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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue  
Mineola, New York

Monday, February 4, 2013  
4:07 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

VINCENT MUSCARELLA ,  
Vice Chairman

ROSE MARIE WALKER

MICHAEL VENDITTO

DAVID DENENBERG , (Substituted by  
Ranking Carrie Solages)

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

WILLIAM J. MULLER , III  
Clerk of the Legislature

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LIST OF SPEAKERS

RICHARD MILLET,  
 Nassau County Department of  
 Public Works.....11

GREG MAY,  
 Director of Legislative Affairs.....20

1 Finance Committee/2-4-13

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?

7 LEGISLATOR DeRIGGI-WHITTON:  
8 Here.

9 CLERK MULLER: Legislator  
10 Bosworth?

11 LEGISLATOR BOSWORTH: Here.

12 CLERK MULLER: Ranking Member  
13 Denenberg?

14 (No verbal response.)

15 CLERK MULLER: Legislator  
16 Venditto?

17 LEGISLATOR VENDITTO: Here.

18 CLERK MULLER: Legislator Walker?

19 LEGISLATOR WALKER: Here.

20 CLERK MULLER: Vice Chairman  
21 Muscarella?

22 LEGISLATOR MUSCARELLA: Here.

23 CLERK MULLER: Chairman

24 Nicoletto?

25 CHAIRMAN NICOLELLO: Here.

1 Finance Committee/2-4-13

2 CLERK MULLER: We have a quorum.

3 CHAIRMAN NICOLELLO: Thank you.

4 The first item is 45 of 2013, a resolution  
5 to authorize a transfer of appropriations  
6 heretofore made with the budget for the year  
7 2012.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Moved by  
11 Legislator Muscarella, seconded by  
12 Legislator Walker. Are there any questions  
13 on this item, the transfer in the  
14 correctional center?

15 (No verbal response.)

16 Seeing no questions, is there any  
17 public comment?

18 (No verbal response.)

19 All those in favor signify by  
20 saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 That item passes unanimously.

25 Item 48 of 2013, a resolution

1                   Finance Committee/2-4-13  
2     providing for the issuance of a warrant  
3     directing the treasurer of the County of  
4     Nassau to pay to the supervisors of the  
5     several towns and to the treasurers of the  
6     several villages and cities within the  
7     County of Nassau the sums as apportioned by  
8     the Nassau County Legislature based on the  
9     report filed by the county treasurer and the  
10    county clerk showing deposits for mortgage  
11    taxes.

12                   LEGISLATOR MUSCARELLA:    So moved.

13                   LEGISLATOR WALKER:    Second.

14                   CHAIRMAN NICOLELLO:    Moved by  
15    Legislator Muscarella, seconded by  
16    Legislator Walker.    Any discussion?

17                   (No verbal response.)

18                   Is there any public comment?

19                   (No verbal response.)

20                   All those in favor signify by  
21    saying aye.

22                   (Aye.)

23                   Any opposed?

24                   (No verbal response.)

25                   The next two items will be called

1 Finance Committee/2-4-13  
2 later for executive session, Item 59 of 2013  
3 is a resolution to authorize the transfer of  
4 appropriations heretofore made within the  
5 budget for the year 2012.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR MUSCARELLA: Second.

8 CHAIRMAN NICOLELLO: Moved by  
9 Legislator Walker, seconded by Legislator  
10 Muscarella. Any discussion? It's a  
11 transfer within the medical examiner's  
12 office.

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by  
17 saying aye.

18 (Aye.)

19 Carries unanimously.

20 Items 60, 61, 62 of 2013 are  
21 ordinances making certain determinations  
22 pursuant to SEQRA and authorizing the County  
23 Executive of the County of Nassau to accept  
24 on behalf of the County of Nassau, Office of  
25 Purchase from Young Ok Ahn Kim and Kwan Bae

1 Finance Committee/2-4-13  
2 Kim of certain premises located in Port  
3 Washington, Eleanor Peterson of certain  
4 premises located in Rockville Centre, and  
5 Terry Famigletti of certain premises located  
6 in the Incorporated Village of Bayville.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR VENDITTO: Second.

9 CHAIRMAN NICOLELLO: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Venditto. Do we have any questions on this  
12 item?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by  
17 saying aye.

18 (Aye.)

