

1.

Agendas

Documents:

1-22-18 and 1-29-18.pdf

1-22-18E.pdf

1-22-18F.pdf

1-22-18G.pdf

1-22-18H.pdf

1-22-18MA.pdf

1-22-18PL.pdf

1-22-18PS.pdf

1-22-18PW.pdf

1-22-18R.pdf

1-22-18T.pdf

1-22-18V.pdf

2.

Rules and Finance Addendums

Documents:

R-1-22-18 ADDENDUM.pdf

F-1-22-18 ADDENDUM.pdf

3.

Meeting Minutes

Documents:

ECONOMIC AND COMMUNITY DEVELOPMENT, 01-22-18.pdf

PUBLIC SAFETY COMMITTEE, 01-22-18.pdf

PUBLIC WORKS AND PARKS COMMITTEE, 01-22-18.pdf

RULES COMMITTEE, 01-22-18.pdf

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT THE NASSAU COUNTY LEGISLATURE WILL HOLD COMMITTEE MEETINGS OF THE LEGISLATURE ON MONDAY, JANUARY 22, 2018 STARTING AT 1:00 PM AND WILL HOLD A FULL SESSION OF THE LEGISLATURE ON MONDAY, JANUARY 29, 2018 STARTING AT 1:00 PM IN THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER, 1st FLOOR, THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING, 1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501.

FULL LEGISLATIVE SESSION.....1:00 PM

COMMITTEE	TIME
RULES	1:00PM
PUBLIC SAFETY	1:00PM
PLANNING, DEVELOPMENT & THE ENVIRONMENT	1:00PM
TOWNS, VILLAGES AND CITIES	1:00PM
ECONOMIC AND COMMUNITY DEVELOPMENT, LABOR AND TRANSPORTATION COMMITTEE	1:00PM
PUBLIC WORKS AND PARKS	1:00PM
HEALTH AND SOCIAL SERVICES	1:00PM
GOVERNMENT SERVICES AND OPERATIONS	1:00PM
MINORITY AFFAIRS	1:00PM
VETERANS AND SENIOR AFFAIRS	1:00PM
FINANCE	1:00PM

MICHAEL C. PULITZER
Clerk of the Legislature
Nassau County, New York

Dated: January 12, 2018
Mineola, NY

As per the Nassau County Fire Marshall's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 251 people and the outer chamber which will stream the meeting live, has a maximum occupancy of 72. Passes will be distributed on a first come first served basis beginning one half hour before the meeting begins and attendees will be given an opportunity to sign in to address the Legislature for a maximum of three minutes. Public comment is limited to Agenda items. The Nassau County Legislature is committed to making its public meetings accessible to individuals with disabilities and every reasonable accommodation will be made so that they can participate. Please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office for the Physically Challenged at 227-7101 or TDD Telephone No. 227-8989 if any assistance is needed. Every Legislative meeting is streamed live on <http://www.nassaucountyny.gov/agencies/Legis/index.html>.

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

ECONOMIC AND COMMUNITY DEVELOPMENT, LABOR AND TRANSPORTATION COMMITTEE

JANUARY 22, 2018 1:00 PM

Tom McKevitt – Chairman
John Ferretti – Vice Chairman
Steve Rhoads
Denise Ford
Siela Bynoe – Ranking
Ellen Birnbaum
Debra Mule

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
2-18	PW	EC, PW, F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A CONSULTING SERVICES FUNDING AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE LONG ISLAND RAILROAD COMPANY. 2-18(PW)
4-18	PW	EC, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF LONG BEACH. 4-18(PW).

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

FINANCE COMMITTEE

JANUARY 22, 2018 1:00 PM

Howard Kopel - Chairman

Vincent Muscarella – Vice Chairman

Tom McKevitt

Rose Marie Walker

Ellen Birnbaum – Ranking

Arnold Drucker

Debra Mule

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
1-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 1-18(OMB)
2-18	PW	EC, PW, F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A CONSULTING SERVICES FUNDING AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE LONG ISLAND RAILROAD COMPANY. 2-18(PW)
5-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER TO APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 5-18(OMB)
6-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 6-18(OMB)
7-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 7-18(OMB)
9-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATION HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 9-18(OMB)
10-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 10-18(OMB)
11-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE POLICE DEPARTMENT. 11-18(OMB)
12-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 12-18(OMB)

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
13-18	OMB	F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE PAYMENT OF CERTAIN JUDGEMENTS OR COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY OF NASSAU, AUTHORIZING \$45,000,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 13-18(OMB)

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

GOVERNMENT SERVICES & OPERATIONS COMMITTEE

JANUARY 22, 2018 1:00 PM

James Kennedy - Chairman

Denise Ford – Vice Chairwoman

Tom McKeivitt

John Ferretti

Ellen Birnbaum – Ranking

Arnold Drucker

Joshua Lafazan

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

HEALTH AND SOCIAL SERVICES COMMITTEE

JANUARY 22, 2018 1:00 PM

Rose Marie Walker – Chairwoman

James Kennedy – Vice Chairman

Laura Schaefer

C. William Gaylor III

Delia Deriggi-Whitton – Ranking

Arnold Drucker

Joshua Lafazan

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

MINORITY AFFAIRS COMMITTEE

JANUARY 22, 2018 1:00 PM

Steve Rhoads – Chairman

Rose Marie Walker – Vice Chairwoman

James Kennedy

Denise Ford

Siela Bynoe – Ranking

Kevan Abrahams

Debra Mule

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

PLANNING, DEVELOPMENT AND THE ENVIRONMENT COMMITTEE

JANUARY 22, 2018 1:00 PM

Laura Schaefer - Chairwoman
Tom McKevitt - Vice Chairman
Steven Rhoads
Denise Ford
Arnold Drucker – Ranking
Joshua Lafazan
Siela Bynoe

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

PUBLIC SAFETY COMMITTEE

JANUARY 22, 2018 1:00 PM

Denise Ford - Chairman

Steve Rhoads - Vice Chairman

Vincent Muscarella

John Ferretti

Delia DeRiggi-Whitton - Ranking

Siela Bynoe

Debra Mule

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
6-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 6-18(OMB)
11-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE POLICE DEPARTMENT. 11-18(OMB)
12-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 12-18(OMB)

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

PUBLIC WORKS AND PARKS COMMITTEE

JANUARY 22, 2018 1:00 PM

Vincent Muscarella – Chairman

C. William Gaylor III – Vice Chairman

Laura Schaefer

James Kennedy

Siela Bynoe – Ranking

Arnold Drucker

Joshua Lafazan

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
2-18	PW	EC, PW, F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A CONSULTING SERVICES FUNDING AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE LONG ISLAND RAILROAD COMPANY. 2-18(PW)

PUBLIC WORKS

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

RULES COMMITTEE

JANUARY 22, 2018 1:00 PM

Richard Nicoletto – Chairman

Howard Kopel – Vice Chairman

Steve Rhoads

Laura Schaefer

Kevan Abrahams – Ranking

Delia DeRiggi-Whitton

Siela Bynoe

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
1-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 1-18(OMB)
2-18	PW	EC, PW, F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A CONSULTING SERVICES FUNDING AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, AND THE LONG ISLAND RAILROAD COMPANY. 2-18(PW)
3-18	PD	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO ACCEPT A GIFT OFFERED BY THE NATIONAL POLICE DOG FOUNDATION, INC. TO THE NASSAU COUNTY POLICE DEPARTMENT. 3-18(PD)
4-18	PW	EC, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION AUTHORIZING THE COUNTY TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF LONG BEACH. 4-18(PW).
5-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER TO APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 5-18(OMB)
6-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 6-18(OMB)
7-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 7-18(OMB)
8-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF JARED KASSCHAU TO THE POSITION OF COUNTY ATTORNEY. 8-18(CE)
9-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATION HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 9-18(OMB)
10-18	OMB	F, R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS HERETOFORE MADE WITHIN THE BUDGET FOR THE YEAR 2017. 10-18(OMB)

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
11-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE POLICE DEPARTMENT. 11-18(OMB)
12-18	OMB	PS, F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE DISTRICT ATTORNEY'S OFFICE. 12-18(OMB)
13-18	OMB	F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE PROVIDING FOR A CAPITAL EXPENDITURE TO FINANCE THE PAYMENT OF CERTAIN JUDGEMENTS OR COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY OF NASSAU, AUTHORIZING \$45,000,000 OF BONDS OF THE COUNTY OF NASSAU TO FINANCE SAID EXPENDITURE, AND MAKING CERTAIN DETERMINATIONS PURSUANT TO THE LOCAL FINANCE LAW OF NEW YORK AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY. 13-18(OMB)
16-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF LAURA GILLEN TO THE LONG ISLAND REGIONAL PLANNING COUNCIL. 16-18(CE)
17-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF ROBERT KENNEDY TO THE LONG ISLAND REGIONAL PLANNING COUNCIL. 17-18(CE)
34-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF GABRIELA CASTILLO TO SERVE AS EXECUTIVE DIRECTOR OF THE COORDINATING AGENCY FOR SPANISH AMERICANS. 34-18(CE)
35-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF KENNETH ARNOLD TO THE POSITION OF COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS. 35-18(CE)
37-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF EILEEN KRIEB TO THE POSITION OF COUNTY PARKS RECREATION & MUSEUMS COMMISSIONER. 37-18(CE)

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
38-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF ROBERT TROIANO AS EXECUTIVE DIRECTOR OF THE NASSAU COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY. 38-18(CE)
40-18	CE	R	<u>RESOLUTION NO.-2018</u> A RESOLUTION TO CONFIRM THE COUNTY EXECUTIVE'S APPOINTMENT OF RICHARD KESSEL TO THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY. 40-18(CE)
A-5-18	PR	R	<u>RESOLUTION NO. -2018</u> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO REQUEST OVERSIGHT OF A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF NASSAU COUNTY DEPARTMENT OF PARKS, RECREATION & MUSEUMS AND EAGLE CONTROL CORP. A-5-18
E-1-18	IT	R	<u>RESOLUTION NO. -2018</u> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND TYLER TECHNOLOGIES, INC. E-1-18

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

TOWNS, VILLAGES & CITIES COMMITTEE

JANUARY 22, 2018 1:00 PM

C. William Gaylor III– Chairman

Laura Schaefer – Vice Chairwoman

James Kennedy

Vincent Muscarella

Joshua Lafazan – Ranking

Ellen Birnbaum

Delia Deriggi -Whitton

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

**NASSAU COUNTY LEGISLATURE
12TH TERM MEETING AGENDA**

**VETERANS
AND SENIOR AFFAIRS
COMMITTEE**

JANUARY 22, 2018 1:00 PM

**John Ferretti – Chairman
C. William Gaylor III– Vice Chairman
Rose Marie Walker
Steve Rhoads
Debra Mule - Ranking
Delia Deriggi – Whitton
Ellen Birnbaum**

Michael C. Pulitzer, Clerk of the Legislature

THERE ARE NO ITEMS ON THIS COMMITTEE AT THIS TIME

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

RULES COMMITTEE

ADDENDUM

JANUARY 22, 2018 1:00 PM

Richard Nicoletto – Chairman

Howard Kopel – Vice Chairman

Steve Rhoads

Laura Schaefer

Kevan Abrahams – Ranking

Delia DeRiggi-Whitton

Siela Bynoe

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
41-18	OMB	F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE POLICE HEADQUARTERS FUND AND A TRANSFER OF APPROPRIATIONS. 41-18(OMB)

NASSAU COUNTY LEGISLATURE

12th TERM MEETING AGENDA

FINANCE COMMITTEE

ADDENDUM

JANUARY 22, 2018 1:00 PM

Howard Kopel - Chairman

Vincent Muscarella – Vice Chairman

Tom McKevitt

Rose Marie Walker

Ellen Birnbaum – Ranking

Arnold Drucker

Debra Mule

Michael C. Pulitzer, Clerk of the Legislature

Clerk Item No.	Proposed By	Assigned To	<u>Summary</u>
41-18	OMB	F, R	<u>ORDINANCE NO.-2018</u> AN ORDINANCE SUPPLEMENTAL TO THE ANNUAL APPROPRIATION ORDINANCE IN CONNECTION WITH THE POLICE HEADQUARTERS FUND AND A TRANSFER OF APPROPRIATIONS. 41-18(OMB)

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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

9

PRESIDING OFFICER

10

11

ECONOMIC AND COMMUNITY DEVELOPMENT,

12

LABOR AND TRANSPORTATION COMMITTEE

13

14

LEGISLATOR TOM MCKEVITT

15

CHAIR

16

17

18

Theodore Roosevelt Building

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1550 Franklin Avenue

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Mineola, New York

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January 22, 2018

24

1:41 P.M.

25

Regal Reporting Service
516-747-7353

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

3

4 LEGISLATOR THOMAS MCKEVITT

5 Chair

6

7 LEGISLATOR JOHN FERRETTI

8 Vice Chair

9

10 LEGISLATOR STEVEN RHOADS

11

12 LEGISLATOR DENISE FORD

13

14 LEGISLATOR SIELA BYNOE

15 Ranking member

16

17 LEGISLATOR ELLEN BIRNBAUM

18

19 LEGISLATOR DEBRA MULE

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25

1 Economic - 1-22-18

2 LEGISLATOR MCKEVITT: Call the
3 Economic and Community Development, Labor and
4 Transportation Committee to order and will
5 clerk call the roll

6 MR. PULITZER: Thank you sir.
7 Economic and Community Development, Labor and
8 Transportation Committee. Legislator Debra
9 Mule.

10 LEGISLATOR MULE: Here.

11 MR. PULITZER: Legislator Ellen
12 Birnbaum.

13 LEGISLATOR BIRNBAUM: Here.

14 MR. PULITZER: Ranking member
15 Siela Bynoe.

16 LEGISLATOR BYNOE: Here.

17 MR. PULITZER: Legislator Denise
18 Ford.

19 LEGISLATOR FORD: Here.

20 MR. PULITZER: Legislator Steven
21 Rhoads.

22 LEGISLATOR RHOADS: Present.

23 MR. PULITZER: Vice chairman John
24 Ferretti.

25 LEGISLATOR FERRETTI: Here.

1 Economic - 1-22-18

2 MR. PULITZER: Chairman Thomas
3 McKevitt.

4 LEGISLATOR MCKEVITT: Here.

5 MR. PULITZER: We have a quorum
6 sir.

7 LEGISLATOR MCKEVITT: We have two
8 items on the agenda. They are 2-18 and 4-18.
9 Item 2-18 is a resolution authorizing the
10 county executive to execute a consulting
11 services funding agreement between the county
12 of Nassau acting on behalf of the Department
13 of Public Works and the Long Island Railroad
14 Company.

15 May I have a motion please. Moved
16 by Legislator Rhoads. Second by Mr.
17 Ferretti. Anyone from the administration
18 please.

19 MR. MAY: Good afternoon Mr.
20 Chairman. It is a pleasure to be working with
21 you at this level.

22 LEGISLATOR MCKEVITT: By the way,
23 12 years of finally chairing a committee.
24 This is a brand new experience for me.

25 MR. MAY: We actually have two

1 Economic - 1-22-18

2 items. There's also the IMA for the Long
3 Beach N-69. They're both public works. I
4 have both people here. You want to call them
5 up at once or do them separately?

6 LEGISLATOR MCKEVITT: I guess we
7 can do them both at once. We have item 4-18
8 resolution authorizing the county to execute
9 an intermunicipal agreement with the city of
10 Long Beach.

11 Can we have a motion on that
12 matter? Moved by Ms. Ford. Second by
13 Ms. Bynoe. We have both items before us.

14 MR. MAY: We have Mr. Sean Salley
15 to speak on the LIRR third track funding
16 agreement.

17 MR. SALLEY: Good afternoon
18 legislators. Sean Salley with the Nassau
19 County Department of Public Works.

20 This is a proposed funding
21 agreement between the County of Nassau and the
22 Long Island Railroad pertaining to the
23 proposed third track project between Floral
24 Park and Hicksville on the main line. The
25 agreement covers a funding reimbursement

1 Economic - 1-22-18

2 essentially for the Department of Public Works
3 for expenses relating to the design review and
4 construction monitoring of infrastructure that
5 is being either improved or additional
6 infrastructure that needs to be constructed to
7 support the proposed third track project.

8 The county owns and maintains sewer
9 infrastructure in the area, roadways, sanitary
10 sewer et cetera. There are substantial
11 changes to county roadways, grade crossing
12 eliminations along the project corridor that
13 will require design review by the department
14 as well as inspection once the construction
15 commences.

16 So this funding agreement, through
17 negotiations between the county Department of
18 Public Works and the Long Island Railroad,
19 will reimburse county staff time as well as
20 professional services that are procured by the
21 county to assist in this operation.

