

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](#)

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NASSAU COUNTY LEGISLATURE

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6

RICHARD NICOLELLO

7

PRESIDING OFFICER

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LEGISLATIVE SESSION

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County Executive and Legislative Building

14

1550 Franklin Avenue

15

Mineola, New York

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Monday, April 20, 2020

19

1:15 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

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20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

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23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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3 LEGISLATOR DEBRA MULE

4 5th Legislative District

5

6 LEGISLATOR C. WILLIAM GAYLOR III

7 6th Legislative District

8

9 LEGISLATOR VINCENT T. MUSCARELLA

10 8th Legislative District

11

12 LEGISLATOR ELLEN BIRNBAUM

13 10th Legislative District

14

15 LEGISLATOR DELIA DERIGGI-WHITTON

16 11th Legislative District

17

18 LEGISLATOR JAMES KENNEDY

19 12th Legislative District

20

21 LEGISLATOR THOMAS MCKEVITT

22 13th Legislative District

23

24 LEGISLATOR LAURA SCHAEFER

25 14th Legislative District

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3 LEGISLATOR JOHN FERRETTI, JR.

4 15th Legislative District

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6 LEGISLATOR ANDREW DRUCKER

7 16th Legislative District

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9 LEGISLATOR ROSE WALKER

10 17th Legislative District

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12 LEGISLATOR JOSHUA LAFAZAN

13 18th Legislative District

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15 LEGISLATOR STEVEN RHOADS

16 19th Legislative District

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18 MICHAEL PULITZER

19 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: I'm
3 calling the meeting of the Nassau County
4 Legislature to order and ask everyone to
5 please rise. Mr. Ferretti, would you lead us
6 in the pledge.

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

21 We are having our regular monthly
22 meeting at this time. Again, we've taken
23 precautions. The facility has been cleaned
24 and recleaned and cleaned again. Members of
25 the public are not here. There are several

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2 legislators who are here. We are spread out
3 the appropriate distances. We have
4 legislators who are not here, are, however,
5 participating by video conferencing and we
6 have a very, very limited number of staff here
7 from the administration and from our
8 legislative staff. This is a large room, so
9 we have plenty of room to proceed.

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

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

14 Legislator Bynoe.

15 LEGISLATOR BYNOE: Here.

16 LEGISLATOR NICOLELLO: Legislator
17 Solages. Don't hear him either. Legislator
18 Ford. Does anyone who is participating
19 remotely can any one of you hear? Kevin, is
20 it possible they are not getting the feed at
21 all?

22 Let's go through the roll again
23 starting with Minority Leader Abrahams.

24 LEGISLATOR ABRAHAMS: Here.

25 LEGISLATOR NICOLELLO: Legislator

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2 Bynoe.

3 LEGISLATOR BYNOE: Here.

4 LEGISLATOR NICOLELLO: Legislator

5 Solages.

6 LEGISLATOR SOLAGES: Here.

7 LEGISLATOR NICOLELLO: Legislator

8 Ford.

9 LEGISLATOR FORD: Here.

10 LEGISLATOR NICOLELLO: Legislator

11 Mule.

12 LEGISLATOR MULE: Here.

13 LEGISLATOR NICOLELLO: Legislator

14 Gaylor.

15 LEGISLATOR GAYLOR: Present.

16 LEGISLATOR NICOLELLO: Deputy

17 Presiding Officer Kopel.

18 LEGISLATOR KOPEL: Here.

19 LEGISLATOR NICOLELLO: Legislator

20 Muscarella.

21 LEGISLATOR MUSCARELLA: Here.

22 LEGISLATOR NICOLELLO: I'm here.

23 Legislator Birnbaum.

24 LEGISLATOR BIRNBAUM: Here.

25 LEGISLATOR NICOLELLO: Legislator

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2 DeRiggi-Whitton.

