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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

FINANCE COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, October 2, 2017
1:57 P.M.

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

3

4 RICHARD NICOLELLO,
Chairman5 VINCENT MUSCARELLA,
Vice Chairman

6

ROSE MARIE WALKER

7

DONALD MACKENZIE

8

9 SIELA A. BYNOE,
Ranking

10 LAURA CURRAN

11 ELLEN BIRNBAUM

12 MICHAEL PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

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META MEREDAY 27

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INSERTS

Incorporated by reference
Public Safety Minutes
Dated 10-2-17 pertaining to
Clerk Items 362,367-17 (pages 5-13).....50

1 Finance Committee/10-2-17

2 CHAIRMAN NICOLELLO: Calling the
3 Finance Committee to order. Mr. Pulitzer,
4 please call the roll.

5 CLERK PULITZER: Thank you, Mr.
6 Chairman. Finance Committee roll call.

7 CLERK PULITZER: Legislator Laura
8 Curran?

9 LEGISLATOR CURRAN: Here.

10 CLERK PULITZER: Legislator Ellen
11 Birnbaum?

12 LEGISLATOR BIRNBAUM: Here.

13 CLERK PULITZER: Ranking Member
14 Siela Bynoe?

15 LEGISLATOR BYNOE: Here.

16 CLERK PULITZER: Legislator
17 Donald MacKenzie?

18 LEGISLATOR MACKENZIE: Here.

19 CLERK PULITZER: Legislator Rose
20 Marie Walker?

21 LEGISLATOR WALKER: Here.

22 CLERK PULITZER: Vice Chairman
23 Vincent Muscarella?

24 LEGISLATOR MUSCARELLA: Here.

25 CLERK PULITZER: And Chairman

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2 Richard Nicoletello?

3 CHAIRMAN NICOLELLO: Here.

4 CLERK PULITZER: We have a
5 quorum, sir.

6 CHAIRMAN NICOLELLO: Thank you,
7 Mr. Clerk.

8 The first several items, calling
9 them individually, are related to the
10 budget, legislature's budget and the four
11 year plan. Traditionally we pass these
12 through committees to tee them up for the
13 Full Legislature which is I believe our
14 intention today.

15 Start with 351 of 2017, an
16 ordinance to adopt the Nassau County Budget
17 for the 12 month 2018 fiscal year beginning
18 January 1st, 2018 and ending December 31st,
19 2018.

20 LEGISLATOR MUSCARELLA: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Muscarella, seconded by
24 Legislator Walker. Do we have any
25 questions?

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2 I'm sorry, we have discussion.
3 Legislator Curran.

4 LEGISLATOR CURRAN: So I'm
5 wondering if there is anyone from OMB to
6 talk about this.

7 MR. BECKER: Legislator Curran,
8 the understanding is that they're teeing up
9 the budget today and that you have two
10 hearings; one starts at 5 o'clock today
11 where many of the department heads are going
12 to be talking about the budget; and then I
13 believe the 20th, and at that time, after
14 the hearings, there will be plenty of people
15 to speak further on the budget.

16 But at this particular point,
17 correct me if I'm wrong, Mr. Chairman, that
18 it's normally teeing up the budget for the
19 hearings.

20 LEGISLATOR CURRAN: I figured the
21 hearing isn't until 5:00 so we can ask some
22 preliminary questions now.

23 MR. BECKER: Isn't that
24 counter-productive, legislator?

25 LEGISLATOR CURRAN: I don't think

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2 so.

3 CHAIRMAN NICOLELLO: They'll be
4 here at 5:00 to answer the questions.

5 LEGISLATOR CURRAN: That's what
6 committees are for, to hash this stuff out.

7 MR. BECKER: The history of this
8 body is to tee it up for the hearing. So
9 there is nobody here to speak on the budget
10 that wasn't intended that -- we weren't
11 advised that there would be questions.

