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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, April 8, 2013
4:53 P.M

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

3

4 RICHARD NICOLELLO,
 Chairman5 VINCENT MUSCARELLA,
 Vice Chairman

6

7 ROSE MARIE WALKER

8

9 MICHAEL VENDITTO

10

11 DAVID DENENBERG,
 Ranking

12 JUDI BOSWORTH

13 DELIA DeRIGGI-WHITTON

14 WILLIAM J. MULLER, III
 Clerk of the Legislature

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LIST OF SPEAKERS

GREGORY MAY, Nassau County
 Director of Legislative Affairs.....8

GREGORY STEPHANOFF,
 Nassau County Police Department.....8

MARYELLEN LORRAINE,
 Nassau County Department of Health.....14

EILEEN KREEB,
 Nassau County Department of Parks.....18

1 Finance Committee/4-8-13

2 CHAIRMAN NICOLELLO: Calling the
3 Finance Committee to order. I would ask the
4 clerk to 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 Legislator Denenberg?

14 LEGISLATOR DENENBERG: Here.

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: And Chairman

24 Nicolello?

25 CHAIRMAN NICOLELLO: Here.

1 Finance Committee/4-8-13

2 CLERK MULLER: We have a quorum.

3 LEGISLATOR DENENBERG: To the
4 chair?

5 CHAIRMAN NICOLELLO: Legislator
6 Denenberg.

7 LEGISLATOR DENENBERG: I'm sorry,
8 Chairman Nicoletto. On behalf of Legislator
9 Bosworth and Legislator DeRiggi-Whitton and
10 myself, I've put in a request, if you
11 haven't received yet, you should receive it,
12 requesting that both this committee and the
13 Public Works Committee conduct hearings into
14 the status of the capital projects in the
15 wake of Super Storm Sandy as well as the
16 expenditures in the wake of Super Storm
17 Sandy to make sure that as, all us heard
18 during Rules, that we are paying through
19 money that we approved those contractors
20 that are working hard, doing the work,
21 working through the night on invoices that
22 are accurate and that make sense.

23 We don't want to see that
24 contractors are not being treated the same,
25 that contractors are not being paid for the

1 Finance Committee/4-8-13
2 work, mostly we want to make sure that the
3 work we approved is being done, and that the
4 proper invoicing is being followed and we
5 believe it's completely within the work that
6 this committee should do under charter to
7 follow to make sure that money that was
8 appropriated is being expended properly,
9 efficiently, and effectively to get work
10 done in the wake of Super Storm Sandy.

11 CHAIRMAN NICOLELLO: I have not
12 received that request yet so, when we do
13 receive it, we will take it under
14 advisement.

15 LEGISLATOR DENENBERG: I
16 appreciate that and I do want to note on the
17 record that, and it has been said many times
18 I guess many times in the press, Legislator
19 Delia DeRiggi-Whitton and myself for that
20 matter tried to ask questions again and
21 again regarding these expenditures, and I do
22 think it's up to the legislature to do a
23 proper check and balance on the invoicing,
24 on the expenditures, if only to make sure
25 that the work gets done, that those

1 Finance Committee/4-8-13
2 contractors that, as we heard worked through
3 the night, get paid properly, and that the
4 expenditures match invoices so that we don't
5 over pay or, for that matter, under pay.

6 CHAIRMAN NICOLELLO: Okay. Thank
7 you very much. Clerk item 114 of 2013 is a
8 resolution amending resolution 448 of 2001
9 as amended entitled "designating banks and
10 trust companies for the deposit of monies
11 received by the county treasurer."

12 LEGISLATOR MUSCARELLA: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Muscarella, seconded by
16 Legislator Walker. Do we have any
17 questions, comments?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

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

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Finance Committee/4-8-13

2 That item carries unanimously.
3 Items 115, 116, 117, 120, 121 and 122 of
4 2013 are ordinances supplemental to the
5 annual appropriation ordinances in
6 connection with the police department and
7 the office of the district attorney.

8 LEGISLATOR VENDITTO: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Venditto, seconded by Legislator
12 Walker. Mr. May, did you want to make a
13 comment, I believe?

14 MR. MAY: Yes. Greg Stephanoff
15 had some additional information regarding
16 the federal forfeiture related to the
17 questions that Legislator Denenberg was
18 asking and we just wanted to clarify the
19 record.