3 LEGISLATOR DERIGGI-WHITTON:

4 Here.

5 LEGISLATOR NICOLELLO: Legislator

6 Kennedy.

7 LEGISLATOR KENNEDY: Here.

8 LEGISLATOR NICOLELLO: Legislator

9 McKevitt.

10 LEGISLATOR MCKEVITT: Here.

11 LEGISLATOR NICOLELLO: Legislator

12 Schaefer.

13 LEGISLATOR SCHAEFER: Here.

14 LEGISLATOR NICOLELLO: Legislator

15 Ferretti.

16 LEGISLATOR FERRETTI: Here.

17 LEGISLATOR NICOLELLO: Legislator

18 Drucker.

19 LEGISLATOR DRUCKER: Here.

20 LEGISLATOR NICOLELLO: Legislator

21 Walker.

22 LEGISLATOR WALKER: Here.

23 LEGISLATOR NICOLELLO: Legislator

24 Lafazan.

25 LEGISLATOR LAFAZAN: Here.

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2 LEGISLATOR NICOLELLO: Legislator
3 Steven Rhoads.

4 LEGISLATOR RHOADS: Present.

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

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

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

24 In this country 22 million
25 Americans have lost their jobs. That's one

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2 out of every seven workers. Service industry
3 was probably hit first because of the fact
4 that the stores and retail for the most part
5 were closed down. But this has touched every
6 sector of our workforce. In Long Island at
7 least 175,000 have filed for unemployment. We
8 have heard that there is a spike in demand at
9 our food pantries. Thousands of residents are
10 struggling with the financial crunch and
11 having to make decisions on which bills to
12 pay. Sometimes it comes down to groceries,
13 medicine and other necessary expenses.

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

22 Also, in terms of those filing for
23 unemployment, the process has been cumbersome
24 and some of our residents have not been able
25 to get their unemployment benefits.

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2 We learned last week that New York
3 Pause will continue to May 15th and that there
4 will be a phased reopening after that.

5 Under current law, the deadline for
6 paying your taxes is May 11th. After May 11th
7 people who pay late are charged interest.
8 After May 31st people who pay late, businesses
9 who pay late, are charged penalties.

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

22 So that by doing this, again, it's
23 a small matter of relief to the residents, to
24 the businesses, to hopefully get beyond the
25 next hurdle when things begin to open up.

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2 That's the basis for this legislation.

3 Does anyone want to speak to the
4 emergency and legislation at this time?

5 LEGISLATOR ABRAHAMS: I would
6 like to Rich.

7 LEGISLATOR NICOLELLO: Go ahead
8 Kevan.

9 LEGISLATOR ABRAHAMS: First and
10 foremost, we side with our residents that are
11 going through this crisis have the opportunity
12 to try to figure out their finances as the
13 county tries to figure out its finances and
14 the schools try to figure out theirs as well.
15 So, we believe that paying off without penalty
16 our property taxes that will throughout the
17 state provide some level of relief. Obviously
18 if the state will reopen after May 15th that
19 doesn't provide any relief for people that are
20 currently unemployed or people that are
21 underemployed in terms of being able to
22 provide for their families. It does provide
23 some level of relief.

24 However, there are some concerns,
25 and I'm sure as you well know presiding

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2 officer, the county executive has written a
3 letter asking the governor to do this. The
4 way the letter reads from our perspective is
5 that the county legislature does not have the
6 ability to do this. I'm sure we'll go through
7 the debate and discussion, as well as hear
8 from the county attorney and your side in
9 terms of where this goes.

10 I think what's most important and
11 what's meaningful is that the action that is
12 taken today can actually be done. I don't
13 want to present any level of false hope to our
14 residents. I want to be able to have some
15 level of concrete, definitive response to them
16 that what these actions do will happen for
17 them. I don't know want it to be a level of
18 uncertainty. We're in these very uncertain
19 times. I think it's imperative that
20 regardless of what's debated or discussed
21 today, the leaders of the legislature, myself
22 as well as you, as well as all 19 of us, move
23 forward because we are joining with our
24 residents and it's important that residents in
25 their best interests.

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2 However, we also should take the
3 steps to make sure that we are not preempted
4 from doing what we plan to do today. If we
5 are preempted, we need to use this action as
6 19 members to go forward and make sure that if
7 there is state -- there is a state legislation
8 that's required or an executive order by the
9 governor, we need to make sure that that is
10 done in a timely manner before May 10th and
11 May 11th and those subsequent dates. If
12 that's necessary, I join also with the county
13 executive in her letter to ensure that that's
14 going to happen as well. But thank you again.

