1. Documents For 4-20-20 Meeting FULL SESSION AND RULES

Documents:

FULL LEGISLATIVE SESSION, 04-20-20.PDF
RULES COMMITTEE, 04-20-20.PDF
NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Monday, April 20, 2020
1:15 P.M.
A P P E A R A N C E S:

LEGISLATOR RICHARD J. NICOLELLO
   Presiding Officer
   9th Legislative District

LEGISLATOR HOWARD KOPEL
   Deputy Presiding Officer
   7th Legislative District

LEGISLATOR DENISE FORD
   Alternate Presiding Officer
   4th Legislative District

LEGISLATOR KEVAN ABRAHAMS
   Minority Leader
   1st Legislative District

LEGISLATOR SIELA BYNOE
   2nd Legislative District

LEGISLATOR CARRIE SOLAGES
   3rd Legislative District
LEGISLATOR DEBRA MULE
5th Legislative District

LEGISLATOR C. WILLIAM GAYLOR III
6th Legislative District

LEGISLATOR VINCENT T. MUSCARELLA
8th Legislative District

LEGISLATOR ELLEN BIRNBAUM
10th Legislative District

LEGISLATOR DELIA DERIGGI-WHITTON
11th Legislative District

LEGISLATOR JAMES KENNEDY
12th Legislative District

LEGISLATOR THOMAS MCKEVITT
13th Legislative District

LEGISLATOR LAURA SCHAEFER
14th Legislative District
LEGISLATOR JOHN FERRETTI, JR.
15th Legislative District

LEGISLATOR ANDREW DRUCKER
16th Legislative District

LEGISLATOR ROSE WALKER
17th Legislative District

LEGISLATOR JOSHUA LAFAZAN
18th Legislative District

LEGISLATOR STEVEN RHOADS
19th Legislative District

MICHAEL PULITZER
Clerk of the Legislature
LEGISLATOR NICOLELLO: I'm calling the meeting of the Nassau County Legislature to order and ask everyone to please rise. Mr. Ferretti, would you lead us in the pledge.

Please remain standing for a moment of silence. I guess if we wanted to go through all the names of the people we've lost in our county it would take several hours to do so. But I just wanted to highlight several of our leaders who we lost this past week. Sergeant Spinosoa of the Sands Point Police Department. Mayor Robert McNamara from the Village of Flower Hill. And Bishop Watson we lost. I don't know if anyone else wants to add any names to the list unfortunately. Let's keep them and their families in our prayers and all those suffering from this terrible virus. Thank you.

We are having our regular monthly meeting at this time. Again, we've taken precautions. The facility has been cleaned and recleaned and cleaned again. Members of the public are not here. There are several
legislators who are here. We are spread out
the appropriate distances. We have
legislators who are not here, are, however,
participating by video conferencing and we
have a very, very limited number of staff here
from the administration and from our
legislative staff. This is a large room, so
we have plenty of room to proceed.

I'm going to act as clerk and call
the roll. Minority Leader Abrahams.

We will go back to him. I know he
had issues with the sound last time.

Legislator Bynoe.

   LEGISLATOR BYNOE:    Here.

   LEGISLATOR NICOLELLO:    Legislator

Solages. Don't hear him either. Legislator
Ford. Does anyone who is participating
remotely can any one of you hear? Kevin, is
it possible they are not getting the feed at
all?

   Let's go through the roll again

starting with Minority Leader Abrahams.

   LEGISLATOR ABRAHAMS:    Here.

   LEGISLATOR NICOLELLO:    Legislator
LEGISLATOR BYNOE: Here.

LEGISLATOR NICOLELLO: Legislator

LEGISLATOR SOLAGES: Here.

LEGISLATOR NICOLELLO: Legislator

LEGISLATOR FORD: Here.

LEGISLATOR NICOLELLO: Legislator

LEGISLATOR MULE: Here.

LEGISLATOR NICOLELLO: Legislator

LEGISLATOR GAYLOR: Present.

LEGISLATOR NICOLELLO: Deputy

Presiding Officer Kopel.

LEGISLATOR KOPEL: Here.

LEGISLATOR NICOLELLO: Legislator

LEGISLATOR MUSCARELLA: Here.

LEGISLATOR NICOLELLO: I'm here.

Legislator Birnbaum.

LEGISLATOR BIRNBAUM: Here.

LEGISLATOR NICOLELLO: Legislator
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DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON:

Here.

LEGISLATOR NICOLELLO: Legislator

Kennedy.

LEGISLATOR KENNEDY: Here.

LEGISLATOR NICOLELLO: Legislator

McKevitt.

LEGISLATOR MCKEVITT: Here.

LEGISLATOR NICOLELLO: Legislator

Schaefer.

LEGISLATOR SCHAEFER: Here.

LEGISLATOR NICOLELLO: Legislator

Ferretti.

LEGISLATOR FERRETTI: Here.

LEGISLATOR NICOLELLO: Legislator

Drucker.

LEGISLATOR DRUCKER: Here.

LEGISLATOR NICOLELLO: Legislator

Walker.

LEGISLATOR WALKER: Here.