20 CHAIRMAN NICOLELLO: So those
21 questions were asked in Public Safety before
22 and you wanted to clarify them.

23 SERGEANT STEPHANOFF: Yes,
24 Legislator Denenberg, you asked if there
25 always had to be an arrest. On the federal

1 Finance Committee/4-8-13
2 forfeiture, it does allow for an
3 investigation. It's extremely rare but it
4 can lead to forfeiture without an arrest.
5 The state forfeiture there must be an
6 arrest.

7 LEGISLATOR DENENBERG: Each of
8 those items relate to our forfeiture program
9 and monies received pursuant to the
10 forfeiture program?

11 SERGEANT STEPHANOFF: Yes.

12 LEGISLATOR DENENBERG: Thank you.

13 CHAIRMAN NICOLELLO: Legislator
14 Bosworth.

15 LEGISLATOR BOSWORTH: Thank you.
16 So, of course, you know that the forfeiture
17 funds can only be used for specific set
18 purposes and not to cover general things
19 like salaries in the department which
20 receives the funds.

21 That being said, this is a lot of
22 money, this is a million and a half dollars.
23 Do we know specifically what the funds will
24 be used for?

25 SERGEANT STEPHANOFF: I don't

1 Finance Committee/4-8-13
2 think the salary portion are earmarked.
3 They go back to investigations that will
4 lead to further forfeitures, but I could
5 give you some past, like the past Hofstra
6 debate, the presidential debate for the
7 election, a lot of items were purchased for
8 electronic squad to meet the security needs
9 of that venue.

10 Uniforms are being outfitted now
11 for the police officer for the entire force,
12 that was forfeiture funds because we went to
13 a new type of uniform. We also, the
14 monadnock, which are the retractable batons
15 that the officers carry, those are bought
16 with forfeiture funds.

17 LEGISLATOR BOSWORTH: Thank you.

18 CHAIRMAN NICOLELLO: Do we have
19 any further questions?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 Thank you, Sergeant Stephanoff.

24 All those in favor signify by saying aye.

25 (Aye.)

1 Finance Committee/4-8-13

2 Those opposed?

3 (No verbal response.)

4 Those items carry unanimously.

5 Items 123 and 124 are resolutions
6 to authorize the transfer of appropriations
7 heretofore made within the budget for the
8 year 2013.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Walker, seconded by Legislator
13 Muscarella. Do we have any questions on
14 these items?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 All those in favor signify by
19 saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Carries unanimously. Items 128,
24 129, 130 of 2013 are ordinances making
25 certain determinations pursuant to SEQRA and

1 Finance Committee/4-8-13
2 authorizing the county executive of the
3 County of Nassau to accept on behalf of the
4 County of Nassau an offer of purchase from
5 Kayser Property Associates Inc., of certain
6 premises located in Hicksville, an offer of
7 purchase from Jody Saslow of certain
8 premises located in the Incorporated Village
9 of Sea Cliff, and an offer of purchase from
10 David A. Parsons of a certain portion of the
11 right of way known as Bayville Road located
12 in Locust Valley.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR VENDITTO: Second.

15 CHAIRMAN VENDITTO: Moved by
16 Legislator Walker, seconded by Legislator
17 Venditto. Do we have any questions on these
18 items?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Any opposed?

1 Finance Committee/4-8-13

2 (No verbal response.)

3 They carry unanimously. The next
4 batch is 131, 132, 133, 134, 135, 136, 137,
5 138, 139, 140, 141 of 2013, they're all
6 ordinances supplemental to the annual
7 appropriation ordinance in connection with
8 the Department of Health, District Attorney
9 and the Department of Probation.

10 LEGISLATOR VENDITTO: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Venditto, seconded by Legislator
14 Walker. Do we have any questions on these
15 items?

16 LEGISLATOR DENENBERG: I do.

17 CHAIRMAN NICOLELLO: Legislator
18 Denenberg.

19 LEGISLATOR DENENBERG: Mr. May,
20 why so many different transfers or
21 appropriations for the Department of Health
22 all at once?

23 MR. MAY: Most of the
24 supplemental appropriations are I believe
25 grants and COLAs that are dependent upon the

1 Finance Committee/4-8-13

2 state budget.