22 The Long Island Railroad has set
23 forth an expedited time frame to complete the
24 third track project. So in order for the
25 county, for the Department of Public Works to

1 Economic - 1-22-18

2 allocate sufficient resources to meet that
3 time line additional resources are required
4 and this funding agreement again will
5 reimburse the county for those services.

6 LEGISLATOR MCKEVITT: Mr. Salley,
7 just to confirm, I can very much imagine the
8 cost of this can go well in excess of
9 \$500,000. So when that occurs the railroad
10 will then go and reimburse that additional
11 amount as well too or are we going to need
12 additional authorization? What's going to be
13 the process before it goes nexus of that half
14 a million?

15 MR. SALLEY: We were able to
16 negotiate with the railroad for the half a
17 million, for the \$500,000 temporary cap to
18 basically get us started. We understand our
19 services will be needed in the next couple of
20 weeks. So to just get enough money to get us
21 moving, and then we fully expect to request
22 additional funds from the railroad. And they
23 have expressed that they will be entertaining
24 those additional requests. The agreement is
25 set up so the county executive can enter into

1 Economic - 1-22-18

2 a funding agreement with the Long Island
3 Railroad to increase that funding cap.

4 Now, as the project becomes or
5 scope becomes more defined, this is a design
6 build project undertaken by the railroad, as
7 the actual project scope becomes more defined
8 that budget that will require will also be
9 more clear and we will seek to refine that
10 agreement so it reflects the actual work that
11 we need to do as well as the cost that it's
12 going to take us to do that work over the four
13 year project life span.

14 LEGISLATOR MCKEVITT: Any other
15 debate or discussion on this matter? Yes
16 Ms. Birnbaum.

17 LEGISLATOR BIRNBAUM: When does
18 the county intend to issue an RFP for the
19 design review and construction monitoring?

20 MR. SALLEY: The construction
21 review request for proposals is on the street
22 now. And proposals are due at the end of the
23 week. The end of this week. So we expect to
24 review and turn around a draft contract as
25 soon as possible. Again, to adhere to the

1 Economic - 1-22-18

2 Long Island Railroad time frame.

3 LEGISLATOR BIRNBAUM: Thank you.

4 LEGISLATOR MCKEVITT:

5 Mr. Rhoads.

6 LEGISLATOR RHOADS: Mr. Salley,

7 how are you? Doing well. Thank you.

8 Question, do we have the capacity to be able
9 to handle this in-house? In other words, for
10 the design build can we do that ourselves or
11 do we have to go out for an RFP?

12 MR. SALLEY: In order to give the
13 time and the resources necessary to this
14 project the scope, just to kind of cover it
15 briefly, but the grade crossing eliminations
16 four of those roads are county roads. Covert,
17 New Hyde Park Road, Willis Avenue and Main
18 Street, which is actually a road closure. But
19 there is substantial work planned in those
20 areas. As well as other areas along the
21 corridor. So it really does take an extension
22 of the department to be able to conduct those
23 reviews in the very fast pace that they will
24 need to be done in order to maintain the Long
25 Island Railroad time frame.

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2 LEGISLATOR RHOADS: Has there
3 been any discussion with the administration to
4 try and reach a more comprehensive agreement?
5 Because my concern obviously is this work is
6 only necessary because the Long Island
7 Railroad and the state have announced their
8 intention to construct a third line. I'm just
9 concerned since we have the first \$500,000
10 cap, we know that the work is going to exceed
11 the \$500,000, especially if we're now going to
12 pay an outside vendor to actually perform that
13 work. Shouldn't we receive some sort of
14 assurance from the state first that they are
15 going to pay whatever those expenses are
16 before we get into the middle of something and
17 perhaps have the rug pulled out from under
18 us?

19 MR. SALLEY: Absolutely. And I
20 completely agree with your concern. While we
21 don't have the sort of agreement in writing to
22 fall back on we have had extensive
23 conversations with the railroad over the past
24 year essentially to get to a comfort level
25 where that additional funding will be

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2 committed.

3 Towards the end of 2017 what we
4 saw -- we expected the project to actually
5 begin in late 2017, we felt that we needed to
6 expedite an agreement quickly because we were
7 going to run out of time and basically be left
8 with a project that was moving forward without
9 the adequate level of resources. Sort of
10 immediately putting us behind the eight ball.
11 So we tried to address that and agreed on this
12 limited amount of funding for the first
13 phase. But we do need to discuss with the
14 railroad sort of a more clearer path to the
15 additional funding.

16 We know that many of the villages
17 that are along the main line and that are
18 affected by the project are part of a larger
19 agreement for a larger pot of money to
20 mitigate any impacts to those communities.

21 We understand the county would be
22 subject to a separate essentially source of
23 funding to accommodate our resource needs or
24 design review resource needs.

25 So we can commit at this point to

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2 go back to the railroad before we come back to
3 the legislature with a contract for the design
4 services to ensure that we have more
5 specificity and clarity on the additional
6 funding.

7 LEGISLATOR RHOADS: Is there any
8 possibility of having an actual written
9 agreement? Old lawyer talk, if it's not in
10 writing it doesn't exist, right? I'm just
11 concerned that we're going to get ourselves
12 into something that we don't have the money to
13 get out of.

14 MR. SALLEY: I agree. And I
15 think that again before we come back to this
16 legislature with a contract for professional
17 services that we --

18 LEGISLATOR RHOADS: I appreciate
19 it Mr. Salley. Mr. Arnold.

20 MR. ARNOLD: Ken Arnold, Public
21 Works. It's in the best interest of the
22 railroad to support our endeavor. Without
23 their support the project will be delayed
24 because of our resource allocations. It's in
25 their best interests. We have full faith that

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2 they will come to the table with what we need
3 to support their project on their time frame.
4 And we work towards that as Mr. Salley said
5 before we have the consultant agreement here
6 to get that more specific, put in writing for
7 you.

8 LEGISLATOR RHOADS: That
9 absolutely makes sense. Mr. Arnold. Let's
10 try to tighten that up thanks.

11 LEGISLATOR MCKEVITT: Mr.
12 Ferretti.

13 LEGISLATOR FERRETTI: Thanks Mr.
14 Chairman. Mr. Salley, nice to finally meet
15 you after many years working with you over the
16 phone on many subdivision issues in the county
17 clerk's office. Can you tell us what
18 percentage you anticipate of this initial
19 phase can be completed in-house?

20 MR. SALLEY: The majority of the
21 work we would expect to be performed by the
22 consultants that we procure. We expect those
23 to be design professionals and civil engineers
24 et cetera. They will need to be managed by
25 in-house staff and all of the institutional

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2 knowledge and knowing where all the necessary
3 documentation is the county staff has that
4 information. But I would say the majority
5 share of the design review would be performed
6 by the consultant services.

7 LEGISLATOR MCKEVITT: Anything
8 further? Ms. Bynoe.

9 LEGISLATOR BYNOE: Thank you
10 Mr. Chair.

11 When we issue the RFP you mentioned
12 earlier the villages are going to be impacted
13 and I believe one of the towns will be as
14 well. Have we considered shared services in
15 terms of utilizing consultants that could
16 provide the service across all the different
17 municipalities?

18 MR. SALLEY: I think that's an
19 excellent idea and we should pursue that. The
20 way the RFP was written we were specific again
21 to get a cost proposal that we could review
22 apples to apples. But the scope was specific
23 to county infrastructure and county roads. We
24 do understand that there are town roads and
25 village roads that will be impacted and some

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2 village infrastructure and our sewer and
3 related. That's something that we can discuss
4 in the department to see if that's a
5 potential. I'm sure the railroad would
6 appreciate that too.

7 LEGISLATOR BYNOE: Indeed. Thank
8 you very much.

9 LEGISLATOR MCKEVITT: Any further
10 discussion? Any public comment?

11 MS. MEREDAY: Meta J. Mereday,
12 Baldwin resident. I have a number of
13 questions and concerns. I do appreciate the
14 diligent questions that are being asked by our
15 legislators. Particularly Legislator Bynoe
16 and Legislator Birnbaum with regard to the
17 RFP. As many of you know my focus largely is
18 on including veterans and service disabled and
19 veteran-owned businesses and we're looking at
20 funding that comes from dual processes and
21 largely from taxpayers.

22 So my concern has to be with the
23 statement that the proposals are already on
24 the street. I'm curious as to what streets
25 the proposals actually hit? What changes have

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2 been put in place with the procurement and the
3 outreach. Because as most of you know, maybe
4 the newbies need to get that update with
5 regard to how procurement has taken place in
6 the past. So, those of us who are out here
7 kind of working in these trenches and not
8 seeing too much change and having to travel on
9 both town, county and village roads that are
10 deplorable to say the least, we are curious as
11 to where is the diversity? Where is the
12 inclusion? Where is the outreach?

13 The mitigating circumstances as
14 many residents find out they really don't find
15 out until that road has been closed. Until
16 that access has been denied. Not everyone in
17 Nassau County has a car and many of them have
18 to travel by bus. So when you're also talking
19 about this mitigation and the funding where
20 does that funding go? Who administers that?
21 And again, in the basic levels how are
22 residents' interest being protected?

23 So those are just some issues that
24 pertain to that. But largely again the
25 vetting process. Has nothing changed? I know

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2 on paper it looks good that the outgoing
3 majority group, which is still in the
4 majority, but the previous group passed a lot
5 of things like Christmas presents. Including
6 an inspector general but without having it
7 funded, staffed and actually operational we
8 are concerned that much of the same will be in
9 place.

10 Even though I'm trying to be very
11 positive and optimistic as I continue to watch
12 our veterans who are leaving in droves and
13 those who are trying remain here are not
14 getting any support services. And again, on
15 paper, according to the US census there are
16 over 11,000 veteran-owned businesses in Nassau
17 County. We have no directory. We have to
18 support service. We have no outreach system.
19 Questions, questions, questions. But more
20 importantly, concerns. You all are
21 responsible. You are the stewards of our
22 funding and our resources. Thank you.

23 LEGISLATOR MCKEVITT: Any
24 additional public comment? If not, we will
25 move it for a vote. All those in favor say

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2 aye. All those against? Motion passes.

3 We will go on to item 4-18 which is
4 an intermunicipality agreement between Nassau
5 County and the city of Long Beach regarding
6 busing service. Anyone on behalf of the
7 administration? Mr. Arnold.

8 MR. ARNOLD: Item 4-18 is a
9 funding agreement between Long Beach and the
10 county for the bus service that the city
11 provides within the barrier island. This is
12 retroactive contract to catch up on past
13 payments. The issue with the past payment was
14 that A, the city did not reach out to us on an
15 expired contract and then it took quite a bit
16 of time to get all the disclosures and all
17 their paperwork in order to get this to the
18 finish line.

19 LEGISLATOR MCKEVITT: Any
20 questions or discussion? Ms. Bynoe.

21 LEGISLATOR BYNOE: Good afternoon
22 Mr. Arnold. So, you state here that the city
23 didn't reach out to us. We don't have these
24 things, these contracts, especially those that
25 are tied to revenue in a tickler let's say or

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2 something that would address -- would bubble
3 up and let us know that it was?

4 MR. ARNOLD: We did reach out to
5 them at one point. They never got back to
6 us. Our people did not follow-up and then it
7 was an expired contract. We are changing our
8 protocols to get better at following up on
9 contracts before they expire. But in this
10 case one our planners did reach out to the
11 city, had no response, the city people changed
12 and when we reached out a second time the
13 contracts were already expired.

14 LEGISLATOR BYNOE: Did they pay
15 annually?

16 MR. ARNOLD: Actually we have to
17 pay them in this case.

18 LEGISLATOR BYNOE: We're paying
19 them?

20 MR. ARNOLD: Yes.

21 LEGISLATOR BYNOE: It's their
22 revenue. Forget it. I'm only kidding.

23 MR. ARNOLD: I understand your
24 concern. We are trying to get more focus on
25 that but the department runs hundreds of

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2 contracts. Sometimes these things get slipped
3 past us.

4 LEGISLATOR BYNOE: I think we
5 have a new IT commissioner or something.
6 Maybe they can create a program.

7 LEGISLATOR MCKEVITT: Any further
8 questions or discussion? Ms. Ford.

9 LEGISLATOR FORD: Thank you
10 Legislator Bynoe because we do have to watch
11 out for the money. But as a resident of Long
12 Beach I'm a little dismayed that the city
13 would allow two or three years to go by
14 without filling out the paperwork and the
15 vouchers so they can get reimbursed for the
16 money that they paid for this bus system
17 that's very critical to the residents.

18 What steps are we going to take to
19 try to get them so that they move a little bit
20 faster because this is taxpayer money.

21 MR. ARNOLD: During this process
22 I think they understand now what the county
23 requirements are to get this through. It was
24 a big learning curve. We started this
25 probably nine months ago to get this

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2 straightened out and took all of '17 to get to
3 this point.

4 LEGISLATOR FORD: How many years
5 have we been reimbursing them for the N-69?

6 MR. ARNOLD: It predates my
7 involvement in Public Works.

8 LEGISLATOR FORD: So there is no
9 learning curve. I mean, come on.

10 MR. ARNOLD: Their current people
11 that are in charge of this area now understand
12 what we need to do.

13 LEGISLATOR FORD: Perfect. Thank
14 you.

15 LEGISLATOR MCKEVITT: Mr.
16 Ferretti.

17 LEGISLATOR FERRETTI: Mr. Arnold,
18 thank you. You mentioned in your response to
19 Legislator Bynoe that there was a change in
20 staff over in the city. Is that the case or
21 what are you referring to?

22 MR. ARNOLD: When we first
23 brought this up to the city then they had a
24 change of staff. I think it got lost over
25 there at that point. And then by that time

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2 the contract had expired the next time we
3 followed up with them. And then we had to
4 work with new people to get to where we are
5 today.

6 LEGISLATOR FERRETTI: When did
7 you first bring it to their attention?

8 MR. ARNOLD: I would have to go
9 back to my notes. But probably early in '17.

10 LEGISLATOR FERRETTI: You brought
11 it up a second time? An additional time you
12 said?

13 MR. ARNOLD: I assume my people
14 did but I would have to go back and talk to
15 them.

16 LEGISLATOR FERRETTI: Thank you.

17 LEGISLATOR MCKEVITT: Any
18 further? Ms. Birnbaum.

19 LEGISLATOR BIRNBAUM: Is this the
20 usual that we have one year contract, two
21 year? What is the agreement, the IMA with the
22 city of Long Beach?

23 MR. ARNOLD: This current IMA
24 expired at the end of '17 I want to go back to
25 my transit folks and talk about setting up a

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2 longer term contract so we don't have to keep
3 doing amendments. There will be discussion in
4 this year as we work towards '18.

5 LEGISLATOR BIRNBAUM: What is the
6 typical length of time for an IMA such as
7 this?

8 MR. ARNOLD: This type of IMA
9 should be a multiyear IMA because it's a
10 recurring obligation in both directions. Some
11 IMAs would not be. With this one there should
12 be something within three to five years so we
13 don't have to keep revisiting it. We would be
14 encumbering money each time this has to be
15 modified.

16 LEGISLATOR BIRNBAUM: Thank you.

17 LEGISLATOR MCKEVITT: Ms. Mule.

18 LEGISLATOR MULE: Are there any
19 financial ramifications for the fact that the
20 payment is going to be late?

21 MR. ARNOLD: We already did work
22 with the comptroller's office setting up
23 accruals for this so our books are set up for
24 these late payments. I'm not sure on the
25 city's part if they have any issues. But our

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2 financial people have worked with the
3 comptroller's office to show these are
4 properly year-end accruals that this is being
5 taken care of.

6 LEGISLATOR MCKEVITT: Mr. Roads.

7 LEGISLATOR RHOADS: Mr. Arnold,
8 just out of curiosity, for how many years has
9 the city of Long Beach been providing these
10 services to Nassau County?

11 MR. ARNOLD: At least over eight
12 that I have been involved with the bus
13 system. They run their own bus on the barrier
14 island. They don't use the NICE bus system.
15 I think they want more control of it. The
16 county back many years ago decided to
17 reimburse them for that service.

18 LEGISLATOR RHOADS: Okay.

19 LEGISLATOR FORD: I know it has
20 to be at least 14 since I have been in
21 office. I think it's probably over 20.

22 LEGISLATOR RHOADS: Would you
23 mind just for the -- obviously this is going
24 to pass on to the full leg -- would you mind
25 just doing a little research on that point?

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2 MR. ARNOLD: Yes.

3 LEGISLATOR RHOADS: I appreciate
4 it.

5 LEGISLATOR MCKEVITT: Any further
6 discussion? Any public comment? If not, we
7 will move it. All in favor please say aye.
8 Any opposed nay? Motion passes and this
9 committee is now adjourned. A vote to
10 adjourn. All in favor of adjourning. Moved
11 by Mr. Rhoads. Second by Mr. Ferretti.
12 Second by Ms. Birnbaum. All in favor? All
13 opposed? The committee is now adjourned.

