an over appropriation in a
6 voucher is.

7 MR. MORONEY: There are a series of
8 questions that the housing department has --
9 would be willing to discuss with the members, but
10 I think that would be more appropriate for an
11 executive session. It's dealing with a number of
12 prior years coming forward.

13 LEGISLATOR DENENBERG: If you want to
14 answer in executive session that's fine. I'd
15 like to know an answer before I --

16 MR. MORONEY: I'm not prepared to give
17 that answer, and I think that there may be some
18 issues here that are privileged.

19 LEGISLATOR DENENBERG: You just said it
20 was privileged so you want to do it in executive
21 session, but then you just said you're not
22 prepared to do it in executive session. Am I
23 hearing this right?

24 MR. MARIN: There are certain -- I'm
25 sorry. Rob Marin. There are certain things that

2 we cannot discuss at all. There are certain
3 things that we'd be willing to discuss only in
4 executive session, to the extent based on the
5 questions that are asked.

6 LEGISLATOR DENENBERG: I'm sorry.

7 MR. MARIN: Based on the questions that
8 are asked.

9 LEGISLATOR DENENBERG: I just asked my
10 questions. Which part of that can you discuss?
11 Which part can't you? Which part will you?
12 Which part won't you?

13 MR. MARIN: There were transfers that
14 were made in the Section 8 housing that related
15 to salaries. That's precisely what happened.
16 The background of that is something that there
17 are restraints on, what can be said and what
18 can't be said.

19 CHAIRMAN NICOLELLO: Do we want to -

20 LEGISLATOR DENENBERG: There can't be --
21 I'm sorry.

22 CHAIRMAN NICOLELLO: Do we want to go
23 into executive session? Is there a motion to go
24 to executive session?

25 LEGISLATOR MUSCARELLA: I move it.

2 LEGISLATOR GONSALVES: Second.

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

5 All in favor of going into executive
6 session signify by saying aye.

7 (Aye.)

8 (Whereupon, the Finance Committee
9 recessed at 3:30 p.m.)

10 (Whereupon, the Finance Committee
11 reconvened at 3:48 p.m.)

12 CHAIRMAN NICOLELLO: We're coming out of
13 executive session. Do we have any more
14 questions? Do we have any more questions on Item
15 350-2012?

16 LEGISLATOR DENENBERG: Yes, sir.

17 CHAIRMAN NICOLELLO: Legislator
18 Denenberg.

19 LEGISLATOR DENENBERG: Thank you.

20 On the housing salary transfer, without
21 speaking of the nature of the transfer itself,
22 the backup says the majority of funding to cover
23 the shortfall is coming from the miscellaneous
24 contingency budget. What is the miscellaneous
25 contingency budget?

2 MR. NAUGHTON: Eric Naughton, Budget
3 Director. That's money that the county will
4 traditionally budget for emergencies for
5 contingencies.

6 LEGISLATOR DENENBERG: Is that our
7 reserves?

8 MR. NAUGHTON: No, it's not a reserve
9 because it's part of the operating budget. It's
10 an item that we actually include in the budget.

11 LEGISLATOR DENENBERG: So how much was
12 our miscellaneous contingency budget at the
13 beginning of the year?

14 MR. NAUGHTON: For 2011, let me find out
15 for you. I have to get back to you on that
16 number.

17 LEGISLATOR DENENBERG: You don't know
18 what -- is there anything in 12 for the
19 miscellaneous contingency budget?

20 MR. NAUGHTON: Yes, there is.

21 LEGISLATOR DENENBERG: How much is it
22 for 12?

23 MR. NAUGHTON: We have roughly about \$25
24 million in 2012.

25 LEGISLATOR DENENBERG: Twenty-five

2 million in miscellaneous contingency budget in
3 2012?

4 MR. NAUGHTON: Yes.

5 LEGISLATOR DENENBERG: And that's just
6 to cover any shortfalls that might come up?

7 MR. NAUGHTON: Correct.

8 LEGISLATOR DENENBERG: And 11, you don't
9 know if it was 25 or more or how much we've used
10 so far?

11 MR. NAUGHTON: I don't know the exact
12 number in 11.

13 LEGISLATOR DENENBERG: Okay. So what
14 I'd like to know is how much the miscellaneous
15 contingency budget was in 11 and how much of it
16 was used or will be used by the end of June.

17 MR. NAUGHTON: Will do that for you.

18 LEGISLATOR DENENBERG: Okay. Does Mr.
19 Chalmers -- Mr. Chalmers, do you have those
20 numbers?

21 MR. CHALMERS: No, I do not. I can get
22 those for you.

23 LEGISLATOR DENENBERG: You heard what I
24 said, right Mr. Chalmers?

25 MR. CHALMERS: Yes.

2 LEGISLATOR DENENBERG: Okay. I was
3 calling you up only if you knew the answer. I
4 didn't want to put you on the spot.

5 CHAIRMAN NICOLELLO: Mr. Chalmers, any
6 report that you issue to the minority you're
7 going to issue to the majority, correct?

8 MR. CHALMERS: Absolutely.

9 CHAIRMAN NICOLELLO: Mr. Naughton,
10 before Mr. Chalmers steps up, this emergency
11 contingency fund, budgeted funds, this is
12 something that's new.

13 MR. NAUGHTON: No. The county has done
14 this pretty much most of the years that I've
15 worked here prior. The previous administration
16 had monies sitting in contingency, usually around
17 \$10 million. So it's not unusual.