LEGISLATOR NICOLELLO: Legislator

Lafazan.

LEGISLATOR LAFAZAN: Here.
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LEGISLATOR NICOLELLO: Legislator

Steven Rhoads.

LEGISLATOR RHOADS: Present.

LEGISLATOR NICOLELLO: We already started the meeting. So those who are remote I know you didn't catch the first part of it but we did have the pledge and a moment of silence for some of those unfortunately who have lost their lives in this epidemic.

What we are going to do is consider the emergencies first. So, I am going to go to the emergency calendar and the first one is emergency on clerk item of 2020. It's an emergency for a local law to delay the imposition of penalties and interest for the late payment of school taxes due on April 1st for the 2020 tax year.

Legislator Rhoads makes a motion to establish the emergency. Legislator Ferretti seconds that motion. So on the emergency, because I think it relates into the item itself.

In this country 22 million Americans have lost their jobs. That's one
out of every seven workers. Service industry was probably hit first because of the fact that the stores and retail for the most part were closed down. But this has touched every sector of our workforce. In Long Island at least 175,000 have filed for unemployment. We have heard that there is a spike in demand at our food pantries. Thousands of residents are struggling with the financial crunch and having to make decisions on which bills to pay. Sometimes it comes down to groceries, medicine and other necessary expenses.

Our tax receivers have been inundated with calls from both the business community and individual residents who are asking for some relief. Our small mom and pop businesses have been crushed by this. There have been federal programs that have been proposed, passed but have not reached the vast majority of individuals and businesses.

Also, in terms of those filing for unemployment, the process has been cumbersome and some of our residents have not been able to get their unemployment benefits.
We learned last week that New York Pause will continue to May 15th and that there will be a phased reopening after that. Under current law, the deadline for paying your taxes is May 11th. After May 11th, people who pay late are charged interest. After May 31st, people who pay late, businesses who pay late, are charged penalties.

The law is designed to give residents and small businesses an extra 30 days to pay without being hit with interest and penalties. In other words, it doesn't change the obligation to pay your taxes, which everyone must do, but it gives them breathing room of an additional 30 days while these issues continue to work their way through the system of our government. It is our hope that our economy can begin to reopen and that the burden on our businesses and residents will be eased.

So that by doing this, again, it's a small matter of relief to the residents, to the businesses, to hopefully get beyond the next hurdle when things begin to open up.
That's the basis for this legislation. Does anyone want to speak to the emergency and legislation at this time?

LEGISLATOR ABRAHAMS: I would like to Rich.

LEGISLATOR NICOLELLO: Go ahead Kevan.

LEGISLATOR ABRAHAMS: First and foremost, we side with our residents that are going through this crisis have the opportunity to try to figure out their finances as the county tries to figure out its finances and the schools try to figure out theirs as well. So, we believe that paying off without penalty our property taxes that will throughout the state provide some level of relief. Obviously if the state will reopen after May 15th that doesn't provide any relief for people that are currently unemployed or people that are underemployed in terms of being able to provide for their families. It does provide some level of relief. However, there are some concerns, and I'm sure as you well know presiding
officer, the county executive has written a letter asking the governor to do this. The way the letter reads from our perspective is that the county legislature does not have the ability to do this. I'm sure we'll go through the debate and discussion, as well as hear from the county attorney and your side in terms of where this goes.

I think what's most important and what's meaningful is that the action that is taken today can actually be done. I don't want to present any level of false hope to our residents. I want to be able to have some level of concrete, definitive response to them that what these actions do will happen for them. I don't know want it to be a level of uncertainty. We're in these very uncertain times. I think it's imperative that regardless of what's debated or discussed today, the leaders of the legislature, myself as well as you, as well as all 19 of us, move forward because we are joining with our residents and it's important that residents in their best interests.
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However, we also should take the steps to make sure that we are not preempted from doing what we plan to do today. If we are preempted, we need to use this action as 19 members to go forward and make sure that if there is state -- there is a state legislation that's required or an executive order by the governor, we need to make sure that that is done in a timely manner before May 10th and May 11th and those subsequent dates. If that's necessary, I join also with the county executive in her letter to ensure that that's going to happen as well. But thank you again.

LEGISLATOR NICOLELLO: We had written to the governor last week. The receiver of taxes actually wrote to the governor before that. Actually there's a letter that we're going to make part of the record from Receiver of Taxes Pravato in favor of this action.

So, if the governor does act and issues an executive order it obviously will preempt what we're doing. If the governor, by emergency, passes an executive order then
obviously ours gets put to the wayside. Short of that, we have had conversations with our counsel and he's thoroughly researched this and because of the unique nature of Nassau County we have the ability under our administrative code to vary this. We are confident with respect to the legalities of this.

I have the same concern that you have, however, that before this is actually passed and signed into law, that residents have to understand that the current May 11th deadline is still in place. So even if we take emergency action today, even if we pass this legislation, until the legislation is signed into law or by the expiration of time allowed to become law, then the May 11th deadline is in place.

We intend to communicate in every way we can that this is the action we've taken. It gives some relief. But until those things happen the residents have to understand that May 11th is still the deadline they have to meet.
Anyone else want to speak on this emergency? Legislator Rhoads.