19 Carries unanimously. Item 64 of  
20 2013, a resolution authorizing the county  
21 executive to execute an intermunicipal  
22 agreement with the County of Nassau in  
23 relation to the Westchester County  
24 performing latent print analysis for the  
25 County of Nassau.



1 Finance Committee/2-4-13

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN NICOLELLO: Moved by  
5 Legislator Walker, seconded by Legislator  
6 Muscarella. This item was heard a few  
7 moments ago in the Public Safety Committee.  
8 Do any members of this committee have any  
9 questions on this particular item?

10 (No verbal response.)

11 Hearing none, is there any public  
12 comment?

13 (No verbal response.)

14 All those in favor signify by  
15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 The item carries.

20 Items 65 and 66 of 2013; 65 is an  
21 ordinance to amend Ordinance Number 241 of  
22 2012 as amended, adopting the county budget  
23 for the year 2012 for the County of Nassau.  
24 Ordinance 66 is a bond ordinance providing  
25 for capital expenditure to finance the

1 Finance Committee/2-4-13  
2 capital project specified herein within the  
3 County of Nassau.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR VENDITTO: Second.

6 CHAIRMAN NICOLELLO: Moved by  
7 Legislator Walker, seconded by Legislator  
8 Venditto. Item 65 just went through the  
9 Public Works Committee. I know that  
10 Legislator Bosworth mentioned Shelter Rock  
11 Road and I actually was on it -- and  
12 Searingtown. I was on Shelter Rock Road  
13 over the weekend, and it was has to be a  
14 couple of football fields long with trees,  
15 just all stumps. I actually had been on  
16 that road in the past, it's a beautiful road  
17 especially in the spring.

18 LEGISLATOR BOSWORTH: Thank you  
19 for noticing that. It's appreciated.

20 CHAIRMAN NICOLELLO: Any further  
21 discussion? Legislator DeRiggi-Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Hi.  
23 I'm not sure if Mr. May, or the gentleman  
24 that's in charge of the clean-up, Richard,  
25 do you have a second?

1 Finance Committee/2-4-13

2 MR. MILLET: Rich Millet, Public  
3 Works. How are you?

4 LEGISLATOR DERIGGI-WHITTON:

5 Good. I just have a few questions regarding  
6 this expenditure. I'm happy to see a number  
7 of trees will be replaced. I'm just  
8 wondering, what process exactly, I know you  
9 met and discussed what the list is, that you  
10 feel you're comfortable with, as to what has  
11 to be replaced, are we going to see what  
12 that includes at any time?

13 MR. MILLET: There is no set list  
14 right now. We are going to go out and  
15 starting to do assessments and we'll use one  
16 of our employees, Rich Arnados who is a  
17 landscape architect and our contacts with  
18 Cornell, and we'll talk about what trees  
19 belong where and where they should be  
20 planted, and within the county, trees are  
21 planed a lot of times in the wrong spots,  
22 and it's detrimental to the tree and  
23 detrimental to the resident to have it  
24 there.

25 So we haven't chosen any spot

1 Finance Committee/2-4-13  
2 yet. We're going to meet and talk about  
3 where they go and hit the spring planting  
4 and the fall planting season as quickly as  
5 we can.

6 LEGISLATOR DERIGGI-WHITTON:  
7 Prior to that, I think we would all just  
8 appreciate just seeing some idea of where  
9 you will be planting them. We each  
10 represent our own districts and each are  
11 very familiar with what areas we feel were  
12 either compromised, or --

13 MR. MILLET: As soon as we sit  
14 down and start to formulate a plan, we will  
15 certain include everyone through their  
16 caucus leader.

17 LEGISLATOR DERIGGI-WHITTON:  
18 Again, I know Wellin (phonetic) has become a  
19 major factor in this. Has there been any  
20 attempt to recover any of the expense that  
21 the county is going to have to replace the  
22 trees that were cut?