18 CHAIRMAN NICOLELLO: Okay. Thanks.

19 LEGISLATOR DeRIGGI-WHITTON: Can I just
20 ask a question?

21 LEGISLATOR DENENBERG: I didn't finish.
22 If I could.

23 There are two other transfers that I
24 wanted to ask. The correctional center contract,
25 8.7 million is being transferred into contract

2 expenses from our miscellaneous contingency
3 budget for the correctional center, and that's
4 for the inmate health care.

5 MR. NAUGHTON: That is related to
6 expenses that we had for the Nassau Health Care
7 Corporation. Each year there is a true up of the
8 actual expenses. It came out to be more than was
9 actually assumed in the budget. The budget was
10 contemplated on savings from switching to a
11 private health care. That occurred later than
12 the county had originally planned, so we had to
13 stick with NHCC longer than we expected. Due to
14 that, we incurred greater expenses.

15 LEGISLATOR DENENBERG: How much expenses
16 did we budget and how much was the expenses
17 actually? Obviously, it was 8.7 million more
18 than what was budgeted. But I'm trying to look
19 and see what we budgeted for inmate medical care.

20 MR. NAUGHTON: The 2011 budget was
21 roughly 17 million; the actual expenses was 25
22 million.

23 LEGISLATOR DENENBERG: And at what point
24 did we transfer to the new contractor?

25 MR. NAUGHTON: I believe that was in

2 early June 2011.

3 LEGISLATOR DENENBERG: And how much did
4 we pay to the new contractor?

5 MR. NAUGHTON: I don't have that number
6 offhand. My understanding, we are achieving the
7 savings that we anticipated.

8 LEGISLATOR DENENBERG: I'd like to know
9 how much we paid to the new contractor. I think
10 the number you said was 17 point-something-
11 million was budgeted.

12 MR. NAUGHTON: Correct.

13 LEGISLATOR DENENBERG: Correct?

14 MR. NAUGHTON: Correct.

15 LEGISLATOR DENENBERG: So that would
16 have included whatever went to Nassau Health Care
17 and whatever went to the new contractor, correct?

18 MR. NAUGHTON: No. Unfortunately, the
19 way the budget was developed it had assumed that
20 we weren't going to need NHCC for as long as was
21 needed, and because of that that is why we were
22 over budget.

23 LEGISLATOR DENENBERG: So the 17 million
24 that was budgeted was all for the private
25 operator?

2 MR. NAUGHTON: Correct. And other
3 related hospital expenses.

4 LEGISLATOR DENENBERG: So the private
5 operator, we budgeted 17 million, and we only
6 used the private operator from June.

7 MR. NAUGHTON: Correct.

8 LEGISLATOR DENENBERG: I guess certainly
9 for the minority, I'd like to know how much went
10 to the private operator in 2011 and how much went
11 to Nassau Health Care to make up what should be
12 about \$26 million, if I'm doing my math
13 correctly.

14 MR. NAUGHTON: We'll have that
15 information to you --

16 LEGISLATOR DENENBERG: Is my math right?
17 A total of \$26 million --

18 MR. NAUGHTON: Roughly, about 25.

19 LEGISLATOR DENENBERG: as opposed to the
20 \$18 million that was budgeted.

21 MR. NAUGHTON: That is correct.

22 LEGISLATOR DENENBERG: Okay. I'm sorry.
23 Seventeen million budgeted, almost nine million
24 over would be 26 million.

25 MR. NAUGHTON: Eight and change,

2 correct.

3 LEGISLATOR DENENBERG: Okay.

4 Now, the last transfer that I want to ask
5 about, \$1.6 million is being transferred from a
6 surplus in sewer and storm water district to
7 inter-fund charges. Why are we doing that
8 transfer?

9 MR. NAUGHTON: That money is related to
10 the debt service related to the sewer district.
11 The county, when it crafts the budget, sometimes
12 the estimates for how much is necessary for debt
13 service going out is, sometimes it's more,
14 sometimes it's less. In this case there was
15 insufficient funds allocated for debt service.

16 LEGISLATOR DENENBERG: And that's in the
17 sewer district or the sewer authority?

18 MR. NAUGHTON: SSW.

19 LEGISLATOR DENENBERG: That's why I'm
20 confused. It's sewer and storm water -- there's
21 a district and an authority.

22 MR. NAUGHTON: Correct.

23 LEGISLATOR DENENBERG: So which one is
24 it?

25 MR. NAUGHTON: This would be the

2 district.

3 LEGISLATOR DENENBERG: Okay. Thank you.

4 CHAIRMAN NICOLELLO: Any other
5 questions?

6 LEGISLATOR DeRIGGI-WHITTON: Can I just
7 ask one quick question?

8 CHAIRMAN NICOLELLO: Sure. Legislator
9 DeRiggi-Whitton.

10 LEGISLATOR DeRIGGI-WHITTON: Thank you.
11 The part of this that I don't understand
12 is, if I heard you correctly, we don't know how
13 much is in the miscellaneous contingency budget
14 for 11 right now.

15 MR. NAUGHTON: I don't. But we will
16 have that answer for you either before today's
17 over or before you vote on this in two weeks.

18 LEGISLATOR DeRIGGI-WHITTON: Because
19 you're asking us to transfer, and I did the math
20 real quickly, somewhere around \$15 million from
21 there to these various places. Do we know if we
22 are anywhere close to that?

23 MR. NAUGHTON: Yes. What happens each
24 year is the controller's office does essentially
25 a sweep of where the county has surplus funds and

2 covers the deficit, so they actually verify that
3 these funds exist before this is put together.

4 LEGISLATOR DeRIGGI-WHITTON: Even though
5 we don't know what the balance is right now,
6 you're guaranteeing that we have that much money
7 available to do these transfers?