14 (TIME NOTED: 2:03 P.M.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of
January 2018

FRANK GRAY

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

PUBLIC SAFETY COMMITTEE

LEGISLATOR DENISE FORD
CHAIR

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

January 22, 2018

1:22 P.M.

1

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

3

4 LEGISLATOR DENISE FORD

5 Chair

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7 LEGISLATOR STEVEN RHOADS

8 Vice Chair

9

10 LEGISLATOR VINCENT MUSCARELLA

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12 LEGISLATOR JOHN FERRETTI

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14 LEGISLATOR DELIA DERIGGI-WHITTON

15 Ranking member

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17 LEGISLATOR SIELA BYNOE

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19 LEGISLATOR DEBRA MULE

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2 LEGISLATOR FORD: Good
3 afternoon. I'm going to call the Public
4 Safety Committee to order, and as we are the
5 opening committee I am going to ask Legislator
6 Ferretti to lead us in the pledge of
7 allegiance.

8 (Whereupon the Pledge of Allegiance
9 was recited.)

10 LEGISLATOR FORD: At this time
11 I'm going to ask the clerk to call the roll.

12 MR. PULITZER: Thank you ma'am.
13 Public Safety Committee roll call. Legislator
14 Debra Mule.

15 LEGISLATOR MULE: Here.

16 MR. PULITZER: Legislator Siela
17 Bynoe.

18 LEGISLATOR BYNOE: Here.

19 MR. PULITZER: Ranking member
20 Delia DeRiggi-Whitton.

21 LEGISLATOR DERIGGI-WHITTON:
22 Here.

23 MR. PULITZER: Legislator John
24 Ferretti.

25 LEGISLATOR FERRETTI: Here.

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2 MR. PULITZER: Legislator Vincent
3 Muscarella.

4 Vice chairman Steven Rhoads.

5 LEGISLATOR RHOADS: Present.

6 MR. PULITZER: Chairwoman Denise
7 Ford.

8 LEGISLATOR FORD: Here.

9 MR. PULITZER: We have a quorum
10 ma'am.

11 LEGISLATOR FORD: Thank you very
12 much sir.

13 There are three items on the agenda
14 today which are clerk items 6-18 11-18 and
15 12-18.

16 Clerk item 6-18 -- let the record
17 show that Legislator Muscarella is here -- is
18 an ordinance supplemental to the annual
19 appropriation ordinance in connection with the
20 district attorney's office.

21 May I have a motion. Moved by
22 Legislator Muscarella. Seconded by Rhoads.
23 Thank you. The item is before us. Who is
24 here from the administration to speak about
25 this item?

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2 MR. MAY: Good afternoon madam
3 chairwoman. How are you today? We have Bob
4 McManus from the district attorney's. I
5 notice we also have clerk item 12-18 that he's
6 here to speak on. Can we call as well?

7 LEGISLATOR FORD: We will call
8 item 12-18. Do I have a motion? Moved by
9 Legislator Rhoads. Seconded by Legislator
10 Mule. Both items are before us.

11 MR. MCMANUS: Good afternoon.
12 Bob McManus, district attorney's office.

13 Item 6-18 is an appropriation for
14 the Aid to Prosecution Grant that's received
15 from New York State Division of Criminal
16 Justice Services. The Aid to Prosecution
17 Program utilizes grant funds to support the
18 prosecution of repeat violent and serious
19 felony offenders by maintaining a staff of
20 highly experienced prosecutors who work to
21 achieve convictions and maximum sentences for
22 such defendants.

23 The goal of the project is to
24 expedite the processing of repeat and serious
25 felony offenders in the following order of

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2 priority. Repeat offenders charged with a
3 violent felony, violent felony offenders
4 including but not limited to defendants
5 charged with the following violent felonies.
6 Murder, murder, assault murder, manslaughter,
7 excuse me, assault of a police officer,
8 kidnaping, rape, arson and possession of a
9 firearm.

10 And the third category is repeat
11 offenders charged with a nonviolent felony
12 offense who have been previously incarcerated
13 for those types of offenses.

14 LEGISLATOR FORD: You want to
15 read 12 and any questions we have on both of
16 them.

17 MR. MCMANUS: Item 12-18 is for
18 the Motor Vehicle Theft and Insurance Fraud
19 Prevention Program. The funding for this
20 program provides us with the ability to
21 investigate and prosecute those who may commit
22 Medicaid and auto insurance fraud primarily
23 focusing on undercover activity. The purpose
24 is to identify individuals who file phoney
25 accident reports and insurance claims in

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2 addition to health care providers who
3 fraudulently bill Medicaid for accidents that
4 are staged or never occurred.

5 Commission of this type of criminal
6 activity very often involves organized groups
7 of individuals due to the necessity of
8 obtaining documentation from witnesses and
9 medical professionals and para professionals
10 in order to facilitate the payment of
11 fraudulently obtained funds.

12 LEGISLATOR FORD: Thank you. Is
13 there any debate or discussion? Legislator
14 Rhoads.

15 LEGISLATOR RHOADS: Thank you
16 Chairwoman Ford. Thank you very much for the
17 presentation. You did a wonderful job. Both
18 are tremendously worthwhile programs. My
19 question is actually a budgetary question.
20 When we have appropriations supplemental to
21 the annual appropriation is that adding money
22 to the district attorney? And it's not just
23 the DA's office. Obviously this happens with
24 all county departments as we receive grant
25 funds. Are those grant funds already

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2 accounted for within the budget? In other
3 words, does the appropriation of an additional
4 \$500,000 plus we receive from a grant then
5 free up \$500,000 in money that's already been
6 appropriated for the DA's office.

7 MR. MCMANUS: No, sir it doesn't
8 impact on our general fund budget. The reason
9 is because these grants come with the proviso
10 that we are not permitted to supplant other
11 activities that are budgeted through the
12 general fund. So the answer to that is no.

13 LEGISLATOR RHOADS: So this would
14 be additional enforcement activities
15 consistent with the grant?

16 MR. MCMANUS: That's correct.

17 LEGISLATOR RHOADS: Thank you.

18 LEGISLATOR FORD: Anyone else?
19 Legislator Bynoe.

20 LEGISLATOR BYNOE: Good day. You
21 mentioned it would be escalating the
22 prosecution process for violent offenders?

23 MR. MCMANUS: Yes ma'am.

24 LEGISLATOR BYNOE: Did I also
25 hear you say nonviolent offenders?

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2 MR. MCMANUS: Nonviolent repeat
3 offenders. In other words, chronic nonviolent
4 offenders. Not someone who is arrested for
5 maybe two or three times. I guess you refer
6 to them as career criminals.

7 LEGISLATOR BYNOE: Has the
8 threshold been created at this point to say in
9 terms of the number of nonviolent? What kind
10 of nonviolent offenses? Are we talking about
11 someone who is repeat offenders for petty
12 larceny type activity?

13 MR. MCMANUS: The repeat
14 offenders I'm referring to the definition is
15 in penal law Article 70. That doesn't say
16 much and I don't have a copy with me. I will
17 be happy to provide that information to you.

18 LEGISLATOR BYNOE: I would be
19 most interested to receive that. Thank you.

20 LEGISLATOR FORD: Legislator
21 Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Just
23 getting back to what Legislator Rhoads said.
24 These are recurring grants, correct? Year to
25 year payments?

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2 MR. MCMANUS: Yes ma'am. You sort
3 of budget them ahead of time expecting to get
4 them?

5 MR. MCMANUS: Yes. The Aid to
6 Prosecution Grant we've received for over 25
7 years. The motor vehicle grant closer to 20.
8 So yes, we do anticipate receiving these
9 grants year after year.

10 LEGISLATOR DERIGGI-WHITTON: And
11 just to make it clear, this is a no-matching
12 grant, correct?

13 MR. MCMANUS: No matching grant.

14 LEGISLATOR FORD: I have a
15 question. Jump you all around here. In
16 regard to the ones with the fraudulent
17 insurance claims. We get over \$100,000. Do
18 we keep a record or do we know like through
19 our prosecution and through the work we do
20 here in the county to combat this, do we have
21 an estimate or an idea of how much money we
22 actually save New York State Insurance by
23 investigating these crimes? Like if we spent
24 say \$120,000 they give us to go after these
25 types of cases to cut down on fraudulent

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2 claims, do we know basically how much money we
3 may save in the long run by doing this work?

4 MR. MCMANUS: The grant progress
5 report, which is submitted on a quarterly
6 basis, would include that information. I will
7 try to get the figures.

8 LEGISLATOR FORD: But we actually
9 save them more basically than what we spend?

10 MR. MCMANUS: Absolutely. This
11 program is conducted in conjunction with the
12 insurance industry.

13 LEGISLATOR FORD: Thank you very
14 much. Anyone else? Any public comment.

15 MS. MEREDAY: Good afternoon.
16 Meta J. Mereday, Baldwin resident.

17 I to have some questions with
18 regard to the funding. I'm always happy to
19 here the word grants but it would be nice if
20 those grants, as Legislator Rhoads asked, if
21 this would somehow bring down the costs to the
22 taxpayers. But additional services are as
23 they are.

24 So I am curious to know again, and
25 Legislator Ford you kind of brought that up,

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2 if there are any types of numbers? What are
3 the numbers of the incidents and how effective
4 have these programs been? We seem to
5 continually be in race to try to catch the
6 criminals post event and we're not doing I
7 guess a great job in terms of the prevention
8 aspect. Advising people up front of the
9 issues and the, you know, what can happen to
10 them. The consequences of their actions. And
11 we still have a number of residents who are
12 sadly susceptible to a variety of scams that
13 are very costly to them. Particularly to our
14 seniors, veterans et cetera.

15 I'm hopeful that we are able to
16 move forward with a more proactive aspect in
17 terms of providing the resources, the
18 education and the support for our underserved
19 constituencies.

20 As it pertains to 6-18, I wasn't
21 quite sure if I heard all of the information.
22 All of you have all of us out here, for the
23 most part, at a disadvantage, where this was
24 geared toward bringing in highly experienced
25 prosecutors into the district attorney's

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2 office. What do we currently have in the
3 district attorney's office? Unless I heard it
4 incorrectly.

5 And as it pertains to 12-18, we are
6 talking about again the Medicaid fraud and how
7 prevalent is the situation? And again, what
8 are we doing proactively to address that? So
9 that these grants can be used towards -- I
10 mean again within the parameters of the
11 grant -- but they can be used towards
12 education and prevention versus specifically
13 prosecution.

14 LEGISLATOR FORD: Good question.
15 Mr. McManus it would be our understanding that
16 this grant money that we get from New York
17 State for both of these items are usually used
18 towards actual investigations and going after
19 these criminals? Is there an educational
20 component to this as well? Or is that
21 additional or other funding as well?

22 MR. MCMANUS: In the Motor
23 Vehicle Theft and Insurance Program there is
24 no education educational funding, no.

25 LEGISLATOR FORD: I know you see

1 Public Safety - 1-22-18

2 commercials on TV where they're warning people
3 against insurance fraud and everything. But
4 this is something that Ms. Mereday we can ask
5 on the state level because all insurance
6 basically goes through New York State to see
7 whether or not there could be some sort of
8 aspect of education. Because I agree with
9 you, a lot of times you see unsuspecting
10 people who get caught up in insurance fraud
11 and they are not criminal at heart but they
12 get scammed because they don't know any
13 better. And the next thing you know they're
14 in jail and the people that drew them in to it
15 have the money at some island somewhere.

16 MS. MEREDAY: And sometimes
17 they're funding by something. But these
18 programs are funded by tax dollars that don't
19 seem to have -- we just want an idea of the
20 effective nature of these processes that's
21 supposed to keep bringing people in. Unless
22 we need to recreate a different wheel we're
23 just spinning and we haven't left the
24 building.

25 LEGISLATOR FORD: Mr. McManus, if

1 Public Safety - 1-22-18

2 you can just give us a snapshot for one
3 quarter how much we actually save. If the
4 insurance companies can let us see so we can
5 show the effectiveness of this program.

6 MR. MCMANUS: That would not be a
7 problem.

8 LEGISLATOR FORD: And I just want
9 to make it clear too that I know she did ask
10 about when you talked about bringing in
11 experienced or good district attorney's as
12 investigators, we already have them. You
13 meant to give them the tools they need to work
14 with?

15 MR. MCMANUS: Yes. As a matter
16 of fact, this program funds our most
17 experienced and able attorneys who are
18 experienced in prosecuting the types of crimes
19 that I previously mentioned.

20 LEGISLATOR FORD: And we are
21 blessed with many of them already. Thank you
22 so much.

23 All those in favor of passing these
24 items 6-18 and 12-18 please signify by saying
25 aye. Any opposed? The item passes seven to

1 Public Safety - 1-22-18

2 zero.

3 We're going to call clerk item
4 11-18, which is an ordinance supplemental to
5 the annual appropriation ordinance in
6 connection with the police department.

7 May I have a motion. Moved by
8 Legislator Rhoads. Seconded by Legislator
9 Ferretti: The item is before us. Who is
10 here from the administration to speak about
11 this?

12 MR. MAY: We have Lieutenant Greg
13 Stephanoff.

14 MR. STEPHANOFF: Good afternoon.
15 Lieutenant Greg Stephanoff from the police
16 department.

17 Item 11-18, this item appropriates
18 \$1 million in funds from revenues received
19 from United States Department of Treasury of
20 federal forfeited property. This item is
21 going to move that money into our budget so
22 that it can be used. This money is used for
23 further investigations. If we have to do
24 anything over patrol. It's also used for like
25 if we have to put enhanced patrols out there

1 Public Safety - 1-22-18

2 for any kind of crime that's going on. This
3 will enable us to utilize the funds.

4 LEGISLATOR FORD: That would be
5 like if you had to added patrols which may
6 incur overtime and stuff like that, this would
7 help cover the cost for it?

8 MR. STEPHANOFF: You can't
9 supplement the budget with. We use this for
10 anything extra in addition to what we have out
11 there.

12 LEGISLATOR FORD: Is there
13 something like you would do DWI or do we have
14 a separate funding force for the DWI?

15 MR. STEPHANOFF: DWI is a
16 separate funding source.

17 LEGISLATOR FORD: Any debate or
18 discussion? Any questions? Legislator
19 Whitton.

20 LEGISLATOR DERIGGI-WHITTON:
21 We're going to be using the \$1 million that
22 was collected now, that's what this says.

23 MR. STEPHANOFF: Yes. This is
24 going to be put into our budget for us to
25 use. Part of this is -- we're closing out the

1 Public Safety - 1-22-18

2 books for '17 for the last quarter. Part of
3 this is for that. The rest is going for '18.

4 LEGISLATOR DERIGGI-WHITTON:

5 That's what my question was. What is the
6 total amount, do you know, that we have? What
7 is the total amount that we have in the fund?

8 MR. STEPHANOFF: In total I don't
9 know. You mean in all the lines?

10 LEGISLATOR DeRIGGI-WHITTON:

11 Yeah. I was just curious how much we bring
12 in.

13 MR. STEPHANOFF: I don't know in
14 total. I have to look.

15 LEGISLATOR DERIGGI-WHITTON: So
16 you don't know how much we bring in yearly
17 through this.

18 MR. STEPHANOFF: '17 I don't know
19 what we've brought in yet.

20 LEGISLATOR DERIGGI-WHITTON: I'm
21 just curious to see how much we bring in. If
22 you get an opportunity.

23 MR. STEPHANOFF: Sure.

24 LEGISLATOR FORD: Any public
25 comment?

1 Public Safety - 1-22-18

2 MS. JACOBS: Pearl Jacobs,
3 Uniondale. Regarding item 11-18, I support
4 any initiative that supports our Nassau County
5 Police Department. With the rising crime in
6 our county attributed to gang activity and
7 opioid drug abuse we definitely need to
8 support our Nassau County Police Department in
9 every way that we possibly can.

10 Improvements in our communities are
11 also paramount to reduce crime. With the
12 recent approval of the Uniondale Streetscaping
13 Project I would like to thank Legislator
14 Abrahams for his recent attendance at our
15 Nostrand Garden Civic Association in January.
16 And it is the community's request that
17 Legislator Abrahams and Counselwoman Goosby
18 engage in productive communication regarding
19 this project so that work may begin swiftly
20 and that would hopefully the broken glass
21 theory would hopefully decrease crime in
22 Uniondale. And again, please support our
23 Nassau County Police Department.

24 LEGISLATOR FORD: Thank you very
25 much for your comments. There is no other

1 Public Safety - 1-22-18

2 business in front of this committee. May I
3 have a motion to adjourn.

4 All those in favor of passing 11-18
5 please say aye. Opposed? The item passes
6 unanimously.

7 There is no other business. Moved
8 by Legislator Muscarella. Second by
9 Legislator Rhoads. This committee is now
10 adjourned. Thank you.