23 MR. MILLET: No.

24 LEGISLATOR DERIGGI-WHITTON: Can  
25 I ask you another question regarding that?

1 Finance Committee/2-4-13

2 When you said that the crew that was sent in  
3 to Wellin, it was removed within a couple of  
4 days, how do you identify --

5 MR. MILLET: Truck numbers.

6 LEGISLATOR DERIGGI-WHITTON: Why  
7 was it that the same truck number was there  
8 for five days?

9 MR. MILLET: No, it was not -- it  
10 could have been the same one in the  
11 beginning and then they were removed.

12 LEGISLATOR DERIGGI-WHITTON: No.  
13 The same truck number is on the --

14 MR. MILLET: I would have to see  
15 it. I wouldn't be able to answer you.

16 LEGISLATOR DERIGGI-WHITTON: I'll  
17 show it to you. But the same truck number  
18 was there for --

19 MR. MILLET: Could have been the  
20 crew got fired and they used the truck over  
21 again. I couldn't answer it right now. I  
22 would have to look.

23 LEGISLATOR DERIGGI-WHITTON:  
24 That's another question I have. I know  
25 Norma Gonsalves said the crew was fired in

1 Finance Committee/2-4-13  
2 her correspondence to me and then I heard  
3 that it was just removed and another one --  
4 do you know if the crew was fired?

5 MR. MILLET: I would have to  
6 check. I believe we wanted them removed  
7 from county work. I will check to see what  
8 happened.

9 LEGISLATOR DERIGGI-WHITTON:  
10 Because I heard that they were just removed  
11 but not fired. So I would like a  
12 clarification as to whether or not they were  
13 truly fired or removed.

14 Also, just being on the Finance  
15 Committee, I appreciate we have been asking  
16 for -- I know in Rules were asking for some  
17 clarifications because this is up to \$68  
18 million that is asked to be allotted for one  
19 company.

20 MR. MILLET: Not one company.  
21 One company that manages 40 companies.

22 LEGISLATOR DERIGGI-WHITTON: I  
23 thought it was one company last time we  
24 spoke.

25 So Looks Great Services is now

1 Finance Committee/2-4-13  
2 awarded -- we're going to allocate \$68  
3 million to this one company.

4 MR. MILLET: To pay for their 58  
5 contractors.

6 CHAIRMAN NICOLELLO: Hold on a  
7 second. This has nothing to do with this  
8 item.

9 LEGISLATOR DERIGGI-WHITTON: Yes,  
10 it does. Actually it does.

11 CHAIRMAN NICOLELLO: This is out  
12 of order.

13 LEGISLATOR DERIGGI-WHITTON: It  
14 actually does. The reason why I'm asking is  
15 because on the Finance Committee, when we  
16 need these invoices to justify that type of  
17 expenditure of \$68 million, we are handed  
18 these two pieces of papers.

19 What I want to reiterate, which  
20 was already brought up in Rules by Judy  
21 Jacobs, is the fact that it's very hard to  
22 allocate \$68 million -- for instance, this  
23 one is \$2 million and it's representing  
24 carting and everything else. There is  
25 absolutely no indication as to what the rate

1 Finance Committee/2-4-13  
2 is that's being paid. There is no  
3 indication of where the work is being done.

4 CHAIRMAN NICOLELLO: Again,  
5 Legislator DeRiggi-Whitton, obviously we  
6 gave you the leeway, but could you please  
7 talk about this item? I know you have  
8 concerns about Looks Great. I know you have  
9 concerns about the other item but this isn't  
10 the time or place to bring them up. We have  
11 business to transact in this committee.

12 LEGISLATOR DERIGGI-WHITTON:  
13 Listen. I represent -- I'm on the Finance  
14 Committee and I represent something that we  
15 are going to be expected to vote on at our  
16 next meeting. I'm not going to have another  
17 chance to get together with --

18 CHAIRMAN NICOLELLO: But it's not  
19 the right place, otherwise we could pick and  
20 choose when we are going to raise our  
21 arguments about something having nothing to  
22 do with the item before us.

23 LEGISLATOR DERIGGI-WHITTON: But  
24 that's really not the case.

25 CHAIRMAN NICOLELLO: There is a



1 Finance Committee/2-4-13  
2 reason we have an agenda and the things that  
3 we are going to consider is the business  
4 that's of the committee.

5 LEGISLATOR DERIGGI-WHITTON: I  
6 understand you're trying to stop me from  
7 asking questions but if you can just return  
8 to the podium, I just want to finish up with  
9 one thing.

10 I, as a legislator, have to  
11 finish up my questions. The fact that  
12 you're trying to stop me is very unusual.

13 CHAIRMAN NICOLELLO: If you have  
14 a question, go ahead and ask it.

15 LEGISLATOR DERIGGI-WHITTON: I  
16 do.

17 CHAIRMAN NICOLELLO: And if it's  
18 on this item, Mr. Millet, you can answer.  
19 If it's not on the item, then we are going  
20 to move on.