8 MR. NAUGHTON: That would be accurate.

9 LEGISLATOR DeRIGGI-WHITTON: Okay. I
10 had one other quick question.

11 With these transfers on being -- let's
12 say they were all passed and all done -- where
13 does that leave us with the 11 budget? Is it
14 pretty much -- are we in a deficit, still in the
15 surplus, or where are we with that?

16 MR. NAUGHTON: Depending on what happens
17 with tax cert borrowing, we will either have a
18 small deficit or a deficit of up to about \$50
19 million.

20 LEGISLATOR DeRIGGI-WHITTON: About how
21 many? How much?

22 MR. NAUGHTON: Fifty million.

23 LEGISLATOR DeRIGGI-WHITTON: Fifty
24 million.

25 Other than the tax certs, is there

2 anything else that would account for that
3 deficit?

4 MR. NAUGHTON: I think there's some
5 other small items. I don't know if Mr. Moroney
6 is aware of them. In my conversations with the
7 controller's office, the tax certs, it's roughly
8 43 million and then they feel there could be some
9 other adjustments to go up to about the 50
10 million number.

11 LEGISLATOR DeRIGGI-WHITTON: So another
12 \$7 million that is outstanding or is it money
13 we're expecting to get?

14 MR. NAUGHTON: No, outstanding. Each
15 year, post February, the auditors will go through
16 and they will look at different items and
17 determine different adjustments. From what I've
18 been informed, this year the adjustments could be
19 in the range of about \$7 million.

20 LEGISLATOR DeRIGGI-WHITTON: Seven
21 million. Just, like, going forward, I would
22 really appreciate seeing what is in each balance,
23 what's in each account before you ask us to
24 transfer anything. I feel like we're being
25 irresponsible by transferring money if we don't

2 even know how much money we have in what account.

3 MR. NAUGHTON: I think that's a
4 reasonable request.

5 CHAIRMAN NICOLELLO: Legislator
6 Denenberg.

7 LEGISLATOR DENENBERG: Mr. Chalmers,
8 were you able to get the figure on the
9 miscellaneous contingency budget, how much it was
10 in 11 and how much it's projected in 12?

11 MR. CHALMERS: It was budgeted at \$13.1
12 million. I guess with all those entries -- I'll
13 have to go through all the entries and add them
14 up. I don't have that with me right now.

15 LEGISLATOR DENENBERG: So, Mr. Chalmers,
16 when you say it was budgeted 13.1 million, is
17 that for 2011?

18 MR. CHALMERS: 2011, yes.

19 LEGISLATOR DeRIGGI-WHITTON: This is
20 almost \$17 million.

21 LEGISLATOR DENENBERG: So this is more
22 than what we would have in the miscellaneous
23 contingency budget.

24 MR. CHALMERS: I'd have to go back and
25 add it.

2 CHAIRMAN NICOLELLO: Mr. Chalmers, why
3 don't we let MR. Chalmers take a good look at
4 this and issue a report to the legislators?

5 MR. CHALMERS: I better do that, yes,
6 just to make sure I have it correct.

7 CHAIRMAN NICOLELLO: Any other
8 questions?

9 LEGISLATOR DENENBERG: While Mr.
10 Chalmers was up there. Mr. Chalmers, did you
11 have any other comments on any of these
12 transfers? Our concern is that it's all adding
13 up to more than the miscellaneous contingency
14 budget. For example, with the sewer and storm
15 water, I can't tell if that's the authority or
16 the district.

17 CHAIRMAN NICOLELLO: It was just said
18 about six times, but that's another story. Mr.
19 Chalmers, you can answer the question or you can
20 take the time between the legislative meeting and
21 provide a thorough analysis or you can do both,
22 whatever's your preference.

23 MR. CHALMERS: We have asked -- we're
24 still waiting for information on some of the
25 entries. So we'd rather wait and have a full

2 report by the Full Legislature.

3 LEGISLATOR DENENBERG: Okay.

4 CHAIRMAN NICOLELLO: Okay. Thank you.

5 Any other questions?

6 MR. MORONEY: If I could just add to Mr.
7 Naughton's statement. We identify in the budget
8 where the -- we being the comptroller's office --
9 where the money is located, where there is excess
10 funding. I don't know what the amounts are and
11 I'm not going to represent what the amounts are.
12 But I can indicate to you that he sheets that we
13 sent over to OMB for which they build their
14 requests on are accurately showing that there are
15 funds in the lines that they're being removed
16 from.

17 LEGISLATOR DeRIGGI-WHITTON: There's
18 only one that is coming from another line, the
19 PDH. But most of them are coming from the
20 miscellaneous contingency budget. And if we
21 don't know what the balance is, the last thing we
22 want to do is say we're going to transfer this
23 money and not have the money there and then run
24 into, like, bouncing checks, almost.

25 MR. MORONEY: I understand that. I'm on

2 your side on that one.

3 CHAIRMAN NICOLELLO: Okay. Thank you,
4 Mr. Moroney.

5 Any further questions?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor of moving this item
10 along to Rules signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (Nay.)

14 It passes by a vote of four to three.

15 Items 352, 353, 354-2012. 352 and 353
16 are resolutions to authorize the assessor of
17 Nassau County, the County Treasurer, and/or
18 receiver or taxes of the Towns of Hempstead and
19 Oyster Bay, to partially exempt from real
20 property taxation certain real properties located
21 in various school districts.