12 LEGISLATOR CURRAN: I think it's
13 appropriate to ask questions in committee.

14 MR. BECKER: There's no one hear
15 to speak to this point, legislator.

16 LEGISLATOR CURRAN: So if anyone
17 is listening from OMB perhaps they can come
18 and we --

19 MR. BECKER: What we will do is
20 we'll call them now.

21 CHAIRMAN NICOLELLO: No, no, Mr.
22 Becker. They will be here at five o'clock
23 and you can ask your questions in several
24 hours as was planned.

25 LEGISLATOR CURRAN: These are

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2 specific to OMB not necessarily something
3 that the department heads, public safety
4 department heads can address.

5 CHAIRMAN NICOLELLO: The process
6 is the process which we continue to follow
7 for 20 years. We're going to continue to
8 follow that process and we understand you
9 are running for County Executive and you
10 want to make a show of this, but we are
11 going to handle it the way we have handled
12 it in the past. There's a procedure for
13 this and we're meeting this afternoon. And
14 then the budget hearing on October 20.

15 LEGISLATOR BYNOE: Chairman?

16 CHAIRMAN NICOLELLO: Legislator
17 Bynoe.

18 LEGISLATOR BYNOE: I have to say
19 that I know that I made a point of this last
20 time as well. This is definitely putting
21 the cart before the horse. Why would we
22 even bring this committee, why would we not
23 have had then the budget hearings earlier
24 this morning so that when this committee
25 received these items that we could then make

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2 an intelligent decision as to how we were
3 going to vote.

4 I said it last year, and I'm most
5 certain I said it the year before, we're
6 doing this in the wrong order.

7 If you want to have the committee
8 vote on these things, then the budget
9 hearing has to come in the morning, or have
10 somebody capable to answer those questions
11 and have them available during this part of
12 the committee.

13 CHAIRMAN NICOLELLO: In terms of
14 receiving the items, you should have
15 received the budget on September 15th, the
16 budget was here September 15th, so in terms
17 of receiving what the budget was about,
18 we've had that for two weeks. Would you let
19 me finish?

20 LEGISLATOR BYNOE: It's a matter
21 of having people here to answer the
22 questions.

23 CHAIRMAN NICOLELLO: Thank you.
24 The thought behind having the full hearings
25 which is what we've traditionally done is

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2 that instead of having individual committees
3 handle the questions and do it repeatedly,
4 more importantly, there are legislators who
5 are not here.

6 The thought was to have the
7 entire Legislature part of this process so
8 that each one could participate in each one
9 of the hearings and that's the way we have
10 traditionally done it and that's the way we
11 are doing it this year.

12 LEGISLATOR CURRAN: This is the
13 Finance Committee and there are things that
14 I think the department heads might not be
15 able to answer that are specifically revenue
16 questions that I think is appropriate to be
17 considered by the Finance Committee of the
18 Legislature.

19 CHAIRMAN NICOLELLO: Thank you.
20 You will have your opportunity to ask all
21 the questions you want and we are looking
22 forward to your proposal once we get down to
23 the adoption of the budget. Legislator
24 Birnbaum.

25 LEGISLATOR BIRNBAUM: Well, based

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2 on the conversation I just heard, I want to
3 state that OMB is here. I see Maurice is
4 here.

5 Because, as a member of the
6 Finance Committee, if before we can even
7 consider passing it, I believe we have the
8 right to ask questions.

9 CHAIRMAN NICOLELLO: As I said,
10 we've done this for 20 years. We tee it up.
11 The idea is that we want the questions
12 before the Full Legislature because each
13 Legislator will be present. Each Legislator
14 gets the information and each legislator has
15 the opportunity to ask the questions, and
16 that's how we are going to do it today.

17 LEGISLATOR MACKENZIE: And, Mr.
18 Nicolello, just to make clear, by us voting
19 now, it's clearly not an endorsement of this
20 budget, rather it's just a procedural
21 measure to move the budget forward so we can
22 have hearings and anyone can ask their
23 questions including all members of the Full
24 Legislature.