LEGISLATOR RHOADS: Thank you Mr. Presiding Officer. As the presiding officer indicated, we did communicate with the governor's office via letter. We haven't receive any response from the governor's office.

At this point, because we are meeting today, I think it's important for us to take action, whatever action we can take to ensure that this takes place. Obviously the best possible scenario is for the governor to simply act by executive order. But we have no indication as of yet that that is going to happen. And as I said, any communication with the governor's office.

We are here today. I think we should act today to try to protect our residents and give them some breathing room in light of the tremendous financial strains that are put on both our residential taxpayers as well as commercial taxpayers, our business owners, as a result of the shutdown from
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COVID-19. If the governor acts after that then so be it. But I think it's important for us to take that action today as a first step towards protecting them.


LEGISLATOR DERIGGI-WHITTON: Kevan you want to follow it up?

LEGISLATOR ABRAHAMS: I don't know how we can do this, but if we can get the letter that the county executive wrote to the governor as part of the record as well I think that will help things as well.

LEGISLATOR NICOLELLO: We don't have that as of yet but I'm sure we will get it and make it part of the record.

LEGISLATOR NICOLELLO: Legislator DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON: We all support doing anything we can to help alleviate the financial stress that everyone is feeling. A three-week extension is definitely warranted in my opinion.

But just from listening to other --
I know Steve Bellone mentioned it today -- I'm sure we're not the only county in this position. I know that the governor seems to want to do everything in unison. So, hopefully that will come through and hopefully by us doing this, if we are not superseded, and I know there are have been questions regarding the Baldwin Act, we're kind of in a position where we are hoping that we have the authority to do what we are doing today. But our intentions are good. So we are going to support it also.

LEGISLATOR NICOLELLO: Thank you. Any other legislators want to speak on it? Anyone else participating via video conferencing want to speak on it? Hearing none, I will -- we just need a vote on the emergency. All in favor of establishing the emergency signify by saying aye. Anyone opposed? Hearing none, the emergency is established by a vote of 19 to nothing. Now the item comes before us.

107 of 2020 is a local law to delay the imposition of penalties and interest for
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late payment of school taxes due on April 1st
for the 2020 tax year.

Moved by Deputy Presiding Officer
Kopel. Seconded by Legislator McKeivitt. Any
further debate or discussion on this item?

LEGISLATOR DERIGGI-WHITTON:
Rich, did you say April 1st?

LEGISLATOR NICOLELLO: Yes.

Originally I guess the window opens on April
1st and closes on May 11th.

LEGISLATOR DERIGGI-WHITTON:
Anything that's due on the 11th, right?

LEGISLATOR NICOLELLO: Yes.

Essentially this -- right. This relates to
the taxes that are to be paid by May 11th
without interest or penalty. Again, we have
that letter from Receiver Pravato which we
will make part of the record in support.

Any other debate or discussion at
this time? Hearing none, all in favor signify
by saying aye. Those opposed? Anyone
opposed? Passes by a vote of 19 to nothing.

Clerk item 108 of 2020. A local
law temporarily -- I'm sorry. We need to
establish an emergency with respect to a local law temporary extending certain deadlines related to the filing of annual statements of financial disclosure for the 2019 reporting year due to the COVID-19 public health emergency.

Legislator Lafazan makes a motion to establish the emergency. Seconded by Legislator Mule. Anyone want to discuss this or the emergency itself? Can we get an explanation of this one? Katy is that you?

MR. HARDIMAN: Good afternoon. Kevin Hardiman from the county attorney's office.

Item 108-20 is a proposed local law to provide extensions of time for county officers and employees to file an annual statement of financial disclosure for the 2019 reporting year. And for the board of ethics to compile and file the list of policymakers who are required to file such statements for the 2019 reporting year.

Nassau County administrative code Section 2243 requires certain designated
county officers and employees to file annual statements of financial disclosure with the board of ethics by May 15th of each year for the prior calendar year.

The code also requires the board of ethics to compile and file with the clerk of the legislature a list of officers and employees holding policy-making positions who will be required to submit financial disclosure statements.

As you're aware, due to the COVID-19 pandemic, a state of emergency has been declared in Nassau County and for the entire state of New York. Recognizing the impact of the pandemic, the federal and state government have extended their respective tax filing deadlines from April 15th to July 15th of 2020.

In light of those extensions and the fact that those filings are key to the completion of financial disclosure statements, an extension of the deadlines associated with the filing of financial disclosure statements for the 2019 calendar year is warranted.
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The proposed local law extends the deadline for filing the list of policymakers for the 2019 reporting year to June 30 of 2020 and extends the date to file financial disclosure statements for the 2019 reporting year from May 15th to August 15, 2020. Thank you.

LEGISLATOR NICOLELLO: Thank you very much. Any questions? I think he's established the basis for the emergency. Any questions from anyone participating on video? Hearing none, all in favor of the emergency signify by saying aye. Those opposed? Carries unanimously. The emergency has been established.