22 354 is a resolution to authorize the
23 assessor of Nassau County and/or the county
24 treasurer and/or the receiver of taxes of the
25 City of Glen Cove to grant a partial abatement

2 from real property taxation for school and/or
3 municipal tax purposes certain real properties
4 situated in various school districts assessed to
5 designated owners appearing on the assessment
6 rolls for the specified school and/or county
7 years.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR GONSALVES: Second.

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

12 Any discussion?

13 LEGISLATOR DENENBERG: I have a
14 question. Sorry.

15 CHAIRMAN NICOLELLO: Do we have anyone
16 from the administration to talk about Items 352,
17 353, and 354? Mr. Cestra is making is way up,
18 but I think he has to tie his tie first.

19 LEGISLATOR DENENBERG: We don't care.

20 CHAIRMAN NICOLELLO: We don't care. You
21 can come without the tie.

22 MR. CESTRA: Jeff Cestra, Assessment
23 Unit. Question?

24 LEGISLATOR DENENBERG: Mr. Nicolello,
25 may I ask?

2 CHAIRMAN NICOLELLO: Legislator
3 Denenberg.

4 LEGISLATOR DENENBERG: Most of these are
5 correcting a basic STAR that was erroneously not
6 approved. If the roll has already been finalized
7 and now we're correcting a basic STAR erroneously
8 not approved, where will the money end up coming
9 from?

10 MR. CESTRA: What basically happens is
11 once you approve these petitions, it's going to
12 go to the treasurer's office and the treasurer is
13 going to issue the refund.

14 LEGISLATOR DENENBERG: I know that in my
15 areas, on average, basic STAR might be on average
16 \$1,000 a home. If a basic STAR wasn't approved,
17 the treasurer now is going to issue a refund for
18 something that was state, school tax assessment
19 relief, so the county's going to have to pay for
20 something that otherwise would have been paid for
21 by the state or effectively been paid for by
22 everyone in the district?

23 MR. CESTRA: The school, correct.

24 LEGISLATOR DENENBERG: So why are we
25 paying for a basic STAR erroneously not approved?

2 Isn't it the state that approves the basic STAR
3 to begin with?

4 MR. CESTRA: It's a state-based program,
5 the STAR.

6 LEGISLATOR DENENBERG: Correct.

7 MR. CESTRA: Basically, how it works --

8 LEGISLATOR DENENBERG: It's school tax
9 relief.

10 MR. CESTRA: Basically, how it works is
11 school tax relief, okay. So, therefore, in other
12 words, the state isn't going to necessarily
13 reimburse the county for the refund.

14 CHAIRMAN NICOLELLO: So it has to come
15 out of bonding or operating expenses, right?

16 MR. CESTRA: Correct.

17 LEGISLATOR DENENBERG: No. If STAR
18 comes in, state school tax relief, if it's
19 approved on time --

20 MR. CESTRA: Okay.

21 LEGISLATOR DENENBERG: the state pays
22 the money, the county doesn't.

23 MR. CESTRA: The state will, in other
24 words, give the county money. Okay. But --

25 LEGISLATOR DENENBERG: So now if it's

2 erroneously not approved and we're approving it
3 after the fact, after the assessment roll has
4 been finalized, the county's going to have to pay
5 for this out of its pocket?

6 MR. CESTRA: The state will give the
7 county some money due to the STAR relief,
8 etcetera. Okay. With that, in other words,
9 once, in other words, it's finalized, it's going
10 to go to the treasurer and the treasurer's going
11 to issue the refund. But you have to remember
12 that the state is giving the county X amount of
13 money, okay, because it's a state funded program.

14 LEGISLATOR DENENBERG: So my question,
15 just to go back --

16 MR. CESTRA: If all the basic and
17 enhanced STARS are processed in a timely manner,
18 approved in a timely manner, I am certain, and I
19 have seen it, that the state pays for those
20 programs. They're state school tax relief
21 programs.

22 If, for some reason, a basic STAR
23 application or for people 64 and over with income
24 under about \$80,000 now, get enhanced STAR. If
25 it's not approved on time, does that mean that

2 the county is now going to have to pay the relief
3 instead of the state?

4 MR. CESTRA: Yes.

5 CHAIRMAN NICOLELLO: I think that's
6 correct. If it's done properly and in time, the
7 state reimburses the money. But there is no way
8 to go back if it's incorrectly assessed, to go
9 back then to the state and say we made a mistake,
10 give us additional money. I think then we're on
11 the hook for it.

12 LEGISLATOR DENENBERG: My problem is
13 then how could we -- I'll have to look. Maybe
14 this has been going on for 15 years or not.

15 CHAIRMAN NICOLELLO: I'm sure it has.

16 LEGISLATOR DENENBERG: How could we
17 possibly make a mistake on basic STAR or enhanced
18 STAR? Either you applied for it on time and you
19 qualify -- for basic STAR everyone qualifies as
20 long as you're a homeowner here in Nassau County,
21 and enhanced STAR, really the state is the one
22 who rules whether your income is in there or not.
23 Why are we making a mistake and why are we paying
24 for it? I don't see how it could be made, right?

25 CHAIRMAN NICOLELLO: You're asking a

2 very difficult question. How can a mistake
3 happen? Mistakes happen.

4 LEGISLATOR DENENBERG: But basic STAR,
5 you know, Dave Denenberg, 2340 McCord Avenue,
6 Merrick, you're the homeowner, you're entitled to
7 basic STAR. Enhanced STAR, you know, you have to
8 be older - Vince Muscarella.