25 CHAIRMAN NICOLELLO: As we have

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2 each year we pass it forward, but, as
3 Legislator MacKenzie said, it's not an
4 endorsement of this budget, but I fully
5 expect and there will be amendments to the
6 budget to be considered at an appropriate
7 time.

8 LEGISLATOR BYNOE: Chairman
9 Nicoletto, it's clearly not an endorsement
10 of this budget because the revenue aspects
11 of the budget is not even being voted on or
12 discussed, it's not even on the calendar
13 which are the fees.

14 More importantly, we are not
15 stating that this body, this particular
16 committee can't discuss these issues today.
17 That shouldn't be part of the discussion.
18 If it's because you want the whole body to
19 be part of the discussions then we should
20 have the budget hearings in advance of the
21 committees. It should happen in the
22 morning.

23 I don't understand why we can't
24 change the order. I brought this up last
25 year and I'm certain I brought it up the

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2 year before. Change the order.

3 Have the hearings in the morning
4 and this way when we get it in committees,
5 we are able to articulate our vote and have
6 some kind of background and to be able to
7 substantiate our vote.

8 I think this is done in the wrong
9 order. To say that we do this year after
10 year and we've been doing it for 20 years, I
11 don't think that's a legitimate reason for
12 continuing to do something wrong.

13 CHAIRMAN NICOLELLO: Duly noted.
14 You will have your opportunity to ask all
15 the questions that you want at the Full
16 Legislature when we adopt the budget as well
17 as in the hearings themselves.

18 Again, I will say again, we are
19 looking forward to your proposals with
20 respect to this budget. I note that there
21 have been no proposals from the minority for
22 the last few years. So we are certainly
23 very interested to see how it is you would
24 do things differently.

25 LEGISLATOR CURRAN: Chairman, I

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2 would also add that out of respect to people
3 who are here to talk about these items
4 during the Finance Committee, that it would
5 be good to get what they want to say on the
6 record as well if they can't stay for the
7 rest of it at 5 o'clock. They came
8 specifically for the budget, not just for us
9 legislators, but also for members of the
10 public who want to comment on this.

11 CHAIRMAN NICOLELLO: Yes.

12 Actually, once we finish talking I will be
13 calling them up to speak their peace, so
14 that everyone knows, the fees that are not
15 being called are not on the calendar, we're
16 simply moving the budget along so we can tee
17 it up for the hearings.

18 Any other discussion before I ask
19 for public comment?

20 (No verbal response.)

21 Hearing none, the first speaker
22 is John Ferretti from the Office of the
23 County Clerk.

24 MR. FERRETTI: Good afternoon,
25 Legislators. John Ferretti, Chief Deputy

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2 County Clerk.

3 I'm here today on behalf of
4 Nassau County Clerk Maureen O'Connell who is
5 upstate attending the New York State Clerk
6 Association meeting, but she did want me to
7 read a statement into the record and answer
8 any questions you may have understanding
9 that the fees are not an item today on the
10 agenda, she still wanted to me to get her
11 reader statement into the record.

12 CHAIRMAN NICOLELLO: Before you
13 continue, Mr. Lachapelle, I have your slip.
14 You are going next.

15 MR. FERRETTI: "I wish to express
16 my vigorous objections to the proposed
17 amendments to Section 19-17 and 19-18 of the
18 Nassau County administrative code.

19 These proposed amendments will
20 increase the clerk's block fee by \$100 which
21 would result in an increase of nearly 4,000
22 percent for this fee over the past ten
23 years.

24 There is also a proposed
25 amendment to increase fees collected by the

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2 department of assessment for tax map
3 verification by \$100.

4 Despite the fact that it actually
5 has no bearing on the recording of land
6 documents in my office.

7 While these fees are
8 independently collected by different county
9 agencies, the overall financial burden to
10 homeowners is outrageous, punitive, and
11 immoral.

12 These proposed increases in the
13 2018 county budget adversely impact our
14 residents conducting real estate
15 transactions in my office.

16 The associated proposed fee
17 increases are being forced upon homeowners
18 without any request for input from my office
19 or industry professionals.