21 LEGISLATOR DERIGGI-WHITTON:  
22 Okay. When we are asked to approve items  
23 such as this \$3.5 million which you are  
24 doing, on the Finance Committee, what  
25 documentations are you going to provide for

1 Finance Committee/2-4-13

2 \$3.5 million?

3 MR. MILLET: I wouldn't know.  
4 Location of trees, cost of the tree. That's  
5 what we would supply to you.

6 LEGISLATOR DERIGGI-WHITTON: So  
7 wouldn't you expect that like whenever you  
8 do any type of request for funding that you  
9 would have, like you said, location and  
10 maybe what work is going to be done, and how  
11 much expense you're going to have for each  
12 item?

13 MR. MILLET: I'm sure they're  
14 going to claim those things are covered.

15 LEGISLATOR DERIGGI-WHITTON: Are  
16 those items necessary for any kind of FEMA  
17 reimbursement?

18 MR. MILLET: They are.

19 LEGISLATOR DERIGGI-WHITTON: So  
20 I'm going on record right now, and you might  
21 call this out of line, but I'm calling it  
22 trying to get the only opportunity to get  
23 information. All of the invoices I've  
24 received for what we're putting out --

25 CHAIRMAN NICOLELLO: You are

1 Finance Committee/2-4-13  
2 right. It is out of order and you really  
3 are trying the patience of just about  
4 everybody in this room with this. If you  
5 want to bring that up, you will have a  
6 perfect opportunity in several weeks before  
7 the Full Legislature and any time in between  
8 when you want to bring it up to whoever you  
9 want to talk to. But it's out of order for  
10 this committee. I'm going to move on.

11 Does anyone else have any  
12 questions?

13 (No verbal response.)

14 Anyone have any public comment?

15 LEGISLATOR DERIGGI-WHITTON: I  
16 think that's ridiculous.

17 (No verbal response.)

18 All those in favor of passing  
19 this, signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Passes unanimously.

24 Item 69 of 2013 -- I'm skipping  
25 over 67 and 68 which we will be for later

1 Finance Committee/2-4-13  
2 for executive session.

3 Item 69 of 2013 is a local law to  
4 provide relief from fees charged by the  
5 various departments of county governments to  
6 the victims of Hurricane/Super Storm Sandy.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN NICOLELLO: Moved by  
10 Legislator Walker, seconded by Legislator  
11 Muscarella. Mr. May, do you have someone to  
12 speak about this?

13 MR. MAY: Yes. That would be me.

14 CHAIRMAN NICOLELLO: Here's a  
15 question. What fees are we waiving?

16 MR. MAY: As of right now, all  
17 fees are eligible to be waived. An  
18 individual will apply to a particular  
19 department and they have to show good cause  
20 which is a notarized statement that the fee  
21 that they are claiming waiver is in relation  
22 to Hurricane Super Storm Sandy, and I guess  
23 for brevity's sake, we'll just call it  
24 Sandy.

25 CHAIRMAN NICOLELLO: I think the

1 Finance Committee/2-4-13  
2 administration needs to identify the fees  
3 that are going to be waived. I don't think  
4 you can just pass a resolution that just  
5 blanketly waives all fees. Obviously the  
6 county attorney would speak to that. But I  
7 think we need to know which fees it is that  
8 are going to be waived. Obviously everyone  
9 up here is going to be in favor of this, and  
10 certainly we want to see relief to our  
11 residents, but we need some specifics.

12 MR. MAY: Absolutely. And right  
13 now, in speaking with constituents who have  
14 been contacting the county executive's  
15 office, it appears that the fees that are  
16 most likely to be waived will be the sewer  
17 disconnect and reconnect fee, and that's  
18 from the Department of Public Works. That's  
19 is if you have to demolish your house, you  
20 have to cap the sewer connection, and the  
21 pre-demolition inspection from the  
22 Department of Health which, the Department  
23 of Health will inspect the premises, and I  
24 believe they search or inspect for rodents  
25 and other pests so that if the house does

1 Finance Committee/2-4-13  
2 come down it won't be a health hazard for  
3 neighbors, their neighbors and the community  
4 at large.