9 CHAIRMAN NICOLELLO: We have two
10 individuals at the mic. Ms. Locurto has joined
11 Mr. Cestra. Can you give us an example of a
12 mistake made in the STAR program in which the
13 county then has to --

14 MS. LOCURTO: Recently, in the past year
15 there was basic STAR which everyone in the state
16 was entitled to, enhanced STAR is if you met a
17 certain income threshold. The state just
18 recently passed a new implementation of law which
19 says basic STAR has an income cap, so certain
20 individuals, over 500,000, don't qualify for the
21 basic STAR.

22 It was a relatively new program. It came
23 in the middle of our taxing cycle, unlike the
24 rest of the state because we don't follow the
25 same taxing cycle as the rest of the state. The

2 state then asked us, because we now have to
3 implement an income cap, check the income cap.
4 Some of these cases that might be the reason why.
5 Initially they may have qualified under the old
6 basic STAR, but because of the income cap it was
7 uncertain whether or not they still qualified
8 under the income cap. There were hearings to
9 determine whether or not. If they were
10 successful and we didn't give them the full
11 amount of the cap of the basic because of the
12 income cap, that could be the reason why. You
13 may, in this instance, where in the past you may
14 not have seen these before.

15 CHAIRMAN NICOLELLO: After all is said
16 in done, is there a mechanism in which we can go
17 back to the state?

18 MS. LOCURTO: No, you can't. That's why
19 we have to make up the difference.

20 LEGISLATOR DENENBERG: The question is
21 how much is each of these items then? I don't
22 see an amount.

23 MR. CESTRA: There will be no amount.
24 If you want us to calculate each one and tell us,
25 in other words --

2 LEGISLATOR DENENBERG: We're passing a
3 resolution. We should know how much it's going
4 to cost us, right?

5 CHAIRMAN NICOLELLO: We have thousands
6 of these resolutions and all of a sudden --

7 LEGISLATOR DENENBERG: We never passed a
8 thousand resolutions fixing basic STAR and
9 enhanced STAR.

10 CHAIRMAN NICOLELLO: We pass resolutions
11 correcting assessments at every meeting.

12 LEGISLATOR DENENBERG: And we know how
13 much money it is. What are you talking about?
14 You can pass something -- you have the votes.
15 You want to pass something without knowing how
16 much it is that's fine. You're on record passing
17 it without knowing how much it is. But I want to
18 know how much money it is.

19 CHAIRMAN NICOLELLO: Any other
20 questions? He obviously doesn't have that
21 answer. Can you provide that answer to us?

22 LEGISLATOR DENENBERG: Especially when
23 you don't even know if we have the money.

24 MR. CESTRA: I can provide that answer to
25 you, yes.

2 CHAIRMAN NICOLELLO: Can you provide
3 that to us before the legislature, before the
4 Full Legislature in two weeks?

5 MR. CESTRA: Yes. Definitely.

6 CHAIRMAN NICOLELLO: Okay. Any other
7 questions?

8 LEGISLATOR DeRIGGI-WHITTON: I just want
9 to second that. I just think before you ask us
10 to okay something we have to know what the amount
11 is. It's just irresponsible to do it.

12 CHAIRMAN NICOLELLO: Thank you, Mr.
13 Cestra. You're going to provide that information
14 to us within the next two weeks.

15 MR. CESTRA: Yes.

16 CHAIRMAN NICOLELLO: Any other
17 questions?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 Carries by a vote of four to three.

2 Items 356 and 357-2012, resolutions to
3 authorize the transfer of appropriations
4 heretofore made within the budget for year 2012,
5 and an ordinance supplemental to the annual
6 appropriation in connection with the correctional
7 center.

8 Motion by Legislator Kopel, seconded by
9 Legislator Gonsalves.

10 Any questions on these two items?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 Those items carry unanimously.

19 Items 359 and 360-2012. 359 is a
20 resolution authorizing the signing of a New York
21 State Department of Transportation supplemental
22 grant agreement for funds to support police
23 enforcement of high occupancy vehicle laws on the
24 Long Island Expressway.

25 360 is a resolution authorizing the

2 county executive to execute a grant agreement
3 between the County of Nassau acting on behalf of
4 the Department of Public Works and the New York
5 State Office of Parks, Recreation, and Historic
6 Preservation.

7 LEGISLATOR MUSCARELLA: So moved.

8 LEGISLATOR GONSALVES: Second.

9 CHAIRMAN NICOLELLO: Moved by Legislator
10 Muscarella, seconded by Legislator Gonsalves.

11 These items were heard in committees
12 earlier. Do we have any questions or comments on
13 Items 359 and 360-2012?

14 LEGISLATOR DeRIGGI-WHITTON: Can I just
15 ask one quick question?

16 The 359-12, that's 100 percent grant or
17 how is that being funded?

18 SERGEANT STEPHANOFF: Sergeant Greg
19 Stephanoff. It's 100 percent grant funded. It's
20 732,000 federal and 183,000 state funded.

21 LEGISLATOR DeRIGGI-WHITTON: Good.

22 Thank you. That's good.

23 SERGEANT STEPHANOFF: You're welcome.

24 CHAIRMAN NICOLELLO: Thank you.

25 Any other questions?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Items 359 and 360 carry unanimously.

10 Item 361-2012 is an ordinance to adopt
11 the Nassau County budget for the Nassau Community
12 College for the fiscal year commencing September
13 1, 2012 and ending August 31, 2013.

14 LEGISLATOR MUSCARELLA: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRMAN NICOLELLO: I have a motion
17 from Legislator Muscarella, seconded by
18 Legislator Kopel.

19 The item is front of the committee.

20 I move that we incorporate the testimony
21 of President Astrab, as well as the questions and
22 answers from the earlier Government Services
23 Committee.