20 We now see first time home buyers
21 financing these fees in their 30 year
22 mortgage and senior citizens who, after
23 paying off their mortgage, are now faced
24 with paying outrageous fees to close out
25 their loans.

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2 It is my believe that these fees
3 and the increase they have been subjected to
4 over the past 10 years may be illegal.

5 The courts have held that fees
6 should represent the cost to provide those
7 services to the residents.

8 I have and will continue to
9 oppose any and all increases to county clerk
10 fees.

11 The proposed fee increases are
12 egregious. Nassau County recording fees are
13 already among, if not the highest in the
14 nation. Any fee increase on top of the
15 burden already sustained by Nassau
16 homeowners would have negative economic
17 consequences for residents, the local real
18 estate industry and the county as real
19 estate transactions and associated revenue
20 may decline.

21 I renew my vehement opposition to
22 any fee increases and urge you to oppose
23 them as well. Thank you."

24 CHAIRMAN NICOLELLO: Thank you.
25 Tim Lachapelle from the Long Island Board of

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2 Realtors.

3 MR. LACHAPELLE: My name is Tim
4 Lachapelle and I'm a legislative liaison for
5 the Long Island Board of Realtors.

6 Today I would like to urge the
7 members of the Finance Committee to vote
8 down the County Executive's proposed budget
9 that raises the tax map verification fee and
10 the block recording fee by \$100.

11 I suggest you vote the entire
12 package down because the proposed budget
13 relies on uncertain revenue from illegal
14 fees.

15 The first budget hearing is
16 tonight and this body needs to start looking
17 for sustainable and legal solutions to
18 balancing the budget.

19 This budget should be scrapped
20 immediately and the Rules Committee and the
21 Finance Committee has the opportunity to do
22 that today.

23 I say the revenue is uncertain
24 because this is the third year in a row that
25 real estate related fees have been raised.

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2 Last year the assessment
3 department anticipated \$15 million in
4 revenue from an increase of \$130 on the tax
5 map.

6 This year, the assessment
7 department is anticipating \$12 million from
8 a \$100 fee increase.

9 It's concerning that those
10 proportions are off if only slightly. It's
11 clear that the county can't pinpoint how
12 much these fees actually raise which makes
13 sense because the rate of home sales
14 fluctuates over time.

15 Which brings me to the legality
16 of the fees. Last week I reminded members
17 that the County Clerk is opposed to the \$100
18 increase of block fees which would account
19 for an \$11.6 million increase to her office.
20 This is a clear indication that the revenue
21 from this fee is not intended for the
22 Clerk's Office.

23 As I have continually stated in
24 front of this Legislature, a fee is not a
25 tool for raising revenue. A fee should only

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2 generate enough revenue to provide a related
3 service which brings me to the assessment
4 department.

5 In the past three years, the tax
6 map verification fee increased from \$75 to
7 \$225 to \$355. Now, the proposed fee hike
8 would bring it to \$455.

9 The last two fee hikes in the
10 assessment department raised a total of
11 \$39.2 million which begs the question what
12 did the assessment department need with
13 \$39.2 million? How did they use it to
14 improve the services of their department?

15 In order to pass these fees with
16 the presumption that they are legal, the
17 Legislature must justify why they County
18 Clerk and the assessment department needs
19 the revenue.

20 This is not a question of whether
21 or not the county can continue to provide
22 vital services. I'm not suggesting that the
23 county make cuts to the many services that
24 improve the safety and our quality of life.

25 However, if the fee is not being

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2 used to provide services related to the
3 Clerk' Office and the assessment department,
4 this budget is in violation of state law.

5 And just to cite how I'm getting
6 that, there's case law, Torso Brows
7 Construction versus Monorow Board of
8 Trustees and Town of North Hempstead verse
9 Colonial Company.