3 LEGISLATOR DENENBERG: When you
4 say that, they're dependent upon the state
5 budget?

6 MR. MAY: Correct. We draw down
7 these monies from the State Department of
8 Health and I believe their budget has to be
9 in place before we can receive those monies.

10 LEGISLATOR DENENBERG: So this is
11 based on the state budget just passing?

12 MR. MAY: I believe so. These
13 are all monies we are drawing down from the
14 State Department of Health, and I'm being
15 told we get the COLAs at the end of the
16 year.

17 LEGISLATOR DENENBERG: The end of
18 the year means now?

19 MR. MAY: I believe the end of
20 the year meant the end of 2012 that we're
21 processing them for now, correct?

22 LEGISLATOR DENENBERG: Let's get
23 on the record.

24 MS. LORRAINE: MaryEllen
25 Lorraine, Department of Health. We get our

1 Finance Committee/4-8-13
2 COLA awards, some of our grants run in
3 different cycles, some run from October to
4 -- I would have to pull them all up, but we
5 don't get the COLA reward when we get the
6 grand award. We get it towards the end of
7 the grant cycle, and they give us about a
8 month to spend it down. So some of it you
9 will even see as past last year's cycle.

10 LEGISLATOR DENENBERG: That's the
11 reason for us getting them like a batch
12 right now?

13 MS. LORRAINE: I can't say
14 whether it was through a different process
15 but we do not get the COLA awards at the
16 same time that we get the grant. That's why
17 you see me often and at different times for
18 the same grant.

19 LEGISLATOR DENENBERG: It just
20 seems like, I was just looking for any
21 explanation.

22 MS. LORRAINE: With the COLA
23 awards you'll see, in this time of the year,
24 you'll see them all come through.

25 LEGISLATOR DENENBERG: Thank you.

1 Finance Committee/4-8-13

2 MS. LORRAINE: I hope that helps.

3 LEGISLATOR DENENBERG: I think it
4 did.

5 CHAIRMAN NICOLELLO: Any other
6 questions? Thank you.

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Those items carry unanimously.

16 Item 142 of 2013 is a resolution
17 to authorize the transfer of appropriations
18 heretofore made within the budget for the
19 year 2013.

20 LEGISLATOR WALKER: So moved.

21 LEGISLATOR VENDITTO: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Walker, seconded by Legislator
24 Venditto. Any questions?

25 (No verbal response.)

1 Finance Committee/4-8-13

2 Is there any public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 That item carries unanimously.

10 Items 148 and 149 of 2013, these
11 are resolutions authorizing the county
12 executive to execute a grant agreement
13 between the County of Nassau acting on
14 behalf of the Department of Parks,
15 Recreation and Museums, and the Chamber
16 Players International and the African
17 Atlantic Genealogical Society.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator Walker, seconded by Legislator
22 Muscarella. Any questions on these items?

23 LEGISLATOR DENENBERG: I do.

24 CHAIRMAN NICOLELLO: Legislator
25 Denenberg.

1 Finance Committee/4-8-13

2 LEGISLATOR DENENBERG: Is this
3 Mr. May answering these or Ms. Kreeb?

4 MR. MAY: I would bring Ms.
5 Eileen Kreeb up to give you the accurate
6 answers you so desire.

7 LEGISLATOR DENENBERG: Thanks,
8 Greg.

9 MS. KREEB: Eileen Kreeb,
10 Department of Parks.

11 LEGISLATOR DENENBERG: Are each
12 of these contracts for hotel and motel tax
13 money expenditures?

14 MS. KREEB: Yes, they're funded
15 from hotel/motel tax.

16 LEGISLATOR DENENBERG: So we've
17 approved the appropriation and now we're
18 approving the individual contracts for
19 performers for the summer programs?

20 MS. KREEB: Well, one is for the
21 African American Museum, 149, and that's for
22 their programs at the African American
23 Museum, not specific for the summer but for
24 the term of the contract. They do many
25 exhibits like the Timbuktu or the Rosa Parks

1 Finance Committee/4-8-13
2 exhibit that's there now. They have
3 interchangeable moving exhibits all year
4 long.

5 LEGISLATOR DENENBERG: And the
6 chamber players are?

7 MS. KREEB: Chamber players
8 provide musical entertainment for our summer
9 series at Chelsea Mansion as well as other
10 Nassau County properties at Sands Point,
11 Bailey Arboretum, those are the types of
12 locations.