5 We are certainly open to  
6 discussing changes to the bill and we can  
7 make amendments. Coming here today we  
8 wanted to have a cooperative process with  
9 the legislators.

10 I know I spoke with majority  
11 counsel before this bill was filed and, on  
12 their suggestion, we added language  
13 regarding the insurance policies. This is  
14 not a fate accompli. We are not pushing  
15 this through in any kind of inappropriate  
16 manner. We want to have a dialogue with you  
17 as the legislature and make this law the  
18 best law it can be.

19 I think we all want to help our  
20 residents and do this in the most  
21 appropriate way possible.

22 CHAIRMAN NICOLELLO: Legislator  
23 Muscarella.

24 LEGISLATOR MUSCARELLA: Yes. Mr.  
25 May, I think that we need to specify what

1 Finance Committee/2-4-13  
2 fees were in the bill that we're actually  
3 waiving. I think you're going to end up  
4 with a situation where if we blanketly waive  
5 fees with the county, you're going to have  
6 people, constituents who may come forward  
7 and believe that we are waiving things like  
8 a mortgage recording tax if they have to  
9 refinance or whatever. That's a state tax.

10 So I think the more specific we  
11 can get the better off it is, not only for  
12 an interpretation of the bill, but for the  
13 residents as they go forward in knowing  
14 exactly what's being waived.

15 MR. MAY: Absolutely. And,  
16 again, when we were drafting the language in  
17 the bill, what we were attempting to do is,  
18 in the section describing good cause, we  
19 wanted a statement from the applicant, the  
20 person, individual applying for the waiver  
21 that they're applying for the waiver in  
22 relation to work that they have to perform  
23 because of Sandy.

24 We also included language in the  
25 bill that any fee that is being charged by

1 Finance Committee/2-4-13  
2 the county, due to a federal or state law,  
3 would not be waived. It would be purely  
4 county fees.

5 But I understand exactly what  
6 you're saying and if you, as a legislature,  
7 want to see some more specific language, we  
8 have to get your votes to do that. And if  
9 that's the case, that's what we'll do.

10 CHAIRMAN NICOLELLO: Is this  
11 limited to fees charged to residents or are  
12 we talking about business entities also?

13 MR. MAY: It was contemplated  
14 both. So local businesses obviously and for  
15 residents.

16 CHAIRMAN NICOLELLO: So for  
17 businesses, for example, damages by the  
18 hurricane has to move their premises, you're  
19 going to have the fire marshal go in and  
20 there's all sorts of fees that are involved  
21 there.

22 I mean, you're contemplating  
23 waiving the fire marshal fees in that  
24 circumstance?

25 MR. MAY: We contemplated waiving



1 Finance Committee/2-4-13  
2 the fire marshal fees, and part of the  
3 problem -- I don't want to say problem, but  
4 one of the challenges that had arisen in  
5 drafting this law is when I was looking at  
6 the different fees that the county charges  
7 at.

8 I don't think I'm surprising  
9 anybody by saying that there are quite a  
10 number of fees but specifically when you  
11 look at Fire-Com, the printout that I  
12 received is at least ten pages worth of fees  
13 and we did not want to include certain fees  
14 in the language that maybe would not be  
15 beneficial to the residents and by  
16 specifying the fees, eliminating the fees  
17 that would be beneficial to residents. It's  
18 a very challenging bill to write and to get  
19 right. So, again, I would appreciate your  
20 help with this.

21 CHAIRMAN NICOLELLO: I think  
22 you're making an argument for being more  
23 specific. Because if you leave it broad,  
24 then if I'm a business owner making that  
25 claim, I can certainly say that they waived

1 Finance Committee/2-4-13

2 just every fee.

3 MR. MAY: I understand what  
4 you're saying. This is probably an error on  
5 my part or in my logic when drafting the law  
6 that we didn't want to, or I didn't want to  
7 have a situation where -- we want to help  
8 the residents and by specifying a particular  
9 fee for waiver, maybe it's not one that  
10 actually would be beneficial, so the idea  
11 was to leave it up to the directors and the  
12 commissioners who would be -- in theory,  
13 would be the best people to review an  
14 applicant's claim of waiver and either  
15 approve or -- they would have to be  
16 reviewed.