11 (TIME NOTED: 1:40 P.M.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 24th day of
January 2018

FRANK GRAY

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

PUBLIC WORKS AND PARKS COMMITTEE

LEGISLATOR VINCENT MUSCARELLA
CHAIR

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

January 22, 2018
2:05 P.M.

1

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

3

4 LEGISLATOR VINCENT MUSCARELLA

5 Chair

6

7 LEGISLATOR C. WILLIAM GAYLOR III

8 Vice Chair

9

10 LEGISLATOR LAURA SCHAEFER

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12 LEGISLATOR JAMES KENNEDY

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14 LEGISLATOR SIELA BYNOE

15 Ranking member

16

17 LEGISLATOR ARNOLD DRUCKER

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19 LEGISLATOR JOSHUA LAFAZAN

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1 Public Works - 1-22-18

2 LEGISLATOR MUSCARELLA: Public
3 Works and Parks Committee is hereby called to
4 order. I am here. Vice chairman Bill Gaylor.

5 LEGISLATOR GAYLOR: Here.

6 LEGISLATOR MUSCARELLA: Laura
7 Schaefer.

8 LEGISLATOR SCHAEFER: Here.

9 LEGISLATOR MUSCARELLA: James
10 Kennedy.

11 LEGISLATOR KENNEDY: Here.

12 LEGISLATOR MUSCARELLA: Ranking
13 member Bynoe.

14 LEGISLATOR BYNOE: Here.

15 LEGISLATOR MUSCARELLA: Mr.
16 Drucker.

17 LEGISLATOR DRUCKER: Here.

18 LEGISLATOR MUSCARELLA: And Mr.
19 Lafazan.

20 LEGISLATOR LAFAZAN: Here.

21 LEGISLATOR MUSCARELLA: We have a
22 quorum. We have one item today. It's item
23 two of 2018. A resolution authorizing the
24 county executive to execute a consulting
25 services funding agreement between the county

1 Public Works - 1-22-18
2 of Nassau acting on behalf of the Department
3 of Public Works and the Long Island Railroad
4 Company.

5 Motion please. Motion by
6 Ms. Schaefer. Seconded by Mr. Lafazan. Who
7 do we have from the administration?

8 MR. MAY: Good afternoon. We
9 have Mr. Sean Salley from Public Works to
10 speak on this item. Mr. Chairman, can we ask
11 that the testimony from the Economic
12 Development Committee be incorporated by
13 reference?

14 LEGISLATOR MUSCARELLA:
15 Certainly.

16 MR. SALLEY: Sean Salley, Nassau
17 County Department of Public Works. The item
18 before you today is an agreement, a funding
19 agreement between the County of Nassau and the
20 Long Island Railroad to provide funding
21 reimbursement for services undertaken by the
22 county Department of Public Works in relation
23 to the Long Island Railroad third track
24 project. A proposal on the Long Island
25 Railroad main line between Floral Park and

1 Public Works - 1-22-18

2 Hicksville.

3 The county Department of public
4 Works will be required to review the
5 substantial infrastructure improvement design
6 that is part of the third track project,
7 particularly grade crossing eliminations that
8 deal with county right of way, county-owned
9 infrastructure along the corridor, as well as
10 construction monitoring as the project
11 proceeds into construction.

12 So this agreement will provide
13 reimbursement for department staff working on
14 the project as well as consultant services
15 that the county is desirous of procuring to
16 assist the department in conducting the design
17 review and the construction monitoring in a
18 manner that conforms with the expedited Long
19 Island Railroad time frame for this project.

20 LEGISLATOR MUSCARELLA: I have a
21 question. What if the county spends more
22 money than what the funding source is
23 requested here?

24 MR. SALLEY: The \$500,000 that is
25 part of this agreement today is meant to

1 Public Works - 1-22-18

2 really get us going. We negotiated this back
3 in 2017 thinking that the project would
4 actually start towards the end of 2017. So we
5 wanted to make sure that we have assurances
6 for the Long Island Railroad that we could
7 begin design review as soon as the Long Island
8 Railroad contract was approved and a notice to
9 proceed was issued.

10 However, the agreement fully
11 contemplates additional funding being
12 committed by the Long Island Railroad. So the
13 funding amount, the not-to-exceed, there's an
14 option essentially to increase that amount.
15 We do need to speak to the railroad as to the
16 time frame for that additional funding as well
17 as the ultimate amount that will be
18 available.

19 However, we're not committed to
20 review or expend any resources above and
21 beyond the funding cap in the agreement.
22 However, it's in our best interests to review
23 the design of the project as well as inspect
24 the construction for the entire project as
25 much of the infrastructure, as mentioned, is

1 Public Works - 1-22-18

2 county owned and will continue to be county
3 owned in perpetuity.

4 LEGISLATOR MUSCARELLA: What
5 you're saying is basically it's the intention
6 that the county be made whole with respect to
7 whatever we spend investigating this project?

8 MR. SALLEY: That is correct.

9 LEGISLATOR MUSCARELLA: Do we
10 have any questions? Mr. Drucker.

11 LEGISLATOR DRUCKER: Thank you
12 Chairman. Do you have any idea when the
13 county anticipates issuing the RFPs.

14 MR. SALLEY: The RFP was issued
15 in the last weeks of 2017. Responses are due
16 at the end of the week. So we will be
17 reviewing proposals next week.

18 LEGISLATOR DRUCKER: Thank you.

19 LEGISLATOR MUSCARELLA: Any other
20 questions? Ms. Schaefer.

21 LEGISLATOR SCHAEFER: Hi
22 Mr. Salley. How much of the project is the
23 county involved in? How is that determined
24 basically?

25 MR. SALLEY: While the project is

1 Public Works - 1-22-18

2 essentially adding an additional track and
3 station improvements et cetera, one of the
4 major components is also the grade crossing
5 eliminations. And so four of those roads are
6 county owned. Covert, New Hyde Park Road,
7 Main Street and Willis Avenue. So that is a
8 substantial design and construction project.
9 Not only for the right of way itself and the
10 traffic design but also sanitary, sewer and
11 storm water infrastructure that's currently in
12 that location but needs to be again
13 substantially improved. So those are -- even
14 just one of those intersections would be
15 considered a large project. So essentially
16 four in a short amount of time will require a
17 considerable amount of resources from the
18 department.

19 LEGISLATOR SCHAEFER: Do you have
20 any idea or any sense of whether or not
21 \$500,000 is going to cover what we need or how
22 much more we could potentially go over? My
23 concern obviously is we will go over and we're
24 not going to get reimbursed.

25 MR. SALLEY: We expect absolutely

1 Public Works - 1-22-18

2 to require more than the \$500,000. We
3 expected that initial amount to cover us for
4 about four to six months of design review. We
5 expect the first few months to be very
6 intensive in terms of the plan review portion
7 and plans coming to the county from the
8 railroad. So to get us really up to speed and
9 moving we think we will have enough money to
10 get to complete those tasks. But we will need
11 more.

12 LEGISLATOR SCHAEFER: How long
13 does the design review process go?

14 MR. SALLEY: The Long Island
15 Railroad has approved a design build
16 contract.

17 LEGISLATOR SCHAEFER: So it's
18 going to be a continual -- probably we're
19 going to be coming back and forth doing this
20 repeatedly?

21 MR. SALLEY: Yes.

22 LEGISLATOR MUSCARELLA: If I
23 may. This would include not only whatever RFP
24 we put out but also the in-house work that's
25 done, the salaries that are attributable to

1 Public Works - 1-22-18

2 those that are reviewing the project
3 in-house?

4 MR. SALLEY: Yes. So in-house
5 staff is eligible for the reimbursement.

6 LEGISLATOR MUSCARELLA: Any other
7 questions from the legislature? Any public
8 comment?

9 MS. MEREDAY: Yes. Meta J.
10 Mereday, Baldwin. I'm hoping that this time I
11 can probably get an answer to some of the
12 questions. Again, speaking to the issue about
13 the RFP being distributed at the end of 2017,
14 my question again, and I'm hoping I get more
15 than crickets this time, is where was it
16 distributed? What new innovations, directions
17 constituency groups, communities,
18 organizations are on the list that have
19 received this?

20 And if there is a deadline, I
21 believe I heard the end of the week, who
22 determines if that pile, that grouping, that
23 listing will be reflective and representative
24 of the companies and the communities that live
25 on Long Island?

1 Public Works - 1-22-18

2 And again, I'm fully aware of the
3 fact that this is just a start. So \$500,000
4 for this multibillion dollar project truly is,
5 unfortunately, a lot of money but is a drop in
6 the bucket and we have to understand that this
7 is not something that will have a time frame
8 on it just because of the conditions in which
9 this process has to take place. Being a 9-11
10 first responder and being involved with a lot
11 of the downtown rebuild I understand that
12 dynamic.

13 But what I do not understand again
14 is that we are continuing to operate based
15 upon guidelines and procedures set by folks
16 outside this region. Because you still have a
17 lot of people who are going to be
18 disadvantaged and how is that going to be
19 communicated to them? And what resources,
20 what plans are in place not just to reimburse
21 our staff and find out how the staff is going
22 to get their money back, I mean how the county
23 is going to get their money back because staff
24 and the consultants are going to get paid,
25 even though we don't have an inspector general

1 Public Works - 1-22-18

2 or a proactive plan in place to address how
3 these consultants will be determined.

4 But what about the impact on the
5 residents? I'm not hearing anyone speaking to
6 the issues as it pertains to that mitigating
7 fund base that's going to communicate the
8 significance of this project to our
9 residents.

10 As I said, lastly, what are we
11 doing with regard to outreach to groom,
12 develop and incorporate service disabled,
13 veteran-owned, minority and women-owned
14 businesses into this project and provide work
15 for the residents who are struggling to live
16 here on Long Island?

17 So, I'm not here waxing poetic
18 because I want to hear myself talk. And I
19 brought up that pinwheel before because I
20 guess I need to prove a point that the air I
21 breathe as a 9-11 first responder is precious
22 to me. I am hoping that we are going into
23 2018 with more aggressive, inclusive and
24 across the board programs and services that
25 are benefiting the taxpayers who do not still

1 Public Works - 1-22-18

2 feel like they have a voice. Thank you.

3 LEGISLATOR MUSCARELLA: Thank
4 you. Yes, Ms. Bynoe.

5 LEGISLATOR BYNOE: Ms. Mereday,
6 in terms of the communication to the local
7 residents, this is a Long Island Railroad
8 initiative and they have been the one
9 spearheading communications to the actual
10 community. Just recently they had to close
11 the road in Westbury and they sent me a
12 notice, they sent the village a notice and we
13 both then sent information to our
14 constituents. But at the end of the day in
15 terms of impacts to community for the third
16 rail it's borne to the state by way of this
17 initiative.

18 LEGISLATOR MUSCARELLA: Any other
19 public comment? Hearing none, all those in
20 favor of moving this item please say aye. Any
21 opposed? The item passes unanimously.

22 There is no further business.
23 Motion to adjourn by Mr. Gaylor. Seconded by
24 Ms. Schaefer. All those in favor please say
25 aye. We are adjourned.

1 Public Works - 1-22-18
2 (TIME NOTED 2:17 P.M.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of
January 2018

FRANK GRAY

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

RULES COMMITTEE

LEGISLATOR RICHARD NICOLELLO
CHAIR

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

January 22, 2018

2:36 P.M.

1

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

3

4 LEGISLATOR RICHARD NICOLELLO

5 Chair

6

7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

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10 LEGISLATOR STEVEN RHOADS

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12 LEGISLATOR LAURA SCHAEFER

13

14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

16

17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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1 Rules - 1-22-18

2 LEGISLATOR NICOLELLO: Thank you
3 Mr. Kopel. I would like to call the Rules
4 Committee to order and ask Mr. Pulitzer to
5 read the roll.

6 MR. PULITZER: Thank you. Rules
7 Committee. Legislator Siela Bynoe.

8 LEGISLATOR BYNOE: Here.

9 MR. PULITZER: Legislator Delia
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Here.

13 MR. PULITZER: Ranking member
14 Kevan Abrahams.

15 LEGISLATOR ABRAHAMS: Here.

16 MR. PULITZER: Legislator Laura
17 Schaefer.

18 LEGISLATOR SCHAEFER: Here.

19 MR. PULITZER: Legislator Steven
20 Rhoads.

21 LEGISLATOR RHOADS: Here.

22 MR. PULITZER: Vice Chairman
23 Howard Kopel.

24 LEGISLATOR KOPEL: Here.

25 MR. PULITZER: Chairman Richard

1 Rules - 1-22-18

2 Nicoletello.

3 LEGISLATOR NICOLELLO: Here.

4 MR. PULITZER: We have a quorum
5 sir.

6 LEGISLATOR NICOLELLO: Thank
7 you. I'm going to call the same item that's
8 currently before the Finance Committee, 13 of
9 2018. It's an ordinance providing for a
10 capital expenditure to finance the payment of
11 certain judgements or compromised or settled
12 claims against the county authorizing \$45
13 million of bonds of the county of Nassau to
14 finance said expenditure and making certain
15 determinations pursuant the Local Finance Law
16 and the County Government Law.

17 Moved by Legislator Schaefer.

18 Seconded by Legislator Kopel. The item is
19 before the committee. Mr. May.

20 MR. MAY: Thank you. We have
21 Mr. Beaumont Jefferson, county treasurer and
22 Conal Denion Connell from the county
23 attorney's office to answer any questions you
24 may have on this item.

25 MR. DENION: Thank you. This

1 Rules - 1-22-18

2 bond ordinance funds the payment of final
3 judgement in the matter of Restivo et al
4 versus the county including attorneys' fees
5 and costs and bond costs of issuance. As
6 noted, \$45 million is the maximum for the bond
7 that is expected to be right about that
8 level. This is a 2014 jury verdict in favor
9 of the two plaintiffs of \$36 million with the
10 attorneys' fees and cost of issuance and bond
11 cost of issuance brings us up to the \$45
12 million.

13 As many of you know, the cash has
14 been placed in an account pursuant to a
15 stipulated order by the federal court judge
16 and \$45 million pursuant to that stipulation
17 must be paid within 30 days of the denial of
18 cert at the US Supreme Court which occurred on
19 January 8 which brings us to February 7th. It
20 passed through and will be paid by that date.

21 LEGISLATOR NICOLELLO: The
22 obvious question is, why would we bond this if
23 there is money sitting in a reserve fund for
24 this purpose?

25 MR. DENION: You have to separate

1 Rules - 1-22-18

2 the cash, which we would have to pay anyway.
3 Judgements have to be paid notwithstanding a
4 budgetary authorization. So the cash has been
5 set aside. It's federal court. We don't get
6 an automatic stay unlike state court. So the
7 judge had required the money to be put into a
8 special bank account that the treasurer is
9 controlling. And what you still need to think
10 about and still need to plan for is how does
11 this affect the budget?

12 This is an unbudgeted expense.
13 Therefore, some of the options are you can try
14 to figure out how to pay it currently. And
15 the other option the administration has chosen
16 is to spread this extraordinary cost, this
17 extraordinary judgement by any stretch of the
18 imagination, I don't think anyone has seen \$45
19 million judgement in the county, I can't
20 remember one, but in any event you spread it
21 out over a number of years as mentioned as has
22 been done in the past. And that's the course
23 of action that would be prudent under these
24 circumstances so you can spread it out ten or
25 15 years and not have that all be addressed at

1 Rules - 1-22-18

2 one time in a budget.

3 LEGISLATOR NICOLELLO: You used
4 the term unbudgeted amount or account or
5 whatever the term was used. The money was put
6 into a reserve for this purpose. So again,
7 can you explain to us why we would want to
8 borrow the money when money that's been
9 sitting in a reserve fund for this very
10 specific purpose?

11 MR. DENION: It's a fair
12 question. I know it's a little bit confusing
13 but assume that we just pay out of the special
14 account and the money is gone and we don't do
15 a bond ordinance. You still have to, as an
16 accounting matter, figure out how this fits
17 within the county's financial. So, even
18 though the money has been paid out, that's the
19 cash, but it's an unbudgeted expense. And all
20 else being equal you would have a \$45 million
21 deficit that you would have to address one way
22 or another.

23 LEGISLATOR NICOLELLO: If it's in
24 a reserve fund why is it a deficit if you're
25 spending money out of a fund that was

1 Rules - 1-22-18

2 dedicated for that purpose?

3 MR. DENION: It's not a reserve
4 fund. It's a special bank account. It's just
5 cash that is being used to pay the judgement.
6 But like any other expense, the treasurer when
7 he has an authorization to spend money he
8 spends money, it's cash, but he needs an
9 authorization. It's in the budget to spend
10 that. Judgements are a little different. We
11 are required by law to pay those. If we have
12 an appropriation we use the appropriation. If
13 not, the budget office, the comptroller's
14 office would have to say that's an expense and
15 it has to be met somehow in the budget. Has
16 to be addressed in the budget. Both things
17 have to occur, the cash has to be addressed
18 and the budget has to be addressed.