24 (Whereupon, the following are the minutes
25 of the June 4, 2012 Government Services Committee

2 pertaining to Clerk Item 361-2012.)

3 We have one item here today and that is
4 an ordinance to adopt the Nassau County budget
5 for Nassau Community College for the fiscal year
6 commencing September 1, 2012, ending August 31,
7 2013, and to appropriate revenues and the total
8 amount of monies to be raised by taxation within
9 the County of Nassau for the purposes of Nassau
10 Community College for such fiscal year, pursuant
11 to the provisions of the Education Law, the
12 County Law, the General Municipal Law, the County
13 Government Law of Nassau County and the Nassau
14 County Administrative Code.

15 May I have a motion, please?

16 LEGISLATOR BECKER: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRMAN KOPEL: Moved by Legislator
19 Becker, seconded by Legislator Nicolello.

20 DR. ASTRAB: Yes. Good afternoon.

21 Donald Astrab, President, Nassau Community
22 College. I want to thank the members of the
23 Government Services Committee. Thank you for
24 providing me this opportunity to present to you
25 Nassau Community College's budget for fiscal year

2 2012-2013, and I also want to thank you for your
3 expeditious consideration.

4 The NCC budget for 2012-2013 is a no
5 tuition increase/no fee increase/no tax increase
6 budget.

7 It is my understanding that the public
8 hearing on the College's budget has been set for
9 June 18, so I will keep my remarks today on the
10 brief side. However, I do want to highlight
11 those areas that have been if focus in the past.

12 First, for the fourth year in a row, this
13 budget does not assume or ask for any increase in
14 County property taxes supporting the College. We
15 are very grateful for the level of support Nassau
16 County has given to the College in the past, and
17 that level of support has enabled the County's
18 contribution, as a percentage of the overall
19 College budget, to stay pretty close to the level
20 envisioned by state law. Although we recognize
21 that maintaining the County's commitment on
22 behalf of the College's operating budget will
23 require additional revenues at some point in the
24 future, we also recognize the reality that such
25 additional revenues would not be forthcoming this

year.

Second, this budget does not include any increase in tuition or fees. Currently, students are bearing more than 40 percent of the cost of the College's operating budget. This already high percentage would have been even higher if it had not been for a significant increase in state aid this year, which amounted in NCC's case to be almost \$3 million. However, to put this increase in context, the level of state aid to all community colleges, including NCC, even with this increase, is less than what was available in 2003. All elements of the College -- administration, faculty, and students -- expended considerable efforts this past year in advocating for an even larger increase in state aid. We are grateful to our state representatives for this increase, but I assure you that our efforts will continue at the state level, to see that the state ultimately can provide the level of aid envisioned in state law. By providing for no increase in tuition or fees, we have been able to keep the tuition at \$3,990 annually, which is the same level as Suffolk Community College charges.

2 In addition to being mindful of maintaining our
3 competitive position with respect to other
4 community colleges, the level of tuition in this
5 budget recognizes that substantial tuition
6 increases put at risk our ability to fulfill our
7 mission of offering affordable, high quality
8 higher education.

9 Third, with respect to spending in the
10 budget, spending will be increased by less than
11 one percent compared to the adopted College
12 budget for the fiscal year 2011-2012. To put
13 this in further context, the College budget for
14 2011-2012 itself called for less spending than
15 the College budget had in the adopted of 2009-
16 2010 in spite of the fact that the baseline
17 growth in the budget each year is approximately
18 \$10 million. In other words, the budget before
19 you today for you continues a pattern of the last
20 few years of significant spending restraint.

21 Finally, this budget spending will call
22 for \$1.5 million to come from fund balance.
23 Spending down fund balance is something that must
24 be done carefully and judiciously. But at a time
25 when other sources of revenue have been increased

2 to their practical limits and when spending, as I
3 indicated a moment ago, has already been
4 significantly restrained, tapping into fund
5 balance is not inappropriate. However, even with
6 this expenditure of fund balance, the level of
7 our fund balance is still within the Board of
8 Trustees' policy of what should be on hand to
9 deal with emergency spending needs.

10 With this brief description of what is
11 within the budget, I want to again thank the
12 committee for rescheduling the consideration of
13 this budget so expeditiously, and I also will be
14 available here for any questions.

15 But I want to make you aware of, on
16 Friday, the College took over operations for the
17 new life sciences building. It's now in our
18 possession. We will actually start moving this
19 week. And over the next few weeks we will be
20 extending an invitation to all the members of the
21 legislature to come tour the facility. And we
22 look forward to a grant opening early in the fall
23 when all the students are back.

24 Thank you. And if you have any
25 questions, I'm certainly here.

2 CHAIRMAN KOPEL: Any questions from the
3 legislators? Legislator Becker.

4 LEGISLATOR BECKER: Mr. Astrab, good
5 morning. What time is it? It's three o'clock.
6 Wow.

7 First of all, I have to compliment you
8 and thank you for the amazing work you're doing
9 over at the College there. You know it's one of
10 the shining stars in this County. It's one of
11 the things that, despite the difficulties we've
12 had in this County, at least since I've been on
13 this board, that we can always claim to be doing
14 very well and, as I said, a shining star.

15 To present a budget as you have and to
16 work as hard as you've done to not have any tax
17 increase or fee increase or even a tuition
18 increase is something that I can only say is
19 phenomenal. It, of course, recognizes the many
20 difficulties that the country is experiencing and
21 that we are experiencing in Nassau County.

22 But you're at the helm of the College.
23 You're doing an amazing job. I've gotten to know
24 you personally. I've seen you and met you at
25 other functions. You promote the College in a

2 fantastic way.