17 But I understand what you're  
18 saying. We can certainly go back and  
19 discuss which fees in particular.

20 CHAIRMAN NICOLELLO: Legislator  
21 Bosworth.

22 LEGISLATOR BOSWORTH: You're  
23 bringing up great concerns and, Mr. May, I  
24 can understand the challenge that you're  
25 facing in writing this. And, of course,

1 Finance Committee/2-4-13  
2 it's something that certainly we want to  
3 help our residents as much as we can,  
4 especially those who were so devastated by  
5 the effects of Sandy.

6 One question I have is, sometimes  
7 a private insurance company will cover a  
8 fee. So if a private insurance covers the  
9 fee, would that still be waived?

10 MR. MAY: No.

11 LEGISLATOR BOSWORTH: And there  
12 would be a way to ascertain that?

13 MR. MAY: And, again, this is  
14 part of the challenge. We are relying on  
15 the residents to report on themselves  
16 essentially what their insurance policy  
17 covers. Again, it's all part of the  
18 challenge, but there is a legal penalty for  
19 lying to the county. It's being classified  
20 as a Class A misdemeanor which, I'm not a  
21 lawyer, if I remember correctly, a  
22 misdemeanor is punishable by up to a year in  
23 jail or \$1,000 fine, up to \$1,000 fine.

24 So there are -- we are certainly  
25 aware of the, I guess, potential for fraud.

1 Finance Committee/2-4-13  
2 Any government program that seeks to do good  
3 for residents will be a target of  
4 unscrupulous individuals who are trying to  
5 make a quick buck and maybe put a new dormer  
6 on their house and holds the county for the  
7 amount of their fee.

8 As it is written now, we are  
9 relying on the applicant to say, I'm not --  
10 I'm applying for a waiver for this fee. My  
11 insurance policy does not cover this fee and  
12 it is in relation to damages from Hurricane  
13 Sandy and I understand that lying on this  
14 document subjects me to a fine of up to  
15 \$1,000 or a year in jail. Which I think is  
16 fairly significant for most people to  
17 dissuade people from trying to take  
18 advantage of us. But, again, it's a  
19 challenging law to write and I want to get  
20 it right.

21 LEGISLATOR BOSWORTH: I'm not  
22 saying that people would do that but it  
23 would be important for that to be written in  
24 the document so that people are aware that  
25 if, in fact, it's being reimbursed by

1 Finance Committee/2-4-13

2 insurance that they can't --

3 MR. MAY: I believe the language  
4 is in there. If you would like to see it  
5 more explicit, we can certainly change the  
6 wording around, but we do define insurance  
7 police and we do say, an individual who is  
8 showing good cause has to stipulate whether  
9 or not their insurance is covering the claim  
10 waiver or not.

11 LEGISLATOR BOSWORTH: Sounds  
12 good. Thank you.

13 CHAIRMAN NICOLELLO: Legislator  
14 Walker.

15 LEGISLATOR WALKER: I think, too,  
16 Mr. May, even just reading what the proposed  
17 local law was here, you could take it even  
18 to a further extreme where people who've had  
19 tremendous hardship this year, they've been  
20 relocated, they have little children, their  
21 kids have been not in their own school,  
22 they're in a different community, they're  
23 living in a hotel, living with friends,  
24 whatever, they could say, well, I would  
25 really would like to send my kids to our

1 Finance Committee/2-4-13  
2 summer camp, could that fee be waived? You  
3 could use it to any -- and I'm not saying we  
4 never make circumstances available for  
5 people who really couldn't do things, but  
6 the way it is now, it kind of opens itself  
7 up to every possible fee. Even though I  
8 don't think that's what was meant in our  
9 minds, and we want to help our residents as  
10 much as possible --

11 MR. MAY: That's why the  
12 legislative process is very beneficial in  
13 this case because I didn't even consider  
14 that scenario. Obviously that's not really  
15 the intent. What the intent of the law is,  
16 is to get peoples' houses to a livable state  
17 and get peoples' businesses to an operable  
18 state so that they can begin to rebuild  
19 their lives. So that's the intent of the  
20 law.

21 Again, I did not contemplate  
22 somebody trying to claim a waiver for the  
23 summer camp fee. So certainly there is  
24 plenty of room here to tighten up the  
25 language and make it, like I said, the best

1 Finance Committee/2-4-13  
2 law that it can be to help the most number  
3 of our residents while protecting the  
4 county's fiscal interest.