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

22 So, if the governor does act and
23 issues an executive order it obviously will
24 preempt what we're doing. If the governor, by
25 emergency, passes an executive order then

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2 obviously ours gets put to the wayside. Short
3 of that, we have had conversations with our
4 counsel and he's thoroughly researched this
5 and because of the unique nature of Nassau
6 County we have the ability under our
7 administrative code to vary this. We are
8 confident with respect to the legalities of
9 this.

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

20 We intend to communicate in every
21 way we can that this is the action we've
22 taken. It gives some relief. But until those
23 things happen the residents have to understand
24 that May 11th is still the deadline they have
25 to meet.

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2 Anyone else want to speak on this
3 emergency? Legislator Rhoads.

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

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

19 We are here today. I think we
20 should act today to try to protect our
21 residents and give them some breathing room in
22 light of the tremendous financial strains that
23 are put on both our residential taxpayers as
24 well as commercial taxpayers, our business
25 owners, as a result of the shutdown from

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2 COVID-19. If the governor acts after that
3 then so be it. But I think it's important for
4 us to take that action today as a first step
5 towards protecting them.

6 LEGISLATOR NICOLELLO: Anyone
7 else? Legislator DeRiggi-Whitton.

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

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

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

18 LEGISLATOR NICOLELLO: Legislator
19 DeRiggi-Whitton.

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

25 But just from listening to other --

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2 I know Steve Bellone mentioned it today -- I'm
3 sure we're not the only county in this
4 position. I know that the governor seems to
5 want to do everything in unison. So,
6 hopefully that will come through and hopefully
7 by us doing this, if we are not superseded,
8 and I know there are have been questions
9 regarding the Baldwin Act, we're kind of in a
10 position where we are hoping that we have the
11 authority to do what we are doing today. But
12 our intentions are good. So we are going to
13 support it also.

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

24 107 of 2020 is a local law to delay
25 the imposition of penalties and interest for

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2 late payment of school taxes due on April 1st
3 for the 2020 tax year.

4 Moved by Deputy Presiding Officer
5 Kopel. Seconded by Legislator McKevitt. Any
6 further debate or discussion on this item?

7 LEGISLATOR DERIGGI-WHITTON:

8 Rich, did you say April 1st?

9 LEGISLATOR NICOLELLO: Yes.

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

12 LEGISLATOR DERIGGI-WHITTON:

13 Anything that's due on the 11th, right?

14 LEGISLATOR NICOLELLO: Yes.

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

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

24 Clerk item 108 of 2020. A local
25 law temporarily -- I'm sorry. We need to

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2 establish an emergency with respect to a local
3 law temporary extending certain deadlines
4 related to the filing of annual statements of
5 financial disclosure for the 2019 reporting
6 year due to the COVID-19 public health
7 emergency.

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

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

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

24 Nassau County administrative code
25 Section 2243 requires certain designated

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2 county officers and employees to file annual
3 statements of financial disclosure with the
4 board of ethics by May 15th of each year for
5 the prior calendar year.

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

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

20 In light of those extensions and
21 the fact that those filings are key to the
22 completion of financial disclosure statements,
23 an extension of the deadlines associated with
24 the filing of financial disclosure statements
25 for the 2019 calendar year is warranted.

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2 The proposed local law extends the
3 deadline for filing the list of policymakers
4 for the 2019 reporting year to June 30 of 2020
5 and extends the date to file financial
6 disclosure statements for the 2019 reporting
7 year from May 15th to August 15, 2020. Thank
8 you.

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

17 As to the local law it's 108 of
18 2020. It's a local law to temporarily extend
19 certain deadlines relating to the filing of
20 annual statements of financial disclosure for
21 2019 reporting year due to the COVID-19 public
22 health emergency.

23 Moved by Legislator Bynoe.
24 Seconded by Legislator DeRiggi-Whitton. That
25 local law is now before us. Any debate or

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2 discussion? All in favor signify by saying
3 aye. Opposed? None. Passes by a vote of 19
4 to nothing.

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

12 Legislator McKeivitt makes a motion
13 to establish the emergency. Seconded by
14 Legislator Ferretti. All in favor of
15 establishing the emergency signify by saying
16 aye. Those opposed? The emergency has been
17 established.