As to the local law it's 108 of 2020. It's a local law to temporarily extend certain deadlines relating to the filing of annual statements of financial disclosure for 2019 reporting year due to the COVID-19 public health emergency.

Moved by Legislator Bynoe. Seconded by Legislator DeRiggi-Whitton. That local law is now before us. Any debate or
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discussion? All in favor signify by saying aye. Opposed? None. Passes by a vote of 19 to nothing.

Last emergency that we have this afternoon is item 110 of 2020. A resolution authorizing the county of Nassau to file an amendment to the 2019 Housing and Urban Development Action Plan and to file an application for federal assistance with the US department of Housing and Urban Development.

Legislator McKevitt makes a motion to establish the emergency. Seconded by Legislator Ferretti. All in favor of establishing the emergency signify by saying aye. Those opposed? The emergency has been established.

I'm just going to call the item now at this time Kevin. 110 of 2020, a resolution authorizing the county of Nassau to file to amend the 2019 Housing and Urban Development Action Plan and to file an application for federal assistance with the US Department of Housing and Urban Development.

Moved by Legislator
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DeRiggi-Whitton. Seconded by Legislator Rhoads. Okay Kevin it's before us now.

MR. CREAN: Thank you for entertaining the item. Kevin Crean, director of the Nassau County Office of Community Development.

I have been asked to go over a power point presentation that I think you've all been given a copy of. This explains the funding that's coming to the county and in brief what the Office of Community Development is planning on utilizing the funding for. You have all this in front of you?

LEGISLATOR NICOLELLO: I don't have mine in front of me. I know it was emailed to us last week.

MR. CREAN: A seven-page power point.

LEGISLATOR NICOLELLO: They obviously don't have it, those on remote. It's on the emails.

MR. CREAN: I can go over it. It's a little self-explanatory as well.

LEGISLATOR NICOLELLO: I think
MR. CREAN: This is the CARES Act funding. The CARES Act is the coronavirus Aid Relief and Economic Security Act which was passed by Congress and signed by the president.

Under the federal CARES Act this $12 billion set aside for assistance to communities that's going to be distributed through the US Department of Housing and Urban Development. So the Office of Community Development here at Nassau County is the administering agency for several formulas of the grant programs that are as an entitlement under the programs we receive funding as annually. So the CARES Act included a total of $12 billion being distributed. There are a couple of different formulas.

So the funding that we are dealing with today as part of the amendment to the action plan is only one of those formula allocations. It was $5 billion under the Community Development Block Grant Development program alone under three pots. $2 billion
was set aside using the same formula that Nassau County receives its allocation every year. $1 billion is set aside for states to address the emergency. And a second pot of $2 billion was set aside for another formula that has not been fully determined yet. HUD is working on that but it will put more emphasize on those communities that have been more severely impacted economically and by housing impact. So Nassau County should do better actually under that formula in the first round.

So under the federal CARES Act we're receiving funding under two different programs. The Community Development Block Grant program funding and the Emergency Solutions Grants program.

Now moving to slide number three. Under the Community Development Block Grant funding, Nassau County is slated to receive about 8 and a half million dollars in funding and $4.25 million under the Emergency Solutions Grants program. This funding is in addition to the money we are receiving this
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year, which is our federal fiscal year 2020 allocation.

As I mentioned, there will be a second round, which we have not been apprised of yet what our funding will be under that round but that should be coming shortly.

Moving on to slide four.

Office of Community Development right now is in the middle of, almost towards the tail end of our five-year consolidated planning process. We are receiving funding under the three regular programs, Community Development Block Grant, Home and Emergency Solutions. So we are not dealing with that today. That's still on a regular schedule.

We plan to come before the legislature committees on June 8 and then the full leg on June 29 for that funding. So what we are here for on the amendment just involves the funding going out to the CARES Act, the COVID funding.

So, we have been hosting a series of meetings for the last several months starting with the end of fiscal year 2019 in
preparation for the five year consolidated plan. Which puts us in a good position to respond to this COVID-19 funding and be able to get it out quickly. Because you're already dealing with other county agencies, developers, other municipalities and nonprofits who generally work with us on these programs. But we've expanded that list of stakeholders utilizing the COVID-19 funding and working with DSS and other agencies to make sure that this money goes to our most needed.

But we have continued with our consolidated planning and we are having a virtual meeting which we have scheduled for next week. And we've also opened up our application process. We have an online application process that we started last year. This is our second year for fiscal year 2020. We've reopened it now to accept applications for the COVID funding.

Based upon the feedback we received through these various meetings, we have established some priority allocations of
funding. Really set aside the funding in
different categories to best utilize the CBDG
and the ESG COVID funding.

On slide number five we list some
of the priority activities. These include
public services, where the monies would be
utilized by food banks, health services. And
some of the eligible items under this criteria
would be payment of staff, personal protective
equipment and other health equipment, mental
health and substance abuse. Primarily for
counseling. Employment training, child care
services, tenant-landlord counseling, which
would go to address some of the issues with
putting off evictions and being unable to pay
their rent on time.

We're also considering utilizing
funding to establish an economic development
loan fund which could be utilized by
businesses to retain or generate new jobs in
the county. So it helps get the economy back
going.