5 LEGISLATOR WALKER: Because I  
6 don't think you have a person here who  
7 doesn't agree with you, the fact that we  
8 want to get people back in their homes, get  
9 their homes livable again, get their  
10 businesses back up and running, and whatever  
11 we can do to possibly help them, it's  
12 beneficial to them and certainly to us as a  
13 county.

14 CHAIRMAN NICOLELLO: Legislator  
15 DeRiggi-Whitton.

16 LEGISLATOR DERIGGI-WHITTON: I  
17 also think that this is a good idea, but,  
18 like you say, do you have any idea what the  
19 time limit is going to be for this type of  
20 fee request?

21 MR. MAY: Yes, the waiver of fees  
22 would be available until the end of the  
23 year, December 31st, 2013.

24 LEGISLATOR DERIGGI-WHITTON: So  
25 everything for the next year from the date

1 Finance Committee/2-4-13  
2 of hurricane -- okay, so anything that --  
3 MR. MAY: Correct. We built  
4 language into the law and I know when you  
5 take a look at it, part of what an  
6 individual has to provide is a FEMA ID or  
7 case number. We're assuming that the  
8 individuals who were so devastated by  
9 Hurricane Sandy would be availing themselves  
10 of the resources made available by FEMA.

11 FEMA has already changed its  
12 deadline for filing from I believe January  
13 28th to February 28th. So in the draft that  
14 you have, it's actually I believe the second  
15 draft. We did make some changes. Like I  
16 said, we spoke with majority counsel and  
17 made some changes regarding the insurance  
18 policy and we had the opportunity to change  
19 FEMA's deadline and we also had the language  
20 that if FEMA changes its deadline for  
21 application, we don't have to come back to  
22 the body for an amendment to the language  
23 allow people who applied for FEMA after the  
24 deadline in the law.

25 LEGISLATOR DERIGGI-WHITTON: I



1 Finance Committee/2-4-13  
2 think that's good. I think a year is a good  
3 amount of time too. It sounds reasonable.

4 My other question was what Judy  
5 asked about, the insurance, and some of them  
6 that will be covered.

7 Do you have any like history as  
8 to like in the past what type of fees have  
9 been paid for by private insurance  
10 companies, or --

11 MR. MAY: I do not. I think it  
12 depends on the individual's insurance  
13 policy.

14 LEGISLATOR DERIGGI-WHITTON: So  
15 we really have no idea what would be --

16 MR. MAY: I don't know exactly  
17 how I would try to get that information for  
18 you. I can start searching around but I  
19 don't know that I would really be able to  
20 come up with a whole lot for you.

21 LEGISLATOR DERIGGI-WHITTON: So  
22 we don't really know what is reimbursable  
23 and what isn't?

24 MR. MAY: Because if someone, if  
25 their house is a total loss, I don't know if

1 Finance Committee/2-4-13  
2 their policy would cover a complete rebuild  
3 of the house that would cover, you know --

4 LEGISLATOR DERIGGI-WHITTON: I  
5 know. I'm just getting a general idea of  
6 what permits would be waived, and, again, I  
7 think it's great to have --

8 MR. MAY: Again, right now, what  
9 we are seeing from residents -- I'm sorry, I  
10 didn't mean to interrupt.

11 LEGISLATOR DERIGGI-WHITTON: I'm  
12 just saying that it's a great effort that  
13 you're making to help, I'm just curious as  
14 to exactly what the cost would be and I'm  
15 glad the time is about a year. I think  
16 that's fair also.

17 MR. MAY: Thank you. Just to  
18 finish the point that I was making, it  
19 appears that the most common fee that is  
20 causing the most consternation among the  
21 residents is the sewer disconnect fee and  
22 the pre-demolition fee. These are for  
23 people whose houses are destroyed. So you  
24 can understand how frustrating they would be  
25 to find that they, on top of delays from

1 Finance Committee/2-4-13  
2 reading the paper, the FEMA money is going  
3 to be paid out over the next decade, the  
4 insurance claims are slow to come in, and if  
5 people have to pay for this out of pocket,  
6 it's just another kick in the shins.

7 We obviously all I guess seem to  
8 be in agreement that we want to make our  
9 residents' lives a little bit easier,  
10 certainly we need to tighten up the language  
11 in the law.