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

25 Moved by Legislator

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

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

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

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

18 MR. CREAN: A seven-page power
19 point.

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

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

25 LEGISLATOR NICOLELLO: I think

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2 we're good.

3 MR. CREAN: This is the CARES Act
4 funding. The CARES Act is the coronavirus Aid
5 Relief and Economic Security Act which was
6 passed by Congress and signed by the
7 president.

8 Under the federal CARES Act this
9 \$12 billion set aside for assistance to
10 communities that's going to be distributed
11 through the US Department of Housing and Urban
12 Development. So the Office of Community
13 Development here at Nassau County is the
14 administering agency for several formulas of
15 the grant programs that are as an entitlement
16 under the programs we receive funding as
17 annually. So the CARES Act included a total
18 of \$12 billion being distributed. There are a
19 couple of different formulas.

20 So the funding that we are dealing
21 with today as part of the amendment to the
22 action plan is only one of those formula
23 allocations. It was \$5 billion under the
24 Community Development Block Grant Development
25 program alone under three pots. \$2 billion

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2 was set aside using the same formula that
3 Nassau County receives its allocation every
4 year. \$1 billion is set aside for states to
5 address the emergency. And a second pot of \$2
6 billion was set aside for another formula that
7 has not been fully determined yet. HUD is
8 working on that but it will put more emphasize
9 on those communities that have been more
10 severely impacted economically and by housing
11 impact. So Nassau County should do better
12 actually under that formula in the first
13 round.

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

19 Now moving to slide number three.
20 Under the Community Development Block Grant
21 funding, Nassau County is slated to receive
22 about 8 and a half million dollars in funding
23 and \$4.25 million under the Emergency
24 Solutions Grants program. This funding is in
25 addition to the money we are receiving this

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2 year, which is our federal fiscal year 2020
3 allocation.

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

8 Moving on to slide four.

9 Office of Community Development
10 right now is in the middle of, almost towards
11 the tail end of our five-year consolidated
12 planning process. We are receiving funding
13 under the three regular programs, Community
14 Development Block Grant, Home and Emergency
15 Solutions. So we are not dealing with that
16 today. That's still on a regular schedule.
17 We plan to come before the legislature
18 committees on June 8 and then the full leg on
19 June 29 for that funding. So what we are here
20 for on the amendment just involves the funding
21 going out to the CARES Act, the COVID
22 funding.

23 So, we have been hosting a series
24 of meetings for the last several months
25 starting with the end of fiscal year 2019 in

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2 preparation for the five year consolidated
3 plan. Which puts us in a good position to
4 respond to this COVID-19 funding and be able
5 to get it out quickly. Because you're already
6 dealing with other county agencies,
7 developers, other municipalities and
8 nonprofits who generally work with us on these
9 programs. But we've expanded that list of
10 stakeholders utilizing the COVID-19 funding
11 and working with DSS and other agencies to
12 make sure that this money goes to our most
13 needed.

14 But we have continued with our
15 consolidated planning and we are having a
16 virtual meeting which we have scheduled for
17 next week. And we've also opened up our
18 application process. We have an online
19 application process that we started last
20 year. This is our second year for fiscal year
21 2020. We've reopened it now to accept
22 applications for the COVID funding.

23 Based upon the feedback we received
24 through these various meetings, we have
25 established some priority allocations of

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2 funding. Really set aside the funding in
3 different categories to best utilize the CBDG
4 and the ESG COVID funding.

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

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

24 Then also some funding for public
25 facilities improvements and planning. The

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2 idea behind the public facility improvements
3 would be again as a job creation activity to
4 get people back working and try to stimulate
5 the economy.

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

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

17 So under the Community Development
18 Block Grant program it eliminated the cap on
19 public services. Generally there's a 15
20 percent cap on the allocation that can be used
21 for public service activities. That's been
22 eliminated. So it allows us to push more
23 money out to the nonprofit providers who are
24 actually on the front lines responding to the
25 COVID crisis.

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2 It also extends the deadline for
3 submission. We are not planning on taking
4 advantage of those extended deadlines. We
5 want to comply with our regular schedule so we
6 get this money -- receive the allocation from
7 HUD as quickly as possible and pass it on to
8 the organizations that are helping us to
9 address the crisis.