19 LEGISLATOR NICOLELLO: We have
20 fund balance in the county, correct?

21 MR. DENION: Correct.

22 LEGISLATOR NICOLELLO: So why is
23 it a concern of ours if we have fund balance
24 in the county apparently, including this
25 amount, that totals over \$200 million, why

1 Rules - 1-22-18

2 wouldn't we use cash which we set aside to pay
3 a judgement as opposed to then -- it's been
4 set aside 18 months ago for this purpose, why
5 wouldn't we just spend the cash as opposed to
6 borrowing at this time?

7 MR. DENION: We are going to
8 spend the cash, no question about it. The
9 cash will be spent whether it's from the
10 account or bond proceeds. But you still have
11 an expense. Whether we borrow for it or don't
12 borrow for it there will be an expense in the
13 budget. If we have borrowing proceeds you
14 will meet the expense with borrowing revenues
15 and it won't be a hit to the budget. If you
16 don't borrow for it either it would hit fund
17 balance or would have to be addressed
18 otherwise in the budget.

19 LEGISLATOR NICOLELLO: Again,
20 you're saying it's a hit to the budget. We
21 passed the budget for the year 2018 with I
22 guess a NIFA-conformed budget, which has
23 certain expenditures and certain revenues we
24 are taking in. This \$45 million is outside of
25 that, correct?

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2 MR. DENION: That's correct.

3 LEGISLATOR NICOLELLO: What is
4 the hit for the 2018 budget that you are
5 describing?

6 MR. DENION: I don't know. It's
7 \$45 million. I don't know if it's 2018 or
8 2017. I think the comptroller will have to
9 decide that issue. But it's \$45 million all
10 else being equal.

11 LEGISLATOR NICOLELLO: Meaning in
12 terms of creating a structural deficit issue
13 is that what you're saying? Because it won't
14 affect, whether we spend this or not, it
15 doesn't affect the amount of money that we
16 have in our budget for various purposes
17 whether it's the police district the police
18 fund, et cetera, et cetera. That money has
19 been budgeted. Whether we spend this money
20 that's sitting there for this purpose or not
21 it doesn't change with respect on a budgetary
22 basis what we are doing in 2018.

23 MR. DENION: Like any other
24 unbudgeted expense, say overtime is higher
25 than you thought it was, you will have to

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2 figure out a way to pay for overtime. This is
3 the same thing. You have to figure out a way
4 to pay for this. Termination pay, if people
5 leave and you've got termination pay you
6 haven't budgeted for it you have to figure out
7 a way to pay for it. This is the same thing.

8 LEGISLATOR NICOLELLO: I'm
9 assuming what you're talking about when you
10 say unbudgeted amount you must be talking in
11 some sort of technical terms for the budget.
12 For the lay person this money is sitting
13 there. It's outside the budget. So if we
14 spend the money it doesn't affect our revenues
15 or expenses for 2018. It's sitting there for
16 this purpose. So, it is to our minds, if
17 there is ever anything that's a budgeted
18 amount it's this judgement. We put cash aside
19 and it's been sitting there for 18 months
20 waiting for this moment to arrive.

21 MR. DENION: It may be outside
22 the budget now but it will be inside the
23 budget as soon as you spend it. The money has
24 not been set aside on a budgetary basis. The
25 accountants will look at this and say you've

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2 got a \$45 million imbalance and if you borrow
3 for it you will have met the imbalance. If
4 you don't borrow for it you will have to meet
5 it in a different way. The cash is one
6 thing. The budget and the accounting for it
7 is a separate issue.

8 LEGISLATOR NICOLELLO: We're
9 going in circles. Maybe somebody else can
10 improve on what I just did. Legislator Kopel
11 why don't you start.

12 LEGISLATOR KOPEL: I'll try. If
13 we borrow the money now, let's not conflate
14 budget treatment and cash flow first of all,
15 because you mentioned the cash flow. If you
16 have this \$45 million hit and you've got a
17 cash issue you spread it out over a number of
18 years. How would it hit the budget? If you
19 borrow it or just spend it from the reserve
20 fund it's going to hit the budget in any case,
21 won't it?

22 MR. DENION: Yes.

23 LEGISLATOR KOPEL: If that's the
24 case then how is borrowing helping the
25 budget? It doesn't from what you've just

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2 said. All it does is perhaps cash flow and we
3 will get to that.

4 MR. DENION: You'll have an
5 expense. As you said, it hits the budget no
6 matter what. If you have borrow you'll have a
7 revenue, loosely defined, to meet it.

8 LEGISLATOR KOPEL: Not on a GAAP
9 basis. That's not going to help the budget on
10 a GAAP basis. You will still have the debts
11 either way.

12 MR. DENION: That's not true. It
13 actually will help on a GAAP basis. It won't
14 help under the NIFA test. But it will help
15 under GAAP. It will help close the gap.

16 LEGISLATOR KOPEL: In other
17 words, what we're doing then is treating that
18 borrowing as income?

19 MR. DENION: It's an another
20 financing source under GAAP.

21 LEGISLATOR KOPEL: So the answer
22 is yes, we are treating it as income?

23 MR. DENION: Income is not a term
24 I would use.

25 LEGISLATOR KOPEL: You are

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2 treating it as revenue? You are treating it
3 as GAAP revenue even though it's borrowing.

4 MR. DENION: It's not GAAP
5 revenue because that's a technical term. It's
6 money that will meet the expense on a
7 budgetary and GAAP basis.

8 LEGISLATOR KOPEL: Now, it will
9 meet the expense but on a GAAP basis you're
10 saying that on a GAAP basis that if we don't
11 borrow it we've got a GAAP deficit basis and
12 if we do borrow it we won't have a GAAP
13 deficit?

14 MR. DENION: That's correct.
15 Just on this item alone. I don't want to
16 speak to the entire budget but on this.

17 LEGISLATOR KOPEL: I'm only
18 asking about this item. Have you polled the
19 NIFA members on this? Will they allow this
20 borrowing? Obviously not you. I meant you
21 being the administration.

22 MR. DENION: I don't know.

23 LEGISLATOR KOPEL: We are kind of
24 doing this on an academic basis if we do it.

25 MR. DENION: I know NIFA's

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2 practice in the past isn't to offer opinions
3 on borrowing unless there is an approval for
4 borrowing. I know that's their general
5 policy.

6 LEGISLATOR KOPEL: Sometime they
7 will do things on an informal basis. They
8 have done that in the past.

9 So, the fund balance now, if I
10 understand it correctly, is \$205 million; is
11 that correct?

12 MR. DENION: I think it was the
13 year-end 2016. I don't know of any more
14 recent estimates. On a budgetary basis. On a
15 GAAP basis the unassigned fund balance is
16 actually about \$46 million.

17 LEGISLATOR KOPEL: Can you
18 explain that please?

19 MR. DENION: I would rather let
20 an accountant do it.

21 LEGISLATOR KOPEL: Apart from my
22 knowledge, none of us up here are accountants.

23 MR. DENION: I've been informed
24 by the comptroller's office that the
25 unassigned fund balance on a GAAP basis is

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2 just over \$46 million.

3 LEGISLATOR KOPEL: Is there
4 someone here who can explain it? You said
5 you'd rather have someone else explain it.

6 MR. DENION: If you want to ask
7 anything beyond that but that's what the
8 number is.

9 LEGISLATOR KOPEL: Is this money
10 assigned or unassigned? In other words, when
11 you say you got \$46 million balance on a GAAP
12 basis?

13 MR. DENION: Correct.

14 LEGISLATOR KOPEL: Including
15 this? Taking this away would do what to that.

16 MR. DENION: It would drop it to
17 approximately \$1 million.

18 LEGISLATOR KOPEL: So the rest of
19 the money is somehow or another spoken for on
20 a GAAP basis?

21 MR. DENION: According to the
22 comptroller, yes.

23 LEGISLATOR KOPEL: Don't you
24 think we need to understand this better? I'm
25 not attacking you on this. Before the full

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2 legislature votes on this next week --

3 MR. DENION: That would be
4 helpful, sure.

5 LEGISLATOR KOPEL: Would you see
6 to it please?

7 MR. DENION: Sure.

8 LEGISLATOR KOPEL: In other
9 words, you're saying the fund balance if we go
10 ahead and paid this money out -- here's where
11 it's breaking down for me a little bit. This
12 money has already been set aside and it's
13 already unavailable. It's already been
14 assigned to a particular use. Then how are
15 you taking it away again from the unassigned
16 balance? Isn't that double counting?

17 MR. DENION: It has not been
18 counted on a GAAP basis yet. It hasn't been
19 spent yet. There's no expense yet.

20 LEGISLATOR KOPEL: I feel like
21 I'm in wonderland here.

22 MR. DENION: There's no expense.
23 It hasn't been included in a calculation
24 because it hasn't happened yet.

25 LEGISLATOR KOPEL: I think I will

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2 yield the floor to whoever else is ready. But
3 I do think that we're all going to need
4 somebody to come up here and explain this, the
5 accounting treatment of all this, GAAP versus
6 stat versus budgetary, in a way that mere
7 lawyers and other professionals can
8 understand.

9 LEGISLATOR NICOLELLO: Before I
10 pass this along, in terms of what the affect
11 will be if we release the money that was in
12 the fund for this purpose. What is the
13 negative affect on the county's budget?

14 MR. DENION: The cash issue is
15 that we will have \$45 million less in cash.
16 So when the treasurer's office does its cash
17 forecasting and cash borrowing they'll have
18 \$45 million less. That's one issue.

19 The other issue is that the
20 comptroller will book this as an expense in
21 either 2017 or 2018 depending on how it comes
22 out. There will be a new expense that hasn't
23 been planned for, just like unbudgeted or
24 unplanned for overtime, that will have to be
25 addressed in the budget in the results. Are

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2 you going to end the year with a deficit
3 because of that or are you going to do
4 adjustments because of that? Are you going to
5 use fund balance? Or are you going to come up
6 with a different solution?

7 LEGISLATOR NICOLELLO: Tell me,
8 for example, we have allocated funds for
9 example the youth board. Insufficient funds.
10 We are trying to identify additional funds for
11 youth board. Whether we release the money
12 that's in this fund for this purpose for this
13 litigation or bond it, is it going to have any
14 effect on whether we can identify additional
15 money for the youth board?

16 MR. DENION: That's not a
17 decision for me. But if you release the
18 money -- if you use the money from the account
19 you still have, as I said, the general issue
20 of \$45 million additional expense that was not
21 planned for that will have to be addressed in
22 one way or the other in the budget for 2017 or
23 2018.

24 LEGISLATOR NICOLELLO: Even if
25 the money stays within the reserve funds, this

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2 \$45 million that's been set aside, that money
3 stays within our reserve funds that money
4 can't be spent for operating expenses,
5 correct?

6 MR. DENION: It's not a reserve
7 fund, it's just a bank account.

8 LEGISLATOR NICOLELLO: We'll call
9 it fund balance. It's within our fund
10 balance. So this money that's sitting within
11 our fund balance we are not permitted to spend
12 fund balance for operating, are we?

13 MR. DENION: No. You can. I
14 mean, fund balance is an accounting concept
15 but that does happen, sure. You draw down.
16 If you have a deficit from one year to the
17 other it draws down your fund balance.

18 LEGISLATOR NICOLELLO: I
19 understand what you're saying. But will NIFA
20 permit us to -- let's say we leave the \$45
21 million in this account that's in the
22 treasurer's office, the bonds, will NIFA allow
23 to us then draw monies from that \$45 million
24 to pay for say the fire academy, which is
25 underfunded? The answer to that is no but can

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2 you --

3 MR. JEFFERSON: Let's just talk
4 about the cash element. So cash is set aside
5 in a bank account and we are referring to it
6 as a fund. It's set aside in a restricted
7 bank account that was set up after we received
8 the judge's order to set this money aside. So
9 it's a restricted account that can only be
10 used for, at this point, the purpose of
11 Restivo.

12 If we have a bond ordinance in
13 place this cash that's sitting in that account
14 could come back to the county and it would
15 help us reduce our cash flow borrowing.
16 That's probably what you're alluding to. But
17 this is not a separate fund that we can
18 transfer this cash from one fund to another
19 fund to satisfy let's say the youth board.
20 This is just cash sitting in a restrictive
21 account that we had to hold back and it
22 actually reduced our cash until we went out to
23 the market to borrow. We borrowed additional
24 money just so we can smooth out our cash flow
25 needs over the course of 2017 into 2018.

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2 LEGISLATOR NICOLELLO: Thank
3 you. That was the point I was getting at.
4 Basically you couldn't use these monies to pay
5 for current operating expenses or to
6 supplement current operating expenses within
7 the county budget.

8 But my question is, you talked
9 about cash flow. This money was taken and put
10 into this account so that it couldn't be used
11 for any other purpose for the last 18 months,
12 correct?

13 MR. JEFFERSON: The funds were
14 held in this account. We established the
15 account in March of 2017. The order was
16 served on my office in March of 2017 and at
17 that point we took the funds and we put the
18 funds into a restricted account which reduced
19 our cash.

20 LEGISLATOR NICOLELLO: Now I'm a
21 little confused because it was July of 2016 in
22 which the county administration came to us and
23 asked us to borrow \$45 million or money would
24 have to be put into an account. That didn't
25 happen until March of 2017?

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2 MR. JEFFERSON: You are correct.

3 In March the order -- the budget office came
4 to me. They told me there was a need out
5 there for the \$45 million. The \$45 million
6 was still sitting in our general fund at that
7 point and it was not until March that I
8 received the actual order that we took the
9 money and we swept it out into a separate
10 account.

11 LEGISLATOR NICOLELLO: So when it
12 was in the general fund was it assigned to a
13 specific purpose?

14 MR. JEFFERSON: At that point the
15 funds were commingled in the general fund. It
16 was at the point we received the order from
17 the judge that I had to sign off on an
18 affidavit that I had this money set aside in a
19 separate bank account.

20 LEGISLATOR NICOLELLO: But the
21 previous administration understood that this
22 \$45 million could not be spent where ever it
23 was sitting.

24 MR. JEFFERSON: That is correct.
25 The funds were sitting but it was commingled

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2 and there was no -- I didn't have an affidavit
3 in my hand telling me that I need to set it
4 aside.

5 LEGISLATOR NICOLELLO: Because
6 the court required that as this matter
7 proceeded through appeals.

8 MR. JEFFERSON: That is correct.

9 LEGISLATOR NICOLELLO: For the
10 last 18 months before January 1st the previous
11 administration was dealing with the issue of
12 budgeting while this \$45 million was not
13 available, correct?

14 MR. JEFFERSON: As far as the
15 budget goes.

16 LEGISLATOR NICOLELLO: Let me be
17 clearer. The previous administration was
18 dealing with the cash flow issues that results
19 in the fact that this \$45 million was not
20 available.

21 MR. JEFFERSON: It was a cash
22 flow issue at that point.

23 LEGISLATOR NICOLELLO: It's still
24 a cash flow issue.

25 MR. JEFFERSON: It's still a cash

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2 flow issue. At point it was strictly cash
3 flow. It wasn't budgetary.

4 LEGISLATOR NICOLELLO: So when
5 we --

6 MR. JEFFERSON: Now it's
7 budgetary and obviously a cash flow issue.

8 LEGISLATOR NICOLELLO: Budgetary
9 we can go around in circles and we probably
10 will again. It concerns me that the cash flow
11 issue is going to somehow affect the county's
12 finances. That's really the concern that was
13 brought to us by the administration. The only
14 point I'm making is, that concern and the cash
15 flow issues as a result of this matter has
16 existed for 18 months because money had to be
17 set aside for this purpose because we refused
18 to bond 18 months ago.

19 MR. JEFFERSON: From last March
20 it was an issue.

21 LEGISLATOR NICOLELLO: Legislator
22 Walker, then Legislator Rhoads and then
23 Legislator Schaefer.

24 LEGISLATOR WALKER: Just very
25 quick. I don't want to go over everything

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2 that's been said. Mr. Jefferson, as you had
3 stated several times and it's been stated
4 several times by both of you, this is
5 something we knew. This is something that we
6 put the money aside for. But, Mr. Denion, you
7 said this is something that we didn't plan
8 on. We did plan on it. That's why we had to
9 put the money. We knew we had to pay this
10 money. That's why it was in this separate
11 where ever.

12 MR. DENION: We planned for it on
13 a cash basis as you said, but on a budget
14 basis it was not included in the budget for
15 '17 or '18. I know it's unusual but it's
16 really two different things. The cash still
17 has to be accounted for by the auditors, by
18 the accountants to figure out how that expense
19 is being recorded in the county's financial
20 statements.

21 LEGISLATOR WALKER: Who
22 determines whether it's 2017 or 2018 budget?

23 MR. DENION: Comptroller's office
24 and the auditors.

25 LEGISLATOR WALKER: How do they

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2 do that?