Then also some funding for public
facilities improvements and planning. The
idea behind the public facility improvements would be again as a job creation activity to get people back working and try to stimulate the economy.

Because it's CBDG and Emergency Solutions Grant funding this is all from HUD. The same criteria applies as far as benefits to low, moderate income people. Although there have been some waivers that have been granted by HUD. We are expecting some additional waivers but they have been slow in coming.

Slide number six does go over a couple of the changes that were in the bill that was passed by Congress.

So under the Community Development Block Grant program it eliminated the cap on public services. Generally there's a 15 percent cap on the allocation that can be used for public service activities. That's been eliminated. So it allows us to push more money out to the nonprofit providers who are actually on the front lines responding to the COVID crisis.
It also extends the deadline for submission. We are not planning on taking advantage of those extended deadlines. We want to comply with our regular schedule so we get this money -- receive the allocation from HUD as quickly as possible and pass it on to the organizations that are helping us to address the crisis.

It removes the requirement to hold in-person hearings. As I mentioned, we are having a virtual hearing coming up on our regular round and on the COVID money. And it allows us to combine use.

One of the great things that the act does is it allows us to utilize future funding for past expenses. We can use the money that we are receiving now to reimburse organizations for expenses that have been incurred during the crisis period. Go back to March for that. Not just expenses going forward.

Some of the items that HUD is not able to waive includes fair housing requirements, nondiscrimination, labor, which
would include Davis Bacon and wage raises in
some instances and environmental issues. So
we are right now already working on performing
environmental reviews so they are completed
and in place when the money is available.

So on the last slide we deal with
the Emergency Solutions Grant funding. Again,
it's about little bit more than $4 million
received by Nassau County. Some of the
waivers that have been issued for that program
is it deviates from the regular procurement
standards. The administrative allowance is a
little bit higher than the regular. There's
no match requirement. Generally there is a
100 percent match requirement for nonprofit.
Generally our shelter providers. That match
requirement has been eliminated for this
funding.

It also increases the income
limit. One of the issues we had we fund a
homeless prevention program every year with
the Emergency Solutions Grant funding. But we
are able to help people who are not able to
pay their rent because of a temporary change
in their income. But the income limits for that program are 30 percent of AIM. Which are very low. So we are limited in the number of people we can assist.

The COVID-19 funding allows us to go to 50 percent of AIM. So, it will greatly expand the number of people who will qualify for this funding. With the number of people who are right now having a difficult time paying their rent we do expect this to be in great demand. So those funds can be used to not only pay rent but can also pay back utility costs as well.

That, in essence, is the summary of the funding that we are receiving. What we are asking the legislature to do today is to vote on the amendment. As I said, we do plan to come back to the legislature in two weeks for the supplemental appropriations so this money can be available. We wanted to start the process and inform you of what our plans are for utilizing the funding.

LEGISLATOR NICOLELLO: If you come back in two weeks with a supplemental
appropriation, we approve that, how quickly
can these monies be put into the system,
gotten to individuals, to food shelters et
cetera?

MR. CREAN: The HUD funding is always a reimbursement basis. So the county fronts the money and then we reimburse ourselves from HUD. As soon as the money is available on the county side we can enter into contracts. In some cases we have contracts already with some of the vendors. So it's a matter of amending contracts. But we can authorize the expenditure of funds. In many case we will be reimbursing expenses that have already been incurred. So as soon as those contracts can get routed we can start reimbursing funds by the vouching process.

LEGISLATOR NICOLELLO: Any other questions? Legislator DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON: On slide five I know you said that you don't know the exact numbers yet. But do you have any idea how much you expect to have for the public service?
MR. CREAN: We actually have that in the amendment. We've itemized it in the amendment which you should have as well. It's in with the resolution. So on the third page of the amendment we have listed -- broken out those public service categories and then the dollar amounts that are right now set aside for applications. Under food banks a million dollars. Health services $600,000.

LEGISLATOR DERIGGI-WHITTON:
Wait. I don't have that. Maybe it was emailed.

MS. HORST: Katy Horst from the administration. It was filed as backup to the clerk item to the resolution.

LEGISLATOR DERIGGI-WHITTON: Do you have any additional copies? I know the presiding officer has -- I have it. There's no need for you to read it. Thank you though.

MR. CREAN: That page three is the block grant and page four which follows is the Emergency Solutions Grant fund.

LEGISLATOR NICOLELLO: Are there any other questions? Hearing none, all those
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in favor of item 110 of 2020 signify by saying aye. Anyone opposed? It passes unanimously.

Thank you Kevin.

We will go to the regular calendar of the legislature. We have received some public comments submitted by email. We are not going to read those public comments. However, we are going to make them part of the record, including comments by John Budnick and Peter Gaffney. They will be part of the legislative record and they will be circulated to all legislators.

First thing we do with the full calendar is call the consent items which are items that passed through committee, the Rules Committee two weeks ago. It's been agreed by the majority and minority that no further debate or discussion is required on these items at this time.