13 Then they also use some of their
14 funding for other venues in Nassau County,
15 not specific to our county programs.

16 LEGISLATOR DENENBERG: We still,
17 and we are still looking for the 2010 county
18 attorney opinion.

19 MS. KREEB: I realize that. I
20 spoke with Commissioner Foskey this morning
21 and he has reached out to legal. They're
22 researching and they promise to clarify the
23 position on the advisory board.

24 LEGISLATOR DENENBERG: Going back
25 to 2010, Legislator Bosworth, both in this

1 Finance Committee/4-8-13
2 committee as well as others and myself, have
3 questioned the hotel/motel tax advisory
4 commission not really meeting and being told
5 that they only meet if it has something to
6 do with Old Bethpage Village restoration,
7 and then only if it has to do with certain
8 projects they're at.

9 For years before that, this
10 commission met. It was public. Every one
11 on the legislature as well as our
12 constituents could at least chime in and try
13 to understand where the money is going and
14 try to have their park events regardless of
15 the parks or the historical commissions
16 receive some funding, so --

17 MS. KREEB: As I said, I spoke to
18 the commissioner this morning and he has
19 reached out to legal and they promised they
20 are doing the research and will clarify
21 their position to us.

22 LEGISLATOR DENENBERG: Given it's
23 been three years, we really think, again, on
24 behalf of Legislator Bosworth and myself, we
25 really think, and I know a number of

1 Finance Committee/4-8-13
2 legislators have asked for it. We really
3 want to see this. Thank you.

4 MS. KREEB: Thank you.

5 CHAIRMAN NICOLELLO: Any other
6 questions?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor of these items
11 signify by saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Those two items carry unanimously.
16 The next five items are executive session
17 items which I'll call. 151 of 2013, it's an
18 ordinance providing for a capital
19 expenditure to finance the payment of
20 certain judgments against the County of
21 Nassau authorizing \$291,527.96 bonds of the
22 county.

23 Item 161 is a resolution
24 authorizing the county attorney to
25 compromise and settle the action entitled

1 Finance Committee/4-8-13

2 Morgan versus the County of Nassau.

3 Item 162 is an ordinance
4 providing for a capital expenditure to
5 finance the payment of certain settled
6 claims against the County of Nassau and
7 authorizing \$408,000 of bonds of the county
8 to finance that expenditure.

9 Item 163 of 2013 is a resolution
10 authorizing the county attorney to
11 compromise and settle the action entitled
12 Friarson versus Nassau County.

13 Item 164 is an ordinance
14 providing for a capital expenditure to
15 finance the payment of certain settled
16 claims against the County of Nassau
17 authorizing \$895,050 of bond of the County
18 of Nassau to finance that expenditure.

19 LEGISLATOR MUSCARELLA: So moved.

20 LEGISLATOR WALKER: Second.

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

24 LEGISLATOR VENDITTO: So moved.

25 LEGISLATOR WALKER: Second.

1 Finance Committee/4-8-13

2 CHAIRMAN NICOLELLO: Legislator
3 Venditto makes the motion to go into
4 executive session, seconded by Legislator
5 Walker. All those in favor?

6 (Aye.)

7 (Whereupon, the Finance Committee
8 recessed into executive session at 5:08 p.m.
9 and reconvened at 5:46 p.m.)

10 LEGISLATOR NICOLELLO: The
11 Finance Committee is now out of executive
12 session. I'm going to call the items
13 separately starting with Item 151 of 2013.
14 All in favor of that item, 151 of 2013,
15 signify by saying aye.

16 (Aye.)

17 Those opposed?

18 Let the record reflect four votes
19 for the majority and three for the minority.

20 Next two items are 161 and 162 of
21 2013, those relate to the Morgan case. All
22 those in favor signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

1 Finance Committee/4-8-13

2 That's seven zero.

3 Items 163 and 164 of 2013, those
4 are the items related to Friarson case. All
5 all those in favor signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (Nay.)

9 That's four three, all these
10 items move on to the next committee.

11 That's seven zero.

12 Motion to adjourn the committee?

13 LEGISLATOR VENDITTO: So moved.

14 LEGISLATOR WALKER: Second.

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

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 The committee is adjourned.

23 Rules is next.

24 (Whereupon, the Finance Committee
25 adjourned at 5:47 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 April, 2013.

FRANK GRAY