3 MR. DENION: Under the accounting
4 standards. Under the GAAP standards.

5 LEGISLATOR WALKER: They don't
6 have a clue what they are yet?

7 MR. DENION: I don't know if
8 they've made any decisions on that. I don't
9 believe they have.

10 LEGISLATOR WALKER: But if it's
11 under certain standards don't they have to
12 follow those standards so should know?

13 MR. DENION: They will. I don't
14 know if they've done that yet. They're still
15 closing the books on 2017.

16 LEGISLATOR WALKER: Okay. Thank
17 you.

18 LEGISLATOR NICOLELLO: Legislator
19 Rhoads.

20 LEGISLATOR RHOADS: Thank you
21 Mr. Chairman. Mr. Jefferson, this item came
22 before the legislature in July of 2016,
23 correct?

24 MR. JEFFERSON: That's correct.

25 LEGISLATOR RHOADS: When it came

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2 before the legislature in July of 2016 it came
3 for the purpose of long-term borrowing to pay
4 the \$45 million judgement, correct? Or at
5 least have the funds available to pay the \$45
6 million judgement, correct?

7 MR. JEFFERSON: To have a bond
8 ordinance in place to be able to borrow for
9 the judgement, yes.

10 LEGISLATOR RHOADS: And we could
11 not get the votes to be able to do the
12 long-term borrowing, correct?

13 MR. JEFFERSON: That's my
14 understanding.

15 LEGISLATOR RHOADS: The theory
16 behind that was that we did not think it was
17 prudent. We, substantial enough share that we
18 couldn't get the 13 votes, thought it wasn't
19 prudent to engage in long-term borrowing when
20 we had some cash on hand in the litigation
21 fund and when we had other means to be able to
22 obtain those funds. I don't know if you have
23 personal knowledge of that.

24 The question that I have is, in
25 between July of 2016 and March of 2017 can you

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2 explain when those funds were finally set
3 aside can you explain what TAN borrowing is?

4 MR. JEFFERSON: TAN is Tax
5 Anticipation Note.

6 LEGISLATOR RHOADS: My
7 understanding of the tax anticipation note is
8 that the county in order to aid our cash flow,
9 sometimes in order to meet -- with the
10 knowledge that revenue is coming in, that we
11 will engage in short-term borrowing to make
12 sure we have the cash on hand in order to be
13 able to meet our obligations while we are
14 waiting for that money to come in; is that
15 correct?

16 MR. JEFFERSON: That's correct.

17 LEGISLATOR RHOADS: Is it not the
18 case that the \$45 million that was set aside
19 in March of 2017 that the source of that money
20 was additional TAN borrowing that we engaged
21 in in the 2016 year?

22 MR. JEFFERSON: We did increase
23 our TAN but the TAN borrowing that we just
24 completed in December of 2017.

25 LEGISLATOR RHOADS: So in other

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2 words the \$45 million that now sits in this
3 separate account off of the general fund,
4 understand a layman's knowledge of this --

5 MR. JEFFERSON: Restricted
6 account.

7 LEGISLATOR RHOADS: Restricted
8 account. -- is the result of TAN borrowing?

9 MR. JEFFERSON: We looked at our
10 cash flow and increased our TAN borrowing in
11 the event that we have to pay this out.
12 Regardless of whether there's a bond ordinance
13 in place I would need the cash in place to
14 make this payment.

15 LEGISLATOR RHOADS: But separate
16 and apart from the TAN borrowing that we
17 engage in to meet our cash flow needs we
18 borrowed an extra \$45 million specifically for
19 the purpose of being able to meet this
20 obligation; is that correct?

21 MR. JEFFERSON: We increased our
22 TAN borrowing in anticipation that we may have
23 to pay this out, that is correct.

24 LEGISLATOR RHOADS: By \$45
25 million?

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2 MR. JEFFERSON: By \$45 million.
3 You also have to understand that's short-term
4 borrowing. By September of 2018 that will be
5 repaid.

6 LEGISLATOR RHOADS: That's fine.
7 Correct me if I'm wrong, but it's \$45 million
8 that we didn't have and we wouldn't have had
9 but for the fact that we borrowed an extra \$45
10 million specifically to pay this judgement.

11 MR. JEFFERSON: We borrowed \$45
12 million looking at our cash flow intraday
13 balances and knowing that we possibly had this
14 judgement that may have been -- we may have
15 had to pay in 2018. At that point we didn't
16 know exactly when we would pay it but I didn't
17 want to have a situation where we were short
18 on cash. So we increased our TAN.

19 LEGISLATOR RHOADS: I don't mean
20 to play semantics. However we want to say it
21 was designated, we increase the amount of
22 money that we borrowed, by 45 million, because
23 we knew that we had this \$45 million sword of
24 Damocles hanging over our head.

25 MR. JEFFERSON: I think that's

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2 fair.

3 LEGISLATOR RHOADS: The question
4 that I have is, why would we increase the
5 county's long-term debt by \$45 million to
6 borrow money to pay \$45 million that we've
7 already borrowed in order to pay that
8 judgement? How does that benefit the
9 taxpayers of the county to add to Nassau
10 County's long-term debt to take \$45 million
11 that we already have in hand? Why can't we
12 simply pay it? Aren't we double borrowing
13 money?

14 MR. JEFFERSON: We are not double
15 borrowing money. In this case we are talking
16 about two different issues. When we were
17 informed there was a judgement pending we
18 borrowed additional cash so that we can meet
19 that need. Now we have this bond ordinance in
20 front of you which has other implications to
21 it, which Conal Denion spoke to, whether it's
22 budgetary issues that we will have and other
23 issues that we would need to discuss further.

24 LEGISLATOR RHOADS: I'm just
25 trying to boil this down to its simplest

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2 component. And I understand there may be
3 budgetary issues, that there may be GAAP
4 issues, separate NIFA GAAP issues, whatever
5 these issues are. We borrowed \$45 million so
6 that we would have the cash on hand in a
7 restricted account to pay this judgement if it
8 came to pass that we lost the appeal.

9 MR. DENION: I want to be clear.
10 We did not borrow the \$45 million. As
11 Beaumont said, what he did was he adjusted his
12 cash flow model, raised it by \$45 million
13 because there would be a \$45 million cash hit
14 that he needed to account for. It's all
15 short-term. It comes due before the end of
16 the year.

17 What we are doing now in the
18 long-term borrowing is spreading this cost out
19 so it doesn't hit one budget year, whether
20 it's 2017 or 2018, we're spreading that cost
21 over hopefully 15 years so that there isn't an
22 impact on the county's budget. A drastic
23 impact on the county's budget.

24 LEGISLATOR RHOADS: I'm sorry
25 Mr. Denion but what Mr. Jefferson said was the

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2 exact opposite of that. What he said was that
3 we increased our TAN borrowing.

4 MR. DENION: I agree with that.

5 LEGISLATOR RHOADS: We had the
6 \$45 million that we have on hand we borrowed,
7 whether short term or long term, correct?

8 MR. DENION: I know it's a
9 technical point but when you borrow for
10 particular purposes under state and federal
11 law you have to say what you're borrowing
12 for. We did not borrow to pay this
13 judgement. We borrowed for cash flow because
14 the county's cash flow goes up and down
15 throughout the year. I want to be clear on
16 that point.

17 LEGISLATOR RHOADS: We borrowed
18 an additional \$45 million --

19 MR. JEFFERSON: Cash flow notes.

20 LEGISLATOR RHOADS: -- so we can
21 have additional cash flow in case we had to --

22 MR. DENION: On a cash basis.

23 LEGISLATOR RHOADS: -- on a cash
24 basis in case we had to satisfy this
25 judgement. We're solid on that point. So

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2 theory, not in theory, in practice we have \$45
3 million in a restricted account. That account
4 was established for the purpose of being able
5 to satisfy this judgement. Now the
6 administration is coming to us after the
7 member of that administration when she was a
8 member of the legislature voted against the
9 bonding that she's now asking for, asking us
10 to engage in long-term borrowing for \$45
11 million that we actually have on hand to be
12 able to satisfy a judgement that we actually
13 got the extra money through TAN borrowing in
14 order to be able to do that. Why is that in
15 the best interest of Nassau County?

16 MR. DENION: Because you lessen
17 the impact to the budget and everything that
18 comes with that. You will either reduce your
19 fund balance or you will have to do budgetary
20 adjustments of \$45 million. You'd have a \$45
21 million hit to fund balance or to budgetary
22 adjustments because all you did on the cash
23 side was borrow short term. It's paid. Now
24 the accountant will take over and say now
25 you've got an expense and that expense has to

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2 be accounted for in the financial statements.

3 The cash itself doesn't solve your problem.

4 It solves your cash problem but it doesn't

5 solve your budget problem.

6 LEGISLATOR RHOADS: Legislator

7 Muscarella actually made an excellent point

8 which I don't know if it was on microphone,

9 which NIFA is going to do that anyway

10 regardless of how we structure this, aren't

11 they?

12 MR. DENION: They'll certainly

13 weigh in on this. But it's a budget issue.

14 NIFA is going to be concerned about the budget

15 issue and certainly want to know how it's

16 going to be addressed.

17 LEGISLATOR RHOADS: It's

18 certainly a budgetary issue but regardless of

19 how that budget issue is rectified the hard

20 thing I'm having trouble getting past is the

21 fact we have \$45 million. We have \$45 million

22 that we borrowed so that we would have the

23 cash on hand. The judgement is now due. This

24 is \$45 million that we've never used, never

25 relied upon that to operate Nassau County. We

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2 never used it for any purpose. We held it to
3 the side specifically so that we would have
4 the cash on hand to be able to pay the
5 judgement. Why would we turn around now and
6 borrow another \$45 million to free up \$45
7 million that we have on hand in the restricted
8 account for that designated purpose?

9 MR. DENION: I think the answer
10 is assuming we the money in the restrictive
11 account, we don't borrow, February 7 comes --

12 LEGISLATOR RHOADS: Correct me if
13 I'm wrong. You can't use the money in the
14 restricted account. What I'm saying is, if
15 you borrow the \$45 million, we engage in
16 long-term borrowing for the 45 million. We
17 float this bond. The \$45 million that we have
18 cash on hand we can't use it for operating
19 expenses. I can't use it to close the gap
20 that NIFA created in youth services. I can't
21 use it to close the gap that NIFA created in
22 terms of funding For training of our or
23 volunteer fire fighters. I can't use it to
24 pay salaries. I can't use it for any of the
25 operating expenses of Nassau County.

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2 So why, when we've been managing
3 for the last 18 months under the prior
4 administration without this \$45 million, why
5 is paying the \$45 million in this restricted
6 account affecting our budget at all?

7 MR. DENION: Again, you don't
8 borrow long term. You just use the money in
9 the account and you write the plaintiffs and
10 lawyers a check and the \$45 million is gone.
11 You're done. When the comptroller's goes to
12 close the books for 2017 or 2018 they'll say I
13 see that you spent that cash. Look at the
14 cash flow model. See that's it's gone down.
15 That's nice. However, I got a separate issue
16 now. I'm the comptroller's office. I say to
17 the county how did you meet that unanticipated
18 expense because it's not in the budget.

19 So, as an accounting matter you
20 have to record that as a \$45 million expense
21 and it's not in the current \$3 billion
22 budget. All else being equal, you'll have a
23 \$45 million deficit on a \$3 billion budget.

24 If you spread the cost out over 15
25 years you won't have any cost in this year

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2 because the local finance law allows us to
3 start paying back within two years. So you
4 can take this cost, spread it out over years,
5 because it's truly extraordinary, no one has
6 seen this level of one judgement for this much
7 money. Not that anyone questions it's an
8 unusually large number. You take it and
9 spread to out over time. That's what the
10 local finance law allows for.

11 LEGISLATOR RHOADS: Am I correct
12 to understand that the reason that the
13 administration wants us to engage in an
14 additional \$45 million of long-term borrowing
15 is so that our numbers look better?

16 MR. DENION: Not that they look
17 better. It's that you have budget that does
18 not have to absorb it all in one year. You
19 can spread it out over 15 years. Maybe ten or
20 15. That's what it is.

21 It's like term pay. When people
22 leave and we borrow term pay in the past
23 that's a big number. So you take that term
24 pay and say well, look, in January of a year
25 you don't want to pay all that term pay out in

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2 one year. So you borrow for term pay, spread
3 the cost over time and therefore it doesn't
4 impact taxpayers all in one year. It's the
5 same idea.

6 LEGISLATOR RHOADS: I'm not happy
7 with the concept but I think I understand the
8 concept. I want to make sure that if we do
9 not engage in this borrowing, and I know there
10 are questions that still have to be answered
11 before this matter moves on, assuming it moves
12 through committee, moves on to the full
13 legislature, that if we do not engage in this
14 borrowing there is no impact on the cash on
15 hand that we have to be able to operate Nassau
16 County.

17 MR. DENION: There is no negative
18 impact. If you borrow the money it will be
19 \$45 million better in cash, but it's still a
20 negative impact of \$45 million on the budget.

21 LEGISLATOR RHOADS: Other than
22 being able to say we have \$205 million in a
23 reserve fund as opposed to \$160 million in a
24 reserve fund it has no practical impact on the
25 operations of Nassau County whatsoever.

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2 MR. DENION: I can't address how
3 the administration or NIFA would ask for the
4 gap to be closed. So I can't say they would
5 allow fund balance to be used. I know they
6 don't like fund balance to be used. I'm not
7 saying they would or wouldn't do it.

8 LEGISLATOR RHOADS: I thought the
9 whole discussion we had with respect to the
10 TAN borrowing.

11 MR. DENION: Apples and oranges.
12 The cash is gone. Now you've --

13 LEGISLATOR RHOADS: How is it
14 gone when it's in a restricted account?

15 MR. DENION: Let's say you pay it
16 on February 7. It's gone, the plaintiffs have
17 it, they go away. You still have a \$45
18 million budget deficit all else being equal
19 because you have to record it in the
20 accounting system as an expense and it hasn't
21 happened yet and it's not in the budget for
22 this year or last year.

23 LEGISLATOR RHOADS: The concern
24 is that unless we engage in this borrowing we
25 wind up with a \$45 million deficit year end on

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2 the books?

3 MR. DENION: Either '17 or '18
4 depending on how the comptroller books it
5 without any other offsetting actions, correct.

6 LEGISLATOR RHOADS: So there's no
7 negative impact to the county other than the
8 fact we show a \$45 million deficit in '17 or
9 '18?

10 MR. DENION: Depends how you want
11 to required to close that gap.

12 LEGISLATOR RHOADS: Thank you.

13 LEGISLATOR NICOLELLO: Legislator
14 Schaefer.

15 LEGISLATOR SCHAEFER: Hopefully I
16 can remember my question or that it wasn't
17 answered. How much is in the reserve fund
18 now? Do you have that number for us?

19 MR. DENION: The restricted bank
20 account for the payment of the judgement?

21 LEGISLATOR SCHAEFER: No. The
22 fund balance.

23 MR. DENION: Year end 2016 I
24 believe it was the 46 million in unassigned
25 GAAP, which would be the GAAP money that could

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2 be drawn down upon on an accounting basis. I
3 think it was about 177 on a budgetary basis,
4 not including the police district. I think
5 I've got that right. At the end of '16.

6 LEGISLATOR SCHAEFER: So you're
7 saying basically if we take this money out of
8 there it will only have a million dollars
9 left?

10 MR. DENION: These are accounting
11 concepts. Fund balance is what you have left
12 over between one year to the next. So that's
13 the way it works. If you have surplus it adds
14 to the fund balance. If you have a deficit it
15 takes away from fund balance. If you have a
16 \$45 million deficit you'll reduce your fund
17 balance by \$45 million on a budgetary basis
18 and a GAAP basis.

19 LEGISLATOR SCHAEFER: Is the
20 former comptroller's budget that we're dealing
21 with or are we dealing with --

22 MR. DENION: It's always an
23 administration and legislative budget. The
24 comptroller is the office responsible for
25 accounting and they will make the accounting

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2 decisions and it gets audited by the outsider
3 auditor. It's the new comptroller's office.
4 It's the new comptroller's office. The new
5 comptroller would be making these decisions.

6 LEGISLATOR SCHAEFER: I thought
7 there was a lot more in the fund balance than
8 that. My understanding was about \$205
9 million.

10 MR. DENION: I think that's
11 includes police, if I'm not wrong, police
12 district, which we would not able to use.

13 LEGISLATOR SCHAEFER: Is
14 everything accounted for that's in that?

15 MR. DENION: Again that's the end
16 of 2016. But the 2017 number I don't have. I
17 don't know if it's known yet.

18 LEGISLATOR SCHAEFER: Could it be
19 higher possibly?

20 MR. DENION: I can't speak to it.

21 LEGISLATOR SCHAEFER: Who can
22 speak to that? The comptroller?

23 MR. DENION: I don't know if
24 anyone has it. If OMB or comptroller's has a
25 forecast yet I don't know.

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2 LEGISLATOR SCHAEFER: Figuring
3 this all out without knowing that seems a
4 little off to me. Is there a way that we can
5 get an accounting of everything that's
6 going --

7 MR. DENION: We will give you
8 whatever we have that's most recent.

9 LEGISLATOR SCHAEFER: I'd
10 definitely would like to see it. I think my
11 caucus would like to see that. If there's
12 money that's being restricted or it's being
13 set aside for other expenses then we want to
14 know exactly where everything is going.