Item three, Ordinance 30. Item 4, Ordinance 31. Item 5, Ordinance 32. Item 6, Ordinance 33. Item 7, Ordinance 34. Item 8, Ordinance 35. Item 9, Ordinance 36. Item 10, Ordinance, 37. Item 11, Ordinance 38. Item
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12, Ordinance 39. Item 13, Ordinance 40.

Item 14, Ordinance 41. Item 15, Ordinance 42. Item 18, Resolution 37. Item 19,


Since I can see Ellen Birnbaum at the moment and nobody else, I'm going to make you the sponsor. Seconded by Laura Schaefer.

Any debate or discussion on these consent items? Hearing none, all in favor signify by saying aye. Those opposed? Carries unanimously.

Item 1 is a hearing on a proposed local law number -- it doesn't have a number yet. A local law requiring legislative approval for compensation paid in connection with the compromise or settlement of a proceeding in condemnation or eminent domain.


That's a motion to open the hearing. All in favor of opening the hearing signify by saying aye. Those opposed? The hearing is open.

You want to speak on this?
LEGISLATOR BYNOE: Thank you presiding officer. This bill was sponsored by Minority Leader and myself in the interest of trying to close what we believe to be a gap in the process when the county pursues condemnation. It was very evident to us in a recent transaction that was brought to the legislature where some time ago there was a condemnation started for property in Long Beach and the legislature was provided an appraisal at the time stating that the property was valued at about $750,000 and later the county ended up paying 3.6 million. So, there was quite a discrepancy between the appraised value and the purchase price. So we believe that these items need to come back to the legislature as the fiduciaries of the county that we can play a role in making a decision whether we would want to move forward on a transaction. This is just to give the legislature an opportunity to weigh in on those decisions once the negotiations have been concluded. And I believe this again will allow us to have a
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better control over how much money is being spent on transactions.

LEGISLATOR NICOLELLO: We support this also. Any time that we are giving the legislature another ability to have a vote on a process rather than early on and letting it go without any additional legislative action is not the ideal situation. So we prefer to have the legislature more involved, the legislature having more opportunities to vote, more opportunities for hearings and more opportunities for greater transparency.

Anyone else want to speak on this?


Item two is the actual vote on the proposed local law which will require legislative approval for compensation paid in connection with the compromise or settlement of a proceeding in condemnation or eminent domain.
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Again, Legislator Bynoe moves it. Seconded by Minority Leader Abrahams. Any further debate or discussion? Hearing none, all in favor signify by saying aye. Those opposed? That passes unanimously.

We have two more items on our calendar. Item 16, Ordinance 43 is an ordinance supplemental to the annual appropriation ordinance and to transfer appropriations heretofore made to reconcile the county's financial records for the budget year 2019.

After this went through committees two weeks ago, these transfers of appropriations, the administration submitted comprehensive amendments. We need a motion to start with obviously. Deputy Presiding Officer Kopel moves it. Seconded by Legislator Mule.

Now we need an amendment on that motion. Again, this came to us a couple of weeks ago through Rules Committee. This is the year-end budget transfers made by the county. Between the Rules Committee and today
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the administration has made substantial changes in terms of where the money is coming from, where it's going to, et cetera. We need a motion to amend by Legislator McKevitt. Seconded by Legislator Bynoe. All in favor of the amendments signify by saying aye. Those opposed? The amendment passes.

Now we have this supplemental appropriation to go for a vote as amended. Any further debate or discussion? All in favor signify by saying aye. Those opposed? Carries unanimously.

Item 17 is resolution to authorize the execution of a tax exemption and PILOT agreement between the county and Selfhelp Bergen Housing Development Fund Company.

Moved by Legislator Mule. Seconded by Legislator Ford. So that is before us. We had a presentation a couple of weeks ago by Mr. Deegan. I don't know if he's still online for today's proceeding.

MR. DEEGAN: Yes, I am.

LEGISLATOR NICOLELLO: Do we have any questions on this item? Legislator
LEGISLATOR RHOADS: Thank you presiding officer. Mr. Deegan, can you just, I know we had a presentation two weeks ago where we considered this in committee. Can you just refresh our recollection though? This is currently vacant property?

MR. DEEGAN: Yes. That's correct.

LEGISLATOR RHOADS: Prior to the execution of the PILOT agreement was this property on the tax rolls, not on the tax rolls?

MR. DEEGAN: It is currently on the tax rolls and the level of taxation is approximately $25,000. That level of current taxation would stay intact and continue to be paid to the affected taxing jurisdictions. That would escalate to two percent a year year after.

LEGISLATOR RHOADS: So the schools, for example, would continue to receive the revenue that they currently receive from the property?
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MR. DEEGAN: That's correct.

Obviously there's no new school-age children being added because it's senior housing.

LEGISLATOR RHOADS: Approximately how many units is it?

MR. DEEGAN: 45 units. 44 of which are actually for residents. One unit for the superintendent or manager.

LEGISLATOR RHOADS: Do we have an estimate with respect to how many construction jobs this particular project is going to create?

MR. DEEGAN: We do. It will be significant for sure because it's a pretty significant new construction project. I don't see it here in my notes. I don't want to misspeak as to what the number is. But I'm sure it's going to be very significant.