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

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

23 Some of the items that HUD is not
24 able to waive includes fair housing
25 requirements, nondiscrimination, labor, which

1 Full 4-20-20

2 would include Davis Bacon and wage raises in
3 some instances and environmental issues. So
4 we are right now already working on performing
5 environmental reviews so they are completed
6 and in place when the money is available.

7 So on the last slide we deal with
8 the Emergency Solutions Grant funding. Again,
9 it's about little bit more than \$4 million
10 received by Nassau County. Some of the
11 waivers that have been issued for that program
12 is it deviates from the regular procurement
13 standards. The administrative allowance is a
14 little bit higher than the regular. There's
15 no match requirement. Generally there is a
16 100 percent match requirement for nonprofit.
17 Generally our shelter providers. That match
18 requirement has been eliminated for this
19 funding.

20 It also increases the income
21 limit. One of the issues we had we fund a
22 homeless prevention program every year with
23 the Emergency Solutions Grant funding. But we
24 are able to help people who are not able to
25 pay their rent because of a temporary change

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2 in their income. But the income limits for
3 that program are 30 percent of AIM. Which are
4 very low. So we are limited in the number of
5 people we can assist.

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

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

24 LEGISLATOR NICOLELLO: If you
25 come back in two weeks with a supplemental

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2 appropriation, we approve that, how quickly
3 can these monies be put into the system,
4 gotten to individuals, to food shelters et
5 cetera?

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

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

21 LEGISLATOR DERIGGI-WHITTON: On
22 slide five I know you said that you don't know
23 the exact numbers yet. But do you have any
24 idea how much you expect to have for the
25 public service?

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2 MR. CREAN: We actually have that
3 in the amendment. We've itemized it in the
4 amendment which you should have as well. It's
5 in with the resolution. So on the third page
6 of the amendment we have listed -- broken out
7 those public service categories and then the
8 dollar amounts that are right now set aside
9 for applications. Under food banks a million
10 dollars. Health services \$600,000.

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

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

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

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

24 LEGISLATOR NICOLELLO: Are there
25 any other questions? Hearing none, all those

1 Full 4-20-20

2 in favor of item 110 of 2020 signify by saying
3 aye. Anyone opposed? It passes unanimously.
4 Thank you Kevin.

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

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

21 Item three, Ordinance 30. Item 4,
22 Ordinance 31. Item 5, Ordinance 32. Item 6,
23 Ordinance 33. Item 7, Ordinance 34. Item 8
24 Ordinance 35. Item 9, Ordinance 36. Item 10
25 Ordinance, 37. Item 11, Ordinance 38. Item

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2 12, Ordinance 39. Item 13, Ordinance 40.
3 Item 14, Ordinance 41. Item 15, Ordinance
4 42. Item 18, Resolution 37. Item 19,
5 Resolution 38. Item 20, Resolution 39. Item
6 21, Resolution 40. Item 22, Resolution 41.

7 Since I can see Ellen Birnbaum at
8 the moment and nobody else, I'm going to make
9 you the sponsor. Seconded by Laura Schaefer.
10 Any debate or discussion on these consent
11 items? Hearing none, all in favor signify by
12 saying aye. Those opposed? Carries
13 unanimously.

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

20 That's moved by Legislator Bynoe.
21 Seconded by Legislator DeRiggi-Whitton.
22 That's a motion to open the hearing. All in
23 favor of opening the hearing signify by saying
24 aye. Those opposed? The hearing is open.
25 You want to speak on this?

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2 LEGISLATOR BYNOE: Thank you
3 presiding officer. This bill was sponsored by
4 Minority Leader and myself in the interest of
5 trying to close what we believe to be a gap in
6 the process when the county pursues
7 condemnation. It was very evident to us in a
8 recent transaction that was brought to the
9 legislature where some time ago there was a
10 condemnation started for property in Long
11 Beach and the legislature was provided an
12 appraisal at the time stating that the
13 property was valued at about \$750,000 and
14 later the county ended up paying 3.6 million.
15 So, there was quite a discrepancy between the
16 appraised value and the purchase price.