15 MR. DENION: On a GAAP basis
16 that's an unassigned concept. It's not
17 already spoken for for other purposes. \$46
18 million at the end of 2016.

19 LEGISLATOR SCHAEFER: I'm not
20 going to repeat the question that's been
21 asked. That's it for me.

22 LEGISLATOR NICOLELLO: Just a
23 couple of more before I turn it over. The
24 actor that's not in the room that's factors
25 into this equation is NIFA. My question to

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2 you is, how is NIFA going to treat borrowing
3 \$45 million to pay a judgement when we have
4 money set aside for that purpose?

5 MR. DENION: I don't know how
6 they would treat it, but I do know they look
7 at it also a budgetary matter. As we have
8 been discussing is that the \$45 million goes
9 out the door as cash it's unaddressed in the
10 budget and my guess is they would ask the
11 administration to address it.

12 LEGISLATOR NICOLELLO: What
13 you're telling us then in layman's terms is
14 that with respect to the county government it
15 is better to borrow than to use cash that you
16 put aside for a purpose? So, it is better to
17 borrow for this judgement than it is to use
18 the cash that you set aside for this
19 judgement. Is that what you're telling us?

20 MR. DENION: You need cash in
21 either case and the administration has decided
22 that it makes sense for this extraordinary
23 judgement to spread the cost of spending that
24 cash over time. And if you borrow you get \$45
25 million from bond holders but you don't have

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2 to pay back the \$45 million for number of
3 years. Therefore the impact on taxpayers
4 today is less than it would be as if you said
5 you spent the cash, now we're going to make
6 you pay for it on a budgetary basis. Which
7 would either deplete your fund balance or
8 require budgetary adjustments.

9 LEGISLATOR NICOLELLO: I agree
10 with Legislator Kopel, it's almost as if we
11 are in wonderland here. You're talking about
12 the benefits of borrowing to the county
13 taxpayers as if the county taxpayers don't
14 have to pay back what's being borrowed and
15 they don't have to pay it back with additional
16 monies.

17 MR. DENION: I agree. I'm not
18 trying to understate that. I'm just saying
19 that of the two scenarios that a decision is
20 made that \$45 million all at once would be not
21 as good as \$45 millions over time to spread
22 that cost of an extraordinary judgement.

23 LEGISLATOR NICOLELLO: I'll be
24 honest with you. This did not go the way I
25 thought the administration was going to be

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2 here presenting strong arguments as to why
3 this would affect our cash flow. But what you
4 have been telling me is budgetarily somehow
5 this scenario in which we borrow to pay a
6 judgement we have money set aside for is
7 better. I don't understand that.

8 MR. DENION: It's a decision
9 whether you want to spread cost out over time
10 or absorb it all at once.

11 LEGISLATOR KOPEL: Then also the
12 fact that you haven't really explained well,
13 forgive me for saying this, but the statement
14 that you made a couple of moments ago is that
15 NIFA is going to look at this, regardless of
16 whether we borrow the money, as something
17 that's unaddressed in terms of the gap, not
18 the G-A-A-P but the G-A-P, in the budget and
19 they're going to look at it regardless. It's
20 going to hit the budget regardless. This is
21 not going to help the budget.

22 MR. DENION: Sure it does. The
23 borrowing proceeds meets that expense. That's
24 how it does help the budget. The borrow is
25 what solves the budget issue.

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2 LEGISLATOR KOPEL: Will be the
3 revenue and will solve the budget and that's
4 assuming that NIFA goes ahead and approves the
5 borrowing.

6 MR. DENION: Certainly subject to
7 NIFA approval.

8 LEGISLATOR KOPEL: What's your
9 contingency in the event that NIFA should
10 decline to go along with borrowing?

11 MR. DENION: Could you repeat?
12 I'm sorry.

13 LEGISLATOR KOPEL: Let's assume
14 for a moment that NIFA as has been its
15 practice fairly often in the recent past
16 declines to approve the borrowing what's is
17 your contingency plan to move ahead with the
18 budget?

19 MR. DENION: It would be a
20 decision for the administration to address
21 that.

22 LEGISLATOR KOPEL: Isn't that
23 you?

24 MR. DENION: I don't have an
25 answer for you.

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2 LEGISLATOR KOPEL: Just following
3 up again on something I had said earlier. Not
4 only would we like to have the information for
5 next week, I think we would like to have the
6 information before next week in writing
7 perhaps to all the members of this body to
8 give us time sufficient to understand it and
9 consider it.

10 MR. DENION: I will pass on that
11 request certainly.

12 LEGISLATOR NICOLELLO: Legislator
13 Muscarella and then Legislator
14 DeRiggi-Whitton.

15 LEGISLATOR MUSCARELLA: I will
16 try to be basic and quick on this. What
17 you're telling us now is it makes sense to
18 spread this expense over a period of time
19 rather than take the cash out. That's
20 correct, right?

21 MR. DENION: Rather than have it
22 be a budget hit all in one year. The cash is
23 going to go out no matter what.

24 LEGISLATOR MUSCARELLA: Rather
25 than have it be a budget hit all in one year

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2 and that's a policy decision?

3 MR. DENION: That's correct.

4 LEGISLATOR MUSCARELLA: Without
5 getting political, that policy decision was
6 made a couple of months ago or 18 months ago
7 by this body and that policy decision that was
8 made was made by virtue of not being able to
9 come up with enough votes to bond it at that
10 time; is that correct?

11 MR. DENION: Just to be fair for
12 the record, the vote was 11 to 7, which failed
13 as a bond ordinance. But there was a motion
14 to rehear and it was tabled.

15 LEGISLATOR MUSCARELLA: It
16 failed.

17 MR. DENION: It was tabled. It
18 failed and it was tabled. It was revoted and
19 tabled.

20 LEGISLATOR MUSCARELLA: It failed
21 because the minority didn't put up enough
22 votes for the bonding to be approved, that's
23 fair to say. So that was a decision by this
24 board that the better policy decision would
25 have been to pay it out of cash rather than

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2 long-term borrowing.

3 MR. DENION: I don't know if it's
4 fair to characterize it that way because the
5 ordinance was tabled as an item and lapsed at
6 the end of the session.

7 LEGISLATOR MUSCARELLA: You're
8 playing games. The policy decision by this
9 board was that the prior county executive
10 should deal with it on a cash basis rather
11 than borrowing. And the current county
12 executive was part of this legislature at the
13 time when that vote was made. So it seems to
14 me that now the county executive's policy
15 decision is that long-term borrowing for her
16 administration is better than the short-term
17 cash position that she voted for for the prior
18 administration. I have no further questions.

19 LEGISLATOR NICOLELLO: I'm going
20 to follow-up with that and just to clarify,
21 this is Legislator Curran at that hearing. "I
22 just think that this is actually something
23 that the litigation fund is actually for. I
24 know we are asking to use it for this -- use
25 it for that, but this is for litigation

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2 purposes and this is money in that fund it
3 just seems so logical to use that first."

4 She was arguing to spend the
5 available monies as opposed to borrowing.
6 That's what we're talking about. That's the
7 policy decision that was made 18 months ago.

8 MR. DENION: If you bring up the
9 litigation fund we can also find out how much
10 is left in that now.

11 LEGISLATOR NICOLELLO: I believe
12 it's \$20 million in the litigation fund. We
13 can look to that as well.

14 MR. DENION: There's 23 which has
15 to pay for all of the county's ordinary
16 judgements.

17 LEGISLATOR NICOLELLO: We made
18 those arguments Mr. Denion.

19 MR. DENION: I agree. I'm just
20 letting you know there are other judgments
21 that are covered by that.

22 LEGISLATOR NICOLELLO: Legislator
23 DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON: I
25 think I understand the whole wonderland just a

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2 tiny bit Rich. The money wasn't set aside.
3 It was borrowed short term and that money has
4 to be paid back this November; is that
5 correct?

6 MR. JEFFERSON: The cash flow
7 notes have to be paid back by September.

8 LEGISLATOR DERIGGI-WHITTON: So
9 this is not money that we got from other lines
10 and put into this account. We borrowed that
11 money that's in that account, the 45 million.
12 Short term borrowing but it's due in October.
13 So we either we pay the \$45 million now in
14 October out of cash or it's spread out with a
15 long-term bonding. So it's not like we had
16 money that we collected. Money was not set
17 aside. Money was borrowed. Now it's a
18 question if we're going to pay it all back in
19 one lump sum or spread it out.

20 LEGISLATOR NICOLELLO: Answer
21 that question. Was money set aside for this
22 \$45 million judgement?

23 MR. JEFFERSON: There's cash set
24 aside in a restricted bank account.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Where did that come from? That came from the
3 short-term borrowing or no?

4 MR. JEFFERSON: When we did the
5 short-term borrowing because we knew we had to
6 set aside this money that was not in the
7 budget we borrowed additional funds for cash
8 flow purposes.

9 LEGISLATOR NICOLELLO: It was set
10 aside first. The cash was put into a fund in
11 your department. Not department but a bank.

12 MR. JEFFERSON: Before we went to
13 the market we had to set aside these funds.
14 So we put the money into a separate -- we took
15 the money out of our general fund and put it
16 into a separate bank account. Because we knew
17 our cash flow would be very low and it was
18 very low throughout the year. When we went to
19 the market in December we increased our cash
20 flow notes so we could meet our cash demands.
21 We weren't looking at look budgetary. I'm
22 simply looking at just the cash needs of the
23 county.

24 LEGISLATOR NICOLELLO: And you
25 did the TAN because of those cash flow

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2 concerns because of the fact that that \$45
3 million was set aside in this account. The
4 decision not to borrow put the \$45 million
5 into a separate account which led to the
6 borrowing?

7 MR. JEFFERSON: Yes.

8 LEGISLATOR NICOLELLO: Minority
9 Leader Abrahams.

10 LEGISLATOR ABRAHAMS: Thank you
11 Presiding Officer Nicolello. I want to thank
12 Mr. Denion and Mr. Jefferson for being here.
13 You tried your best to answer the question as
14 has been presented by the majority. Obviously
15 hearing the questions of the majority there
16 are many questions that still remain. So
17 obviously over the next week I hope we can try
18 to get some better answers.

19 I do have some preliminary
20 questions that I don't know if it was quite
21 explained on the record. The first thing, the
22 comptroller booking the expense, do we have
23 some idea of whether -- Mr. Jefferson I think
24 you had mentioned whether it would be 2017 or
25 2018 but we weren't sure. Has anyone reached

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2 out to the comptroller's office to find out
3 his thoughts on this process and whether or
4 not it will be 2017 or 2018?

5 MR. JEFFERSON: That's
6 preliminary. I haven't reached out. I'm not
7 sure if the budget office has. If OMB has
8 reached out.

9 LEGISLATOR ABRAHAMS: I think
10 that's a fair question for next week that we
11 should get an answer to, to find out exactly
12 what are their thoughts when that expense
13 would actually be booked.

14 I guess more of like a municipal
15 finance 101 type of question. It ties to the
16 fact of whether or not why are you two here
17 today envisioning what would happened in the
18 future if the county basically bonded or the
19 county chose to spend the \$45 million that's
20 in this restricted account, explain to us from
21 a municipal finance standpoint, credit agency
22 standpoint, if the county spent the \$45
23 million out of the restricted account explain
24 to us what that would have, if any at all,
25 ramifications among the credit agencies. If

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2 you can explain it.

3 MR. DENION: I think it would be
4 certainly a factor. They're already aware
5 these judgments are out there. This is part
6 of our disclosure on bonds. So the agencies
7 are well aware of the potential for the
8 payment. So they're always concerned about
9 how the county balances its books and how it
10 goes about balancing its books. Whatever
11 decision is made to address the \$45 million if
12 it comes from borrowing they will have a view
13 on that positive or negative. Maybe some
14 positive some negative. And they'll have a
15 view on if we don't use borrowing maybe
16 positive or negative. But they'll look and
17 see what the solution is to the budgetary
18 impacts, \$45 million impact, they'll look to
19 see what the county plan is to meet that
20 expense.

21 LEGISLATOR ABRAHAMS: In a utopia
22 the best way to plan for this expense is not
23 the way the previous administration has done
24 in regards to increasing the TAN by \$45
25 million to increase your cash flow. The best

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2 way to cover for this expense is by adding to
3 the litigation fund or actually budget it in
4 the operating budget of expenses for the
5 county.

6 MR. DENION: Two different
7 things. How you pay for it in cash is one
8 thing but how you address it in the budget
9 that's a policy decision.

10 LEGISLATOR ABRAHAMS: I'm asking
11 how you address it from the budget.

12 MR. DENION: I can't address
13 that. But it is a policy decision.

14 LEGISLATOR ABRAHAMS: Whether
15 it's a policy issue or not it wasn't addressed
16 in the budget. It's not a seen expense in the
17 budget.

18 MR. DENION: As I think presiding
19 officer said, it's \$23 million in the
20 litigation fund. Obviously that's not enough
21 to pay the regular judgments and this.

22 LEGISLATOR ABRAHAMS: Let's talk
23 about that for a second. What are the other
24 judgements that are potentially out there?

25 MR. DENION: The routine trip and

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2 falls, breach of contract.

3 LEGISLATOR ABRAHAMS: What's the
4 projected estimated total?

5 MR. DENION: I don't know if
6 anyone from budget is here. I assume that's
7 the projection is what is in the budget is the
8 projection. It's kind of early in the year to
9 know what the actuals are projected at. But
10 that was the budgetary projection. It's
11 early.

12 LEGISLATOR ABRAHAMS: It's early
13 but at the same time the number could be a
14 little bit less, a little bit more. But the
15 number, and this is my greater point which I
16 talked about a couple of questions ago, the
17 number does not take into consideration or
18 into account the Restivo judgement that is
19 before us today.

20 MR. DENION: If the Supreme Court
21 would taken the case it would have necessarily
22 ended in 2018. I don't know what their
23 schedule would have been but there was a
24 possibility. Also a possibility for 2017. It
25 came in eight days after the end of the year.

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2 LEGISLATOR ABRAHAMS:

3 Mr. Jefferson, just a question in regards to
4 this restricted account. Are there other
5 restricted accounts that we should be made
6 aware of?

7 MR. JEFFERSON: No. This is the
8 only restricted account that we have set up
9 for judgments.

10 LEGISLATOR ABRAHAMS: One final
11 question. In the event the legislature does
12 not proceed with bonding and you pay the
13 actual judgement out of the cash that you've
14 already borrowed via the TAN that took place,
15 which basically forces the county to repay the
16 judgement rather than over 15 years, it would
17 be paid out in September if I remember that
18 correctly Mr. Jefferson. October.

19 MR. JEFFERSON: The short-term
20 borrowing will be paid back by September.

21 LEGISLATOR ABRAHAMS: So it would
22 force the county to pay back the expense in
23 nine months rather than having what Mr. Denion
24 said being paid out over 15 years?

25 MR. JEFFERSON: Regardless we are

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2 going to repay the TAN borrowing in September.

3 LEGISLATOR ABRAHAMS: But you
4 have no mechanism to replenish the cash flow
5 without the revenue from the bonding.

6 MR. JEFFERSON: We will treat the
7 cash as an advance and we go out to the market
8 yearly. So we would then size the next
9 borrowing accordingly. The next cash flow
10 borrowing.

11 LEGISLATOR ABRAHAMS: I'm sorry.
12 I'm trying to understanding. The next cash
13 flow borrowing would be adjusted down to
14 reflect not having the \$45 million?

15 MR. JEFFERSON: No. I want to
16 make sure I have the question right. Are you
17 saying that we bonded for it?

18 LEGISLATOR ABRAHAMS: No. Let me
19 start over. Basically what I'm saying is the
20 TAN that was taken out that addresses cash
21 flow took into consideration the \$45 million
22 judgment for the potential judgement for the
23 Restivo case. That being said, that \$45
24 million, that TAN comes due in September of
25 this year to be paid back, correct?

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2 MR. JEFFERSON: Yes.

3 LEGISLATOR ABRAHAMS: The
4 preferred, if I'm understanding this correctly
5 from the administration, the preferred route
6 of the process that you would like to see was
7 that obviously that TAN would be repaid
8 because it's required to be repaid in
9 September, but you want to replenish it with
10 the bond proceeds from the \$45 million bond
11 that you are asking this legislature to take
12 into consideration?

13 MR. JEFFERSON: The cash will be
14 replenished if we had the bond ordinance.
15 When we go out to market to do a capital bond
16 we would then replenish that cash.