12 CHAIRMAN NICOLELLO: Thank you.  
13 I recommend that we pass this along so that  
14 we will be in a position on the 25th to  
15 adopt this, but, again, I think there are  
16 some concerns that have been raised here  
17 with how specific it is and how specific it  
18 should be.

19 MR. MAY: Mr. Chairman, I'm  
20 sorry. Would you like me to reach out to  
21 your office or to majority counsel on both  
22 sides to, obviously both sides, to get some  
23 language?

24 CHAIRMAN NICOLELLO: I would  
25 reach out to counsel. Any further

1 Finance Committee/2-4-13

2 questions?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 Hearing none, all those in favor,  
7 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Passes unanimously. Item 71 of  
12 2013 is an ordinance to implement the local  
13 government assistance program in Nassau  
14 County.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN NICOLELLO: Moved by  
18 Legislator Walker, seconded by Legislator  
19 Muscarella. Do we have any questions,  
20 discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by  
25 saying aye.

1 Finance Committee/2-4-13

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Carries unanimously. Motion to  
6 suspend the rules.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

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

12 We have Item 47 of 2013 which is  
13 an executive session item. So what I'm  
14 going to do is call all the executive  
15 session items together and we'll go into  
16 executive session.

17 Items 49 and 50. Item 49 is a  
18 resolution authorizing the county attorney  
19 to compromise and settle the action Dave  
20 Hanson versus Nassau County Department of  
21 Social Services.

22 Item 50 is an ordinance providing  
23 for a capital expenditure to finance the  
24 payment of certain settled claims against  
25 the county of Nassau and authorizing

1 Finance Committee/2-4-13  
2 \$459,000 of bonds of the county.

3 Item 67 of 2013 is a resolution  
4 to authority the county attorney to  
5 compromise and settle the action of Gabriel  
6 Razzano versus the County of Nassau.

7 Item 68 is an ordinance providing  
8 for a capital expenditure to finance the  
9 payment of certain settled claims against  
10 the county in authorizing \$281,067.16 of  
11 bonds of the county.

12 Finally, the addendum item, 47 of  
13 2013, a resolution authorizing the county  
14 attorney to compromise and settle the  
15 county's claims against certain defendants  
16 in the action known as Nassau County versus  
17 state of New York.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR VENDITTO: Second.

20 CHAIRMAN NICOLELLO: Moved by  
21 Legislator Walker, seconded by Legislator  
22 Venditto. All these items are before the  
23 committee.

24 LEGISLATOR MUSCARELLA: So moved.

25 LEGISLATOR WALKER: Second.

1 Finance Committee/2-4-13

2 CHAIRMAN NICOLELLO: Legislator  
3 Muscarella makes a motion to go into  
4 executive session and it's seconded by  
5 Legislator Walker. All in favor signify by  
6 saying aye.

7 (Aye.)

8 We are in executive session.

9 (Whereupon, the Finance Committee  
10 recessed into executive session at 4:34 p.m.  
11 and reconvened at 5:20 p.m.)

12 CHAIRMAN NICOLELLO: Just before  
13 we vote on these items with respect to the  
14 settlement and partial settlement in the  
15 case of Nassau County versus state, our  
16 counsel will be reaching out to I guess the  
17 county attorney's office for additional  
18 information. You can relay it to him. I  
19 think that's what Chris is telling me right  
20 now. For additional information before the  
21 Full Legislature we do have some additional  
22 questions that have been posed among the  
23 members of the committee and our respective  
24 counsel.

25 So, having said that, we have

1 Finance Committee/2-4-13  
2 these five items before the committee, 49,  
3 50, 67, 68 and 47-2013. We have a motion to  
4 pass this along to the Rules Committee? We  
5 have the motion. All those in favor of  
6 passing this along to the Rules Committee  
7 signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 It gets moved. Motion to adjourn  
12 the meeting.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR VENDITTO: Second.

15 CHAIRMAN NICOLELLO: Moved by  
16 Legislator Walker, seconded by Legislator  
17 Venditto. All those in favor signify by  
18 saying aye.

19 (Aye.)

20 This meeting is adjourned. Rules  
21 is next.

22 (Whereupon, the Finance Committee  
23 adjourned at 5:30 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 February, 2013.

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FRANK GRAY