3 The only thing that I am amazed at, of
4 course, is did you say the tuition is 3,000 -

5 DR. ASTRAB: 990 per year.

6 LEGISLATOR BECKER: That's like a fire
7 sale. My kids went to various different schools
8 and I think that the tuition was in the 30 to
9 \$35,000 range. That's pretty amazing, that you
10 can get the quality of education that you're
11 getting, the foundation to go to a four-year
12 school and even, in some cases, begin a career,
13 because of the training you get at Nassau
14 Community College is amazing. And I have to
15 compliment you.

16 You've been at this job not too long, and
17 I of course sometimes wonder if you thought it
18 was a great idea to come from Florida to here. I
19 hope that you at least feel that it is
20 worthwhile. We certainly appreciate your
21 expertise and the amazing work you're doing. My
22 heartfelt thanks for your efforts and that of the
23 Board of Trustees. Of course, I've been a strong
24 supporter of the College all along and always
25 felt that we should keep a hands-off approach to

2 the College, even more so now when you take into
3 account the difficult finances that I know are
4 going on at the College. You continue to do an
5 amazing -- this, to me, is an amazing budget.
6 And I know you're not sacrificing the education
7 and the quality of education the students are
8 going to get there.

9 You mentioned something about the life
10 science building. That's finally being built,
11 right? When you say take over.

12 DR. ASTRAB: Yes. The construction is
13 complete. We've actually assumed the
14 responsibility for the building from the
15 contractors on Friday, June 1. Weather
16 permitting, we'll start moving the nursing
17 department over there this week. I want to thank
18 everyone, the legislature for your support. And
19 when you talk about affordable education, I've
20 been involved in higher education across the
21 country and I've never seen a county step up and
22 support its community college the way you do.
23 The tuition is at that level because of your
24 support and the work of so many. It continues to
25 be a jewel because of the faculty -- full-time,

2 part-time.

3 We have our challenges ahead, but we're
4 going to make the most of what we do have and
5 continue it to be affordable, high-quality,
6 higher education.

7 LEGISLATOR BECKER: My heartfelt thanks
8 to you as the leader of the College and the Board
9 of Trustees; I wish you would express my
10 sentiments to them, as well. Of course we've got
11 amazing teachers and amazing kids that go to the
12 school.

13 DR. ASTRAB: Yes, we do.

14 LEGISLATOR BECKER: Thank you.

15 DR. ASTRAB: Thank you.

16 CHAIRMAN KOPEL: Legislator Ford.

17 LEGISLATOR FORD: Thank you. Dr.
18 Astrab, also I think I have to commend you on
19 this budget. I look forward to visiting the life
20 science, the new life science building. I
21 remember taking the tour when it was under
22 construction. Just as an aside on that. Will
23 that allow you to open up the nursing program to
24 more students or would you pretty much stay
25 within the number that you have currently?

2 DR. ASTRAB: Initially we'll stay with
3 that number. The nursing program has its
4 accreditation visit this fall. I think the new
5 facility, with that visit, will lay the
6 groundwork for us being able to expand. But it
7 will all be with their blessing.

8 LEGISLATOR FORD: I'm hoping that maybe
9 you will be able to expand it so that a lot more
10 young people can become nurses in today's world.

11 For me -- and I know that you've done,
12 with the parking lots. I know that it always
13 seems, a lot of people would say it's just a
14 parking lot. But I have to say that all of you
15 working at the school have made it a priority,
16 because we know that our students have to travel,
17 have to park, find parking. None of them, or
18 maybe not all of them get to school early, in
19 time for classes, a lot of them are running late,
20 my son having had been one of them. Having taken
21 the tour to see what you've done so far on some
22 of the parking fields -- and I know that one of
23 the plans had also been that you were going to
24 join basically the parking fields so the students
25 wouldn't have to travel back onto Charles

2 Lindbergh Boulevard to go from one section to
3 another. Where are we with that?

4 DR. ASTRAB: The east lot, is pretty
5 much that area right now. It's about three-
6 quarters done, I would say. We've closed that
7 area for the summer so we can speed up and have
8 it done by mid-August and open for the fall. So
9 we are on target, weather permitting here, to
10 have that all complete. And I think we'd all say
11 that this fall, we feel very confident for the
12 first time that parking, you'll be able to pull
13 in and find something somewhere.

14 LEGISLATOR FORD: I have to say that I
15 know that for the parents that did call my office
16 in regards to the situation way back when, I
17 thank you very much for expanding the parking
18 lot, making it safer, and providing that lighting
19 that we so desperately need. Thank you very
20 much.

21 DR. ASTRAB: It looks very good. Thank
22 you again for the support.

23 CHAIRMAN KOPEL: Anyone else?

24 (No verbal response.)

25 Dr. Astrab, thank you.

2 DR. ASTRAB: Thank you.

3 CHAIRMAN KOPEL: Any public comment?

4 (No verbal response.)

5 All those in favor please signify by
6 saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item passes unanimously.

11 (Whereupon, the following is the
12 continuation of the minutes from the June 4, 2012
13 Finance Committee meeting.)

14 CHAIRMAN NICOLELLO: Good afternoon.

15 DR. ASTRAB: I was going to recommend
16 the same thing.

17 CHAIRMAN NICOLELLO: Do you have
18 anything to add?

19 DR. ASTRAB: No. If there are
20 questions, again, it's just a budget for this
21 year with no tuition, no fee, no tax increase.
22 Again, I request the statement from the
23 Government Services Committee to go in, and
24 questions. If there's anything else, I'm
25 available.