17 LEGISLATOR ABRAHAMS: I guess the
18 ultimate question would be obviously if the
19 cash is not -- if the cash is used, because
20 you're going to have to pay that out
21 regardless, the question is it quickly becomes
22 a cash flow issue to a budgetary issue because
23 you have to take something from your budgetary
24 operating expense or you talk about budgetary
25 operating revenue something has to be used to

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2 fill that gap?

3 MR. DENION: Correct.

4 LEGISLATOR ABRAHAMS: That's all
5 I needed to know. Thank you again.

6 LEGISLATOR NICOLELLO: Legislator
7 Birnbaum.

8 LEGISLATOR BIRNBAUM: So
9 following that line, if there is no bonding
10 and the money has to be repaid in September
11 and we have to use the other money to pay the
12 judgement what is the contingency plan?

13 MR. DENION: Again, that would
14 have to be addressed. I don't have that
15 plan. I don't have that for you today.

16 LEGISLATOR BIRNBAUM: Next, I
17 think we all need to hear from the comptroller
18 to see how this will affect the 2018 budget.

19 MR. DENION: Or '17 depending on
20 his analysis.

21 LEGISLATOR NICOLELLO:
22 Legislature McKeivitt.

23 LEGISLATOR MCKEVITT: Just a
24 couple of quick questions. As you stated
25 beforehand, when the county's been doing its

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2 offering statements for its bonds the last
3 couple of years we've already been including
4 this amount in there. So from the rating
5 agencies' perspective this is no surprise in
6 any regard whether it's to past rating or
7 future rating, should it?

8 MR. DENION: It's not a surprise
9 but how we are going to address that expense
10 they'll certainly want to know because it
11 hasn't been determined yet.

12 LEGISLATOR MCKEVITT: Just
13 curious. If we are going to be looking to
14 bond this over whether it's ten or 15 years,
15 do we have any estimate as to what the end
16 cost is going to be for the taxpayers for the
17 \$45 million? 46, 48? Can we get any idea of
18 that by next week?

19 MR. DENION: We could give you a
20 pro forma on that.

21 LEGISLATOR MCKEVITT: I would
22 like before next week to see that, yes.

23 LEGISLATOR NICOLELLO: I'm going
24 to ask Maurice to come up for a moment because
25 this whole issue of the fund balance is

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2 bewildering because other some people are
3 saying now that's there's \$1 million in the
4 fund balance and other analysis we've heard,
5 including this amount, total of \$205 million.

6 MR. CHALMERS: Maurice Chalmers,
7 Office of Legislative Budget Review.

8 LEGISLATOR NICOLELLO: Again, the
9 issue is, in your analysis how much is in fund
10 balance for the county?

11 MR. CHALMERS: That number at the
12 end of 2016 was \$177.8 million unrestricted on
13 a budgetary basis. \$177.8 million.

14 LEGISLATOR NICOLELLO: On a
15 budgetary basis did you say?

16 MR. CHALMERS: Correct.

17 LEGISLATOR NICOLELLO: Did that
18 include this \$45 million?

19 MR. CHALMERS: No. The 45 is in
20 a separate account. In a restricted account.
21 That is totally separate from the \$45 million
22 that is in the restricted account.

23 LEGISLATOR NICOLELLO: So in
24 terms of where we are now, I know it's too
25 soon because the year just ended, but do you

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2 have an idea as to where we are as of the end
3 of 2017?

4 MR. CHALMERS: We had projected
5 to use part of the fund balance for the tax
6 certs which was approximately \$36 million that
7 we thought we were going to use but we are
8 right in the middle of the year end close.
9 That number could deviate. It could change.
10 So we don't have a final number yet.

11 LEGISLATOR NICOLELLO: The 178 in
12 fund balance at the end of '16 was that
13 restricted, unrestricted, a combination?

14 MR. CHALMERS: In the
15 undesignated fund balance.

16 LEGISLATOR NICOLELLO: I'm going
17 to give Legislator Kopel the last word, but on
18 a week from Monday, because we are going to
19 pass this through the committees today, please
20 don't take our votes to be a sign that we are
21 assenting to this or agreeing to this, but we
22 are passing it on to the full legislature.
23 But we want to see the comptroller as well as
24 the financial people. Mr. Denion,
25 Mr. Jefferson have done a terrific job but we

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2 want to see the administration's financial
3 people here.

4 MR. CHALMERS: I think that's
5 fair enough because they will have to make the
6 final decision on what the 2017 numbers are.

7 LEGISLATOR KOPEL: Maurice, just
8 real quick. Do you understand Mr. Denion's
9 point a little earlier of saying that the only
10 amount that is available is \$46 million,
11 because there seems to be wide discrepancy
12 with the numbers that you've just quoted to
13 us.

14 MR. CHALMERS: He just told me
15 that was a GAAP basis and he got those numbers
16 from the comptroller's office. We have not
17 seen those numbers. We would have to go back,
18 take a look at it and let you know.

19 LEGISLATOR KOPEL: That's what
20 we're hoping you will do that, right?

21 MR. CHALMERS: I will. I will
22 ask that we are copied on any information that
23 they give you.

24 LEGISLATOR KOPEL: That's
25 obviously very critical. I think I understand

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2 the whole problem now, the shoe is on the
3 other foot.

4 LEGISLATOR ABRAHAMS: Thanks
5 Rich. Before I make my comments -- Maurice,
6 come back a second. You had said that the
7 \$177 million fund balance at the end of 2016
8 was undesignated or you said restricted?

9 MR. CHALMERS: Undesignated fund
10 balance.

11 LEGISLATOR ABRAHAMS: So we don't
12 know whether or not it's restricted or
13 unrestricted?

14 MR. CHALMERS: That's why we are
15 waiting on the comptroller to show us the
16 reconciliation from the 177 to the 46 that I'm
17 hearing right now.

18 LEGISLATOR ABRAHAMS: So it's
19 vital that we hear from the comptroller
20 sometime in the next week so that he can give
21 us some specificity on whether or not this
22 money is restricted or unrestricted?

23 MR. CHALMERS: Yeah.

24 LEGISLATOR ABRAHAMS: The second
25 question I guess I had it's probably for

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2 Mr. Denion. I don't think it's been
3 established on the record on why this is
4 actually before us today. When do we need to
5 make this payment to -- I know it's February
6 7th. But to establish a record from the
7 administration. When do we actually need to
8 make this payment by?

9 MR. DENION: By February 7th.
10 And under the local finance law if you want to
11 bond for it you need to pass the bond
12 ordinance before then.

13 LEGISLATOR ABRAHAMS: So just
14 make sure we have established the record and
15 I'm done making my comments. If the
16 administration or the county wants to bond for
17 it they have to bond for it before February
18 7th?

19 MR. DENION: Just have the bond
20 ordinance approved before February 7th. Not
21 the actual bonding. As Beaumont said, we get
22 the bond ordinance first. We would advance
23 the money and then we would borrow later and
24 repay ourselves from that advance. Because we
25 wouldn't borrow just for this. Our next

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2 capital borrowing whenever that would be.
3 Sometime in the spring. We would then borrow
4 and pay ourselves back under the local finance
5 law.

6 LEGISLATOR ABRAHAMS: I want to
7 concur with the comments that the presiding
8 officer made. Obviously our side has asked
9 many questions. Some questions have been
10 asked on the floor, some have been asked
11 internally. We are looking forward to
12 answers. Obviously we heard in regards to the
13 comptroller and some of the OMB questions.
14 Obviously the \$177 million that was booked at
15 the end of the year 2016. So there are many
16 questions that we have. Please do not
17 interpret our vote, even though we are voting
18 to push this forward, please do not interpret
19 that to mean that there is solidarity in terms
20 of supporting this particular item.

21 We look forward to hearing some
22 answers to those questions. But at the same
23 time, understanding the restriction that this
24 has to be done or something has to be done we
25 would not want to stop it in committee without

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2 having an opportunity to hear more questions
3 in the full legislature.

4 So we plan to move this forward but
5 at the same time it's no indication on how we
6 will vote next Monday. But thank you again
7 Mr. Denion and Mr. Jefferson for being here
8 today.

9 LEGISLATOR KOPEL: So then I'm
10 going to -- what we will do now is take the
11 vote in the Finance Committee. Then we will
12 adjourn Finance and Rules will continue. And
13 what the presiding officer and minority leader
14 said concerning the vote in the Rules
15 Committee goes for Finance as well. We're
16 just going to be moving it forward and we all
17 look forward to hearing more.

18 LEGISLATOR NICOLELLO: We will
19 vote for the same items in Rules, Item 13 of
20 2018. All those in favor signify by saying
21 aye. Those opposed? The item passes
22 unanimously and gets moved to full
23 legislature.

24 We are going to proceed with the
25 Rules calendar for the members of who are

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2 Rules here. We will do the contracts first,
3 two contracts, and then we will figure out
4 what of the other items we can consent to do
5 in a block.

6 I'm going to call contract A5 of
7 2018, a resolution authorizing the director of
8 the Nassau County Office of Purchasing to
9 request oversight of a contract between the
10 County of Nassau acting on behalf of the
11 county Department of Parks and Eagle Control
12 Corp.

13 Moved by Legislator Kopel.
14 Seconded by Legislator Schaefer. The item is
15 before the committee.

16 MR. MAY: Good afternoon Mr.
17 Chairman. For this item we will have Mr. Ken
18 Arnold from DPW to answer any questions.

19 MR. ARNOLD: Good afternoon. Ken
20 Arnold from Public Works. A5 is a blanket
21 order with Eagle Controls. They supply labor
22 and parts to fix our county pool system. We
23 have six pools in the county. This contract
24 was originally put out to bid in 2016. This
25 comes to you today to extend the purchasing

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2 power of the contract to \$100,000.

3 LEGISLATOR NICOLELLO: Do we have
4 any questions on this item? On this
5 contract? Hearing none, is there any public
6 comment? Any public comment on this
7 contract? Hearing none, all in favor signify
8 by saying aye. Those opposed? Carries
9 unanimously.

10 E1 of 2018 is a resolution
11 authorizing the county executive to execute an
12 amendment to a personal services agreement
13 between the County of Nassau acting on behalf
14 of the Department of IT and Tyler
15 Technologies.

16 Moved by Legislator Bynoe.
17 Seconded by Legislator DeRiggi-Whitton. The
18 item is before the committee.

19 MR. MAY: Mr. Anthony Paganini
20 from IT as well as Mr. Steven Corte from the
21 assessor's office. Calling an audible. It's
22 going to be Nancy Stanton from IT.

23 MS. STANTON: Good afternoon.
24 Nancy Stanton, acting IT commissioner. We're
25 looking to add \$270,000 for services,

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2 enhancements and training to the Tyler Adapt
3 Project.

4 LEGISLATOR NICOLELLO: The Tyler
5 Adapt Progress is what?

6 MS. STANTON: Is used by
7 assessment, ARC and the treasurer's office.

8 LEGISLATOR NICOLELLO: It's a
9 vital service, correct?

10 MS. STANTON: Any questions on
11 this item? Legislator DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON: Can
13 you elaborate a bit on what the assessment
14 department is going to be using this
15 contract?

16 MR. CORTE: Steven Corte, deputy
17 assessor. The purpose of our portion of this
18 contract is to update these particular
19 valuations model. There are three approaches
20 to value. This is the cost approach. It's
21 one of the three major functions that we need
22 to create values. It has not been updated in
23 quite some time. The purpose is to do that is
24 to bring it up to current market. We've done
25 the rest with the other two approaches. We

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2 need to finish this. This has to be done
3 outside the Department of Assessment. We
4 don't have the expertise in-house to do that.

5 LEGISLATOR DERIGGI-WHITTON: Are
6 you talking about putting in new values of
7 properties?

8 MR. CORTE: No. I'm talking
9 about putting in new cost modules. When we go
10 to value a property those cost modules are up
11 to date. Up to current speed.

12 LEGISLATOR DERIGGI-WHITTON: What
13 would be an example of a cost module?

14 MR. CORTE: We use the cost
15 approach typically for special use
16 properties. Properties where there's an
17 insufficient amount of income or sales
18 material. So it's kind of a fall back if you
19 would. Special use properties. Say like a
20 self storage building or even usually most of
21 the time you will find that happening with
22 churches or ornate properties. High
23 residential properties the same way where we
24 have to have cost factors included with sales.

25 LEGISLATOR DERIGGI-WHITTON: You

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2 don't feel that we can do this in-house?

3 MR. CORTE: It's not possible,
4 no.

5 LEGISLATOR NICOLELLO: Legislator
6 Bynoe.

7 LEGISLATOR BYNOE: Thank you.
8 Good afternoon. On this contract we were able
9 to isolate the cost for assessment
10 specifically?

11 MR. CORTE: There's a cap of
12 \$25,000.

13 LEGISLATOR BYNOE: 25,000.

14 MR. CORTE: That's the cap for my
15 portion, yes.

16 LEGISLATOR BYNOE: This contract
17 is increased by 270,000. So can we speak to
18 why there's other additional costs in this
19 year?

20 MR. PAGANINI: Anthony Paganini,
21 Nassau County IT. We have a bunch of other
22 enhancements that we need to do as well as
23 training. We lost a bunch of people to --
24 unfortunately one passed away and we also had
25 some people retire that were the experts. So

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2 we have training dollars that are added on to
3 that, as well as some other enhancements by
4 other departments that are being used by other
5 departments as well as IT, Assessment and ARC.

6 LEGISLATOR BYNOE: These other
7 assessments or initiatives and also the
8 training these costs would then be isolated to
9 this particular year, so we would only see the
10 increase in this year?

11 MR. PAGANINI: This is one time,
12 yes.

13 LEGISLATOR BYNOE: Thank you.

14 LEGISLATOR NICOLELLO: Any other
15 questions. Thank you all. Any public
16 comment? All in favor signify by saying aye.

17 LEGISLATOR BYNOE: There was one
18 other question. Is this going to be an
19 assistance with implementing DAF.

20 MR. PAGANINI: Part of this is
21 for DAF, yes.

22 LEGISLATOR BYNOE: How will that
23 manifest? How will they be assisted?

24 MR. JEFFERSON: There are four
25 phases in DAF and this is to complete the last

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2 phase which is phase four. So there are
3 different calculations and models that were
4 put into DAF that we have Tyler update in the
5 system to allow us to refund and also do all
6 the calculations.

7 There are two phrases that are
8 already in place. The third phase will be
9 completed shortly and then we have phase four
10 which is our ability to complete our refund
11 process back to the municipalities and also
12 the property owners.

13 LEGISLATOR BYNOE: So this is
14 going to wrap up in 2018 as well, phase four?

15 MR. JEFFERSON: Phase four will
16 be done in 2018. Has to be. And we will be
17 better able to refund the taxes.

18 LEGISLATOR BYNOE: Thank you.

19 LEGISLATOR NICOLELLO: Any other
20 question from the legislators? Any public
21 comment? All in favor signify by saying aye.
22 Those opposed? Item carries unanimously.

23 We have a consent calendar which
24 covers all of the items as well as the item on
25 the addendum. I'm going to first ask for a

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2 motion to suspend the rules. Moved by
3 Legislator Rhoads. Second by Legislator
4 Schaefer. All those in favor of suspending
5 the rules signify by saying aye. Those
6 opposed?

7 With respect to the addendum
8 there's one item. I'm going to now call all
9 the items we have consented to call in block.

10 Items one, two, three, four, five,
11 six, seven, eight, nine, ten, 11, 12, 16, 17,
12 34, 35, 37, 38 and 40 and the addendum item
13 41. Motion to waive the rules or with the
14 consent of the minority can we waive the
15 reading of all of these items? All those item
16 are before us. Motion by Legislator
17 DeRiggi-Whitton. Seconded by our minority
18 leader. Those items are before us. All in
19 favor signify by saying aye.

20 LEGISLATOR ABRAHAMS: We want to
21 mention that this consent calendar includes
22 some of the appointments for today. Obviously
23 we haven't had an opportunity to meet with any
24 of them yet. Some of them we do know from
25 obviously their past history with the county.

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2 But we look forward to meeting with them
3 before the next full legislative meeting.

4 LEGISLATOR NICOLELLO: I would
5 also ask that the administration have the
6 appointees present for the next meeting
7 because obviously there may be questions on
8 the record for some of them.

9 MR. MAY: Absolutely. And we can
10 have them available before the meeting if
11 anyone wants to meet them in person prior.

12 LEGISLATOR NICOLELLO: The items
13 are before the committee. All those in favor
14 signify by saying aye. Those opposed?
15 Carries unanimously.

16 Legislator Kopel makes a motion to
17 adjourn. Seconded by Legislator Schaefer.
18 All in favor of adjourning signify by saying
19 aye. Those opposed? Rules Committee is
20 adjourned. Thank you.

21 (TIME NOTED: 3:51 P.M.)

22

23

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 24th day of
January 2018

FRANK GRAY