17 So we believe that these items need
18 to come back to the legislature as the
19 fiduciaries of the county that we can play a
20 role in making a decision whether we would
21 want to move forward on a transaction. This
22 is just to give the legislature an opportunity
23 to weigh in on those decisions once the
24 negotiations have been concluded. And I
25 believe this again will allow us to have a

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2 better control over how much money is being
3 spent on transactions.

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

14 Anyone else want to speak on this?
15 No? Okay. A motion to close the hearing.
16 Made by Legislator Rhoads. Seconded by
17 Legislator Ferretti. All in favor of closing
18 the hearing signify by saying aye? Those
19 opposed? Passes unanimously.

20 Item two is the actual vote on the
21 proposed local law which will require
22 legislative approval for compensation paid in
23 connection with the compromise or settlement
24 of a proceeding in condemnation or eminent
25 domain.

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2 Again, Legislator Bynoe moves it.

3 Seconded by Minority Leader Abrahams. Any
4 further debate or discussion? Hearing none,
5 all in favor signify by saying aye. Those
6 opposed? That passes unanimously.

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

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

21 Now we need an amendment on that
22 motion. Again, this came to us a couple of
23 weeks ago through Rules Committee. This is
24 the year-end budget transfers made by the
25 county. Between the Rules Committee and today

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2 the administration has made substantial
3 changes in terms of where the money is coming
4 from, where it's going to, et cetera. We need
5 a motion to amend by Legislator McKevitt.
6 Seconded by Legislator Bynoe. All in favor of
7 the amendments signify by saying aye. Those
8 opposed? The amendment passes.

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

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

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

23 MR. DEEGAN: Yes, I am.

24 LEGISLATOR NICOLELLO: Do we have
25 any questions on this item? Legislator

1 Full 4-20-20

2 Rhoads.

3 LEGISLATOR RHOADS: Thank you
4 presiding officer. Mr. Deegan, can you just,
5 I know we had a presentation two weeks ago
6 where we considered this in committee. Can
7 you just refresh our recollection though?
8 This is currently vacant property?

9 MR. DEEGAN: Yes. That's
10 correct.

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

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

22 LEGISLATOR RHOADS: So the
23 schools, for example, would continue to
24 receive the revenue that they currently
25 receive from the property?

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2 MR. DEEGAN: That's correct.

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

5 LEGISLATOR RHOADS: Approximately
6 how many units is it?

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

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

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

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

22 MR. DEEGAN: In terms of the
23 project budget?

24 LEGISLATOR RHOADS: Right.

25 MR. DEEGAN: No. Unfortunately,

1 Full 4-20-20

2 I don't have my entire file with me. I don't
3 have that number with me. It's in the tens of
4 millions. And right now we are on the
5 precipice of a closing. If we can get this
6 exemption approved we would be able to close
7 probably in the next week or two. We have all
8 the approvals from the village so the plan
9 would be to get this construction going
10 immediately.

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

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

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

23 MR. DEEGAN: I don't have the
24 exact number. It's primarily a residential
25 facility. But there is staff support in terms

1 Full 4-20-20
2 of recreation, social health services that are
3 rendered on-site. So it's not like an
4 assisted living or nursing home where it's
5 very significant. But certainly there's a
6 number of full-time employees employed at the
7 facility going forward to service the
8 residents.

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

20 MR. DEEGAN: That's correct.

21 LEGISLATOR RHOADS: Thank you. I
22 appreciate it.

23 MR. DEEGAN: Thank you
24 legislator.

25 LEGISLATOR NICOLELLO: Any other

1 Full 4-20-20

2 questions? Legislator Mule.

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

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

23 MR. DEEGAN: Absolutely not.
24 This PILOT is absolutely necessary. It's
25 underwritten down to a very slight margin of

1 Full 4-20-20

2 error right now. Without this exemption this
3 project cannot happen. That's what's really
4 holding up the closing and everything else and
5 we can start with just this last step here.

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

10 LEGISLATOR ABRAHAMS: Nay.

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

13 MR. DEEGAN: Thank you very much
14 everybody.

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

20 (Meeting adjourned at 2 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
April 2020.

FRANK GRAY

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6 NASSAU COUNTY LEGISLATURE

7

8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 RULES COMMITTEE

12

13 LEGISLATOR RICHARD NICOLELLO

14 CHAIR

15

16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

20

21

22 Monday. April 20, 2020

23 2:01 P.M.