LEGISLATOR RHOADS: Do we know what the cost of the overall construction is?

MR. DEEGAN: In terms of the project budget?

LEGISLATOR RHOADS: Right.

MR. DEEGAN: No. Unfortunately,
I don't have my entire file with me. I don't have that number with me. It's in the tens of millions. And right now we are on the precipice of a closing. If we can get this exemption approved we would be able to close probably in the next week or two. We have all the approvals from the village so the plan would be to get this construction going immediately.

LEGISLATOR RHOADS: Obviously we can create jobs right away as a result of the approval of this project? At least construction jobs.

MR. DEEGAN: Yes. One hundred percent affordable, so it would be considered essential construction which will allow it to go forward immediately.

LEGISLATOR RHOADS: Incidentally, once the facility is built, do we know how many permanent caretakers jobs there would be? Administration jobs there would be?

MR. DEEGAN: I don't have the exact number. It's primarily a residential facility. But there is staff support in terms
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of recreation, social health services that are rendered on-site. So it's not like an assisted living or nursing home where it's very significant. But certainly there's a number of full-time employees employed at the facility going forward to service the residents.

LEGISLATOR RHOADS: Just so I understand, we have a vacant property that we have someone is willing to develop. Will put into the project a construction that's going to cost in the tens of millions of dollars. Will create construction jobs. Will create some level of permanent caretakers job. Administration jobs. And there would be no loss in taxable revenue to the individual taxing jurisdictions through the payment of the PILOT?

MR. DEEGAN: That's correct.

LEGISLATOR RHOADS: Thank you. I appreciate it.

MR. DEEGAN: Thank you legislator.

LEGISLATOR NICOLELLO: Any other
questions? Legislator Mule.

LEGISLATOR MULE: Thank you Presiding Officer. As I stated in committees, I am very much in favor of this project. It is currently an empty lot. It's right by the library. Just a couple of blocks from the train station. It's an ideal location for senior housing. We all know that there's a tremendous need for senior housing. I've seen the renderings for this project. We have been talking about this for many, many years. It's a very exciting project that I think will be looked upon as a model for future, what should be looked upon as a model for future developments of affordable senior housing. I'm very much in favor of it. Thank you.

LEGISLATOR NICOLELLO: Thank you. Dan, just one question. Without this program under the New York Private Housing Finance Law and the payment to PILOTs, without that would this project get done?

MR. DEEGAN: Absolutely not. This PILOT is absolutely necessary. It's underwritten down to a very slight margin of
error right now. Without this exemption this project cannot happen. That's what's really holding up the closing and everything else and we can start with just this last step here.

LEGISLATOR NICOLELLO: Any other questions? Hearing none, all in favor of Resolution 36-2020 signify by saying aye. Those opposed?

LEGISLATOR ABRAHAMS: Nay.

LEGISLATOR NICOLELLO: It passes by a vote of 18 to one.

MR. DEEGAN: Thank you very much everybody.

LEGISLATOR NICOLELLO: Legislator Muscarella makes a motion to adjourn the legislative meeting. Seconded by Legislator Walker. All in favor of adjourning signify by saying aye. Those opposed? We are adjourned.

(Meeting adjourned at 2 p.m.)
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 April 2020.

FRANK GRAY
NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

RULES COMMITTEE

LEGISLATOR RICHARD NICOLELLO
CHAIR

Theodore Roosevelt Building
1550 Franklin Avenue
Mineola, New York

Monday. April 20, 2020
2:01 P.M.
APPEARANCES:

LEGISLATOR RICHARD NICOLELLO
Chair

LEGISLATOR HOWARD KOPEL
Vice Chair

LEGISLATOR STEVEN RHOADS

LEGISLATOR LAURA SCHAEFER

LEGISLATOR KEVAN ABRAMS
Ranking member

LEGISLATOR DELIA DERIGGI-WHITTON

LEGISLATOR SIELA BYNOE
1 Rules 4-20-20
2 LEGISLATOR NICOLELLO: We will
3 follow the same rules. Only those on the Rules
4 Committee that are here and participating
5 remotely may vote. But anyone else who is
6 online and wants to have a comment or question
7 may do so. We are going to open the Rules
8 Committee. Call the roll. Legislator Bynoe.
9 LEGISLATOR BYNOE: Here.
10 LEGISLATOR NICOLELLO: Legislator
11 DeRiggi-Whitton.
12 LEGISLATOR DERIGGI-WHITTON:
13 Here.
14 LEGISLATOR NICOLELLO: Minority
15 Leader Abrahams.
16 LEGISLATOR ABRAHAMS: Here.
17 LEGISLATOR NICOLELLO: Legislator
18 Schaefer.
19 LEGISLATOR SCHAEFER: Here.
20 LEGISLATOR NICOLELLO: Legislator
21 Rhoads.
22 LEGISLATOR RHOADS: Present.
23 LEGISLATOR NICOLELLO: Deputy
24 Presiding Officer Kopel.
25 LEGISLATOR KOPEL: Here.
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LEGISLATOR NICOLELLO: And myself. We have a quorum. We have three contracts on. There may be a contract or two later that's untabled. But to start things off B-11, E-60 and E-62, 2020.