2 CHAIRMAN NICOLELLO: Legislator
3 Bosworth.

4 LEGISLATOR BOSWORTH: Well, you know,
5 this seems like an amazing presentation. I sat
6 in on the other committee, although I wasn't a
7 member of it. I just have one question.

8 How are we doing with enrollment? Is
9 there a percentage increase, decrease?

10 DR. ASTRAB: Well, every day we're
11 counting our blessings with enrollment. Through
12 the spring we were slightly up. We're slightly
13 up this summer. Across the Community College in
14 the system, in New York, there are many community
15 colleges that are down, some by double digits.
16 So our enrollment has been holding steady. I
17 think across the state you see everybody else
18 reporting, at best, they're steady, most are
19 going down. So we're grateful for where we're at.

20 LEGISLATOR BOSWORTH: I don't mean to
21 nitpick. But when you say slightly up?

22 DR. ASTRAB: Within one percent, yeah.

23 LEGISLATOR BOSWORTH: Okay. Thank you.

24 DR. ASTRAB: Thank you.

25 CHAIRMAN NICOLELLO: Legislator

2 Denenberg.

3 LEGISLATOR DENENBERG: Thank you.

4 Again, my compliments, like everyone else said.

5 Quick question. State aid, that is up
6 this year, correct?

7 DR. ASTRAB: Yes. Our state aid was
8 increased by \$150 per FTE, which is the reason
9 the college budget is up slightly from last year,
10 by a little over a million dollars. The state
11 aid though, keep in mind, that level today is
12 still less than where we were at 2003. So we did
13 have some restoration. It's allowing us to bring
14 a budget forward with no tuition increase.
15 That's basically what that state aid increase did
16 for us, to keep tuition flat.

17 LEGISLATOR DENENBERG: So that enabled
18 you to keep tuition flat.

19 DR. ASTRAB: Yes.

20 LEGISLATOR DENENBERG: But it's
21 important for all us to acknowledge that, like
22 you said, it's still down from where it was ten
23 years ago.

24 DR. ASTRAB: Right. We're grateful for
25 the state for what we did get, and we'll be

2 pursing within them ways to improve for the
3 future.

4 LEGISLATOR DENENBERG: Thank you.

5 DR. ASTRAB: Thank you.

6 CHAIRMAN NICOLELLO: The current year,
7 spending is flat this year or did it go down
8 slightly? I'm trying to recall.

9 DR. ASTRAB: Well, the current year
10 budget we're in was less than the previous year,
11 and that budget year was less than the year
12 before that. So for two straight years we were
13 down. This budget is going to be about where we
14 were when I first arrived here in 2009, at 204
15 million.

16 CHAIRMAN NICOLELLO: That's great.

17 DR. ASTRAB: Thank you.

18 CHAIRMAN NICOLELLO: Legislator DeRiggi-
19 Whitton.

20 LEGISLATOR DeRIGGI-WHITTON: Thank you.
21 Just so I understand. There is a .09 percent
22 increase, right, or .9 increase, it's 1.8
23 million.

24 DR. ASTRAB: Correct.

25 LEGISLATOR DeRIGGI-WHITTON: And all of

2 that is coming from the state.

3 DR. ASTRAB: The increased state aid,
4 yes.

5 LEGISLATOR DeRIGGI-WHITTON: Okay. So
6 the budget is going up by about 1.8.

7 DR. ASTRAB: About one percent.

8 LEGISLATOR DeRIGGI-WHITTON: But we're
9 not having to pass that down. Congratulations.
10 It's very -- it's good to see that our kids are
11 getting a break.

12 DR. ASTRAB: It's not easy, but we're
13 getting there. Thank you.

14 CHAIRMAN NICOLELLO: Thank you, again.

15 Any other legislators?

16 (No verbal response.)

17 All those in favor of moving this item on
18 signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 We have three items for executive
24 session, round two.

25 Items 321, 322, 329-2012.

2 Item 321 is a resolution authorizing the
3 county attorney to compromise and settle the
4 action, Thomas F. Fanning v. Nassau County Police
5 Department.

6 322 is an ordinance providing for a
7 capital expenditure to finance the payment of
8 certain settled claims against the County of
9 Nassau, authorizing \$918,000 of bonds of the
10 county.

11 329 is a resolution authorizing the
12 county attorney to compromise and settle the
13 county's claims against certain defendants in the
14 multi-district litigation known as Nassau County
15 v. State of New York.

16 LEGISLATOR KOPEL: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN NICOLELLO: Moved by Legislator
19 Kopel, seconded by Legislator Muscarella.

20 The items are before the committee.

21 Do I have a motion to go into executive
22 session?

23 LEGISLATOR GONSALVES: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRMAN NICOLELLO: Moved by Legislator

2 Gonsalves, seconded by Legislator Muscarella.

3 For those three items, we're going into
4 executive session.

5 (Whereupon, the Finance Committee
6 recessed at 4:17 p.m.)

7 (Whereupon, the Finance Committee
8 reconvened at 4:30 p.m.)

9 CHAIRMAN NICOLELLO: We're back from
10 executive session.

11 I am going to call Items 321, 322, and
12 329-2012 for a vote.

13 All those in favor of these items signify
14 by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Carries unanimously, the three items.

19 That's the end of our business.

20 Motion to adjourn by Legislator

21 Denenberg, seconded by Legislator Kopel.

22 All those in favor of adjourning signify
23 by saying aye.

24 (Aye.)

25 The committee stands in adjournment.

1 Finance Committee - 6-4-12

78

2 (Whereupon, the Finance Committee
3 adjourned at 4:31 p.m.)

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 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 25th day of June, 2012.

FRANK GRAY