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

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4 LEGISLATOR RICHARD NICOLELLO

5 Chair

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7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

9

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 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.

1 Rules 4-20-20

2 LEGISLATOR NICOLELLO: And
3 myself. We have a quorum. We have three
4 contracts on. There may be a contract or two
5 later that's untabled. But to start things
6 off B-11, E-60 and E-62, 2020.

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

16 Moved by Legislator Rhoads.

17 Seconded by Legislator Bynoe.

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

24 LEGISLATOR NICOLELLO: Any
25 questions? No questions. Move on to the next

1 Rules 4-20-20

2 one.

3 MR. ARNOLD: E-60 is a
4 construction management contract for our
5 Austin Boulevard project. We had five firms
6 submit on this proposal. Liro was the
7 responsible bidder. Their DBE participation
8 goal was at 10 percent which they are meeting
9 for New York State.

10 LEGISLATOR NICOLELLO: Any
11 questions on E 60 of 2020?

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

22 LEGISLATOR NICOLELLO: Any
23 questions on E-62? Legislator Rhoads.

24 LEGISLATOR RHOADS: Where on
25 Wantagh Avenue is this project going to take

1 Rules 4-20-20

2 place? Is this the entire stretch from Park
3 to Hempstead Turnpike?

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

8 LEGISLATOR RHOADS: Great. Thank
9 you.

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

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

16 LEGISLATOR SCHAEFER: Moved.

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

25 MR. ARNOLD: B-7 is our on-call

1 Rules 4-20-20

2 requirements contract for emergency plumbing
3 work in the county. We had two bidders on
4 this project. Seaford Avenue Plumbing was the
5 lowest responsible bidder. Their MWBE will be
6 determined by their actual work orders that
7 are assigned to them. We did address all the
8 inspector general's comments. We spoke to
9 Local 200 and they're in good standing as of
10 today.

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

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

24 LEGISLATOR NICOLELLO: That's
25 accurate, yes. And plans no further action

1 Rules 4-20-20

2 with respect to the contract.

3 LEGISLATOR ABRAHAMS: Thank you.

4 LEGISLATOR NICOLELLO: Thank
5 you. Any other questions? Hearing none, all
6 in favor signify by saying aye. Those
7 opposed? Carries unanimously.

8 B-9. We need a motion to untable
9 B-9. We have Legislator Schaefer making that
10 motion as well. Legislator Bynoe will second
11 it. This is a resolution authorizing the
12 county executive to execute a contract between
13 the county and 192 Branch Interior Services.
14 Ken. We need to vote on a motion to untable.
15 All in favor of untabling signify by saying
16 aye. Those opposed? It passes unanimously.

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

22 LEGISLATOR NICOLELLO: Again,
23 this is something that the IG had looked into,
24 had their questions answered and were
25 satisfied with those answers and plan no

1 Rules 4-20-20

2 further action at this time.

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

6 LEGISLATOR NICOLELLO: Any other
7 questions for Ken?

8 LEGISLATOR ABRAHAMS: Just for
9 the record presiding officer, I heard Mr.
10 Arnold say that he is satisfied. I just want
11 to make sure that we disclose for the record
12 that there were some Department of Labor
13 issues and that the Department of Public Works
14 is aware of the concerns and that they are
15 satisfied still with that understanding of
16 those concerns that came up from the
17 Department of Labor and those violations from
18 2015 to the present?

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

21 LEGISLATOR ABRAHAMS: Okay.

22 LEGISLATOR NICOLELLO: Anyone
23 else? Hearing none, all in favor of this item
24 signify by saying aye. Those opposed?
25 Carries unanimously.

1 Rules 4-20-20

2 Need a motion to adjourn by Deputy

3 Presiding Officer Kopel. Seconded by

4 Legislator Rhoads. All in favor of adjourning

5 signify by saying aye. Those opposed?

6 Carries unanimously.

7 (Committee was adjourned at 2:15

8 p.m.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
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THAT the foregoing is a true and
accurate transcript of my stenographic
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IN WITNESS WHEREOF, I have
hereunto set my hand this 24th day of
April 2020.

FRANK GRAY