B-11 is a resolution authorizing the county executive to award and execute a contract between the county and Pratt Brothers. E-60 is the same with respect to Liro Engineers, Inc. E-62 is a resolution authorizing the county executive to execute a personal services agreement between the county and Louis McClean Associates Engineers and Surveyors.

Moved by Legislator Rhoads.

Seconded by Legislator Bynoe.

MR. ARNOLD: Good afternoon. Ken Arnold, public works. B-11 is our priority resurfacing phase four contract. We had four bidders. Pratt was the lowest responsible bidder. He was 7.6 below the estimate. His MWBE is at 4.2 percent combined.

LEGISLATOR NICOLELLO: Any questions? No questions. Move on to the next
MR. ARNOLD: E-60 is a construction management contract for our Austin Boulevard project. We had five firms submit on this proposal. Liro was the responsible bidder. Their DBE participation goal was at 10 percent which they are meeting for New York State.

LEGISLATOR NICOLELLO: Any questions on E-60 of 2020?

MR. ARNOLD: E-62 is a design contract for Wantagh Avenue resurfacing and traffic safety improvements. We had seven firms submitted. McClean Associates was the lowest responsible bidder. His WBE participation is at nine percent. We did pull his contract out at one point because we had to look at some information that came to us. We resolved it and we are comfortable recommending an award to this contract.


LEGISLATOR RHOADS: Where on Wantagh Avenue is this project going to take
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place? Is this the entire stretch from Park to Hempstead Turnpike?

MR. ARNOLD: Yes, it is. And this includes the intersection of Old Jerusalem where we're going to look at the traffic safety issue.

LEGISLATOR RHOADS: Great. Thank you.

LEGISLATOR NICOLELLO: Any other questions? Hearing none, all in favor of these three contracts signify by saying aye. Those opposed? Carries unanimously.

B-7 of 2020 we're going to need a motion to untable. Who wants to untable?

LEGISLATOR SCHAEFER: Moved.

LEGISLATOR NICOLELLO: Moved by Laura Schaefer. Seconded by Minority Leader Abrahams. That's a motion to untable. All in favor of untabling signify by saying aye. Those opposed? It's untabled by a unanimous vote. This is the resolution regarding the awarding of a contract between Seafood Avenue Corp. Do you want to speak to that Ken?

MR. ARNOLD: B-7 is our on-call
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requirements contract for emergency plumbing
work in the county. We had two bidders on
this project. Seaford Avenue Plumbing was the
lowest responsible bidder. Their MWBE will be
determined by their actual work orders that
are assigned to them. We did address all the
inspector general's comments. We spoke to
Local 200 and they're in good standing as of
today.

LEGISLATOR NICOLELLO: The IG has
gotten back. Both the majority and the
minority indicating that their questions have
been answered and they have no plans to take
no further action on this contract. Any
questions?

LEGISLATOR ABRAHAMS: I'm sorry
presiding officer. Did you just say that the
inspector general is satisfied or you said
we're satisfied with the inspector general's
comments? I just want to make sure for the
record that the inspector general has signed
off on B-7.

LEGISLATOR NICOLELLO: That's
accurate, yes. And plans no further action
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with respect to the contract.

LEGISLATOR ABRAHAMS: Thank you.


B-9. We need a motion to untable B-9. We have Legislator Schaefer making that motion as well. Legislator Bynoe will second it. This is a resolution authorizing the county executive to execute a contract between the county and 192 Branch Interior Services.

Ken. We need to vote on a motion to untable. All in favor of untabling signify by saying aye. Those opposed? It passes unanimously.

MR. ARNOLD: This is a contract amendment for Branch Services. They are our asbestos and environmental contractor. This is an amendment to extend the contract and also add an additional $500,000.

LEGISLATOR NICOLELLO: Again, this is something that the IG had looked into, had their questions answered and were satisfied with those answers and plan no
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further action at this time.

MR. ARNOLD: Yes. And the
department is also satisfied with the work of
Branch.

LEGISLATOR NICOLELLO: Any other
questions for Ken?

LEGISLATOR ABRAHAMS: Just for
the record presiding officer, I heard Mr.
Arnold say that he is satisfied. I just want
to make sure that we disclose for the record
that there were some Department of Labor
issues and that the Department of Public Works
is aware of the concerns and that they are
satisfied still with that understanding of
those concerns that came up from the
Department of Labor and those violations from
2015 to the present?

MR. ARNOLD: Yes. The department
is aware of them and we are satisfied.

LEGISLATOR ABRAHAMS: Okay.

LEGISLATOR NICOLELLO: Anyone
else? Hearing none, all in favor of this item
signify by saying aye. Those opposed?

Carries unanimously.

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Rules 4-20-20

Need a motion to adjourn by Deputy Presiding Officer Kopel. Seconded by Legislator Rhoads. All in favor of adjourning signify by saying aye. Those opposed? Carries unanimously.

(Committee was adjourned at 2:15 p.m.)
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 April 2020.

FRANK GRAY

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