10 CLERK PULITZER: Your time has
11 expired.

12 MR. LACHAPELLE: Thank you.

13 CHAIRMAN NICOLELLO: Thank you.
14 Melissa Gomez also from the Long Island
15 Board of Realtors.

16 MS. GOMEZ: Hi. My name is
17 Melissa Gomez and I'm actually incoming
18 secretary for the Long Island Board of
19 Realtors. I am a real estate agent. I sell
20 properties in Queens, Nassau, as well as
21 Suffolk.

22 I work with a lot of people that
23 straddle the fence. At the end of the day,
24 every dollar does count. I do understand
25 that a budget is extremely important, but it

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2 is egregious, that something just three
3 years ago cost roughly \$250, and today cost
4 roughly \$850, and is now going to cost an
5 extra \$200. Where there is no reason or
6 explanation given as to why that budget
7 increase has to happen.

8 We do ask that you please look
9 into that or at least inquire what's the
10 purpose, where is the money going, why is it
11 being raised, what's the purpose behind it?
12 Thank you.

13 CHAIRMAN NICOLELLO: Thank you.
14 Alec Slatky.

15 MR. SLATKY: Hi. Good afternoon.
16 My name is Alec Slatky and I'm here
17 representing Triple A northeast which serves
18 the membership of 5.2 million members region
19 wide. I was here last week. I'm here
20 today. I'm not sure if I will be able to be
21 here this evening, so you might hear a
22 second version of the same speech later.

23 Although this is really a second
24 version of the speech that I gave last year
25 when we had this exact same debate over the

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2 public safety fee.

3 We do, of course, oppose the
4 public safety fee using traffic enforcement
5 to fill budget gaps, we believe is bad
6 public policy.

7 We urge all legislators to
8 unanimously reject this plan today. If I
9 can quote from the summary book of the
10 proposed budget, it says "the multiyear
11 financial plan includes an increase to the
12 public safety fee. The required amount of
13 the public safety fee is equivalent to the
14 amount that was reduced by the county
15 Legislature during the 2017 budget process.
16 This funding mechanism is required to
17 preserve a quality level of police
18 protection and public safety within Nassau
19 County.

20 There shouldn't be a relationship
21 between a red light camera ticket and a
22 moving violation, how much that cost, and
23 police expenses. The idea that a red light
24 camera ticket is required to cost \$200 or
25 more is outrageous. The maximum fine for

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2 red light cameras for unsafe lane change,
3 any traffic violation, that's set by the
4 state in the Vehicle and Traffic Law.

5 If the county believes that the
6 fine for any traffic infraction should be
7 raised to increase compliance, we are happy
8 to have that conversation at the state
9 level. The county cannot impose fines above
10 the state allowed maximums.

11 So the county also imposes a \$45
12 driver responsibility fee designed to recoup
13 the cost of operating TPVA.

14 Last year, where we have actual
15 data, the revenue collected by TPVA for
16 administrative fees alone was \$32.1 million.
17 That's more than double the expenses
18 incurred by the agency last year which was
19 15.6 million. Those figures predate the
20 imposition of the public safety fee which
21 went into effect January 2nd, 2017 which
22 added a \$55 fee to traffic and red light
23 camera tickets was designed to help fund
24 police expenses. This fee does not have a
25 clear connection to traffic safety.

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2 The summary book of the proposed
3 budget says again that the additional \$35
4 million is to "safeguard, facilitate, and
5 encourage the health, safety, and welfare of
6 the residents of the businesses of the
7 county." Worthy goals of course, but that's
8 not traffic safety.

9 The State Comptroller has said,
10 "in order for a fee or charge not to be
11 considered a tax it must bear a direct
12 relationship to the cost of furnishing a
13 special service, not go to the support of a
14 government without particular relations to
15 the benefits provided, the public safety fee
16 fails this test."

17 For example, when we supported
18 the red light cameras, but if the county
19 wants the public to believe that the red
20 light camera program is not about revenue,
21 it should stop making the program about
22 revenue. Thank you for the opportunity to
23 comment.

24 CHAIRMAN NICOLELLO: Thank you.
25 Meta Mereday.

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2 MS. MEREDAY: Meta Mereday,
3 Baldwin resident. I concur particularly
4 with the vehement objection that Legislator
5 Siela Bynoe had and I was here at those
6 meetings when she stated over and over again
7 about the process actually putting the cart
8 before the horse.

9 This budget has no true revenue
10 base. So the question should be asked,
11 where is the revenue coming from? It's
12 based on a shaky and, as previous speaker
13 has said, possibly illegal fee structure,
14 but that's not unusual for the goings on
15 here.

16 I'm always amazed when I come to
17 the committee meetings when most of the
18 committees have on their paperwork no items
19 on this committee at this time.

20 So veterans and senior services,
21 economic, community services, town and
22 counties, health and social services,
23 planning and development, and environment on
24 the committee at this time has been a
25 ringing theme for the course of the year.

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2 So, who is being represented in
3 this budget? Clearly we live in towns, we
4 have seniors, we have veterans.

5 We need economic development. We
6 sure need community services. The towns are
7 going belly up. Health is at jeopardy,
8 particularly with our water and our sewers.

9 Social services is in an uproar,
10 there is no planning. Most of the
11 development is corrupt and the environment
12 is in disarray.

13 So, again, the question remains,
14 where is the revenue coming from for this
15 budget?

16 Why is there this immediacy and
17 secrecy, because there is to transparency
18 here. How can you get residents to
19 participate in getting the information in
20 public forums when you choose not to provide
21 the information to the public ahead of time
22 or in a timely fashion?

23 Just to say a special hearing,
24 when would residents know? I myself
25 fortunately and I'm sure Deputy Speaker

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2 Mr. Nicolello, I'm sure you will be glad to
3 know I won't be here at five o'clock, so
4 it's okay.

5 CHAIRMAN NICOLELLO: We have one
6 on the 20th too.

7 MS. MEREDAY: I know you'll miss
8 me. But, anyway, I hope the rest of you ask
9 the questions and, unfortunately, if there
10 is no super majority to vote, it will be,
11 again, a wasted effort. So I really don't
12 have the eight to ten hours to sit here and
13 do what you plan to do anyway.

14 So I'm hoping that cooler heads,
15 more knowledgeable questions will be
16 answered because as witnessed by the actions
17 that took place earlier today in Las Vegas,
18 there are many people who have serious
19 issues and they have serious problems. They
20 are not taking the best course of actions to
21 resolve them.

22 You have an opportunity for a
23 change to do the right thing. I'm hoping
24 and I'm praying that you do so. Thank you.

25 CHAIRMAN NICOLELLO: Thank you.

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2 Any other public comment?

3 (No verbal response.)

4 Hearing none, I'm calling the
5 Item 351.

6 LEGISLATOR CURRAN: Chairman, I
7 would like to make a motion to table.

8 CHAIRMAN NICOLELLO: Second to
9 the motion?

10 LEGISLATOR BIRNBAUM: Second.

11 LEGISLATOR CURRAN: Just because
12 I don't think we have sufficient information
13 to vote properly.

14 CHAIRMAN NICOLELLO: Thank you.
15 All those in favor of the motion to table
16 signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (Nay.)

20 The motion to table fails.

21 So I'm going to call the item,
22 351 of '17, all in favor signify by saying
23 aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 The item carries and moves along
4 to Rules.

5 The next item is 352 of 2017, an
6 ordinance fixing the tax rates and levying
7 the taxes for the 12 month 2018 fiscal year
8 beginning January 1, 2018 and ending
9 December 31, 2018.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Walker, seconded by Legislator
14 Muscarella. Item is before the committee.
15 Do we have any discussion among the
16 legislators?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor signify by
21 saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 That item carries by a vote of

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2 four to three. Three votes against.

3 The next item is 353 of 2017 is a
4 resolution to adopt the multiyear financial
5 plan for fiscal years 2018 to 2021 as
6 required by section 310 of the County
7 Government Law.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Muscarella, seconded by
12 Legislator Walker. The item is before the
13 committee. Do we have any discussion?

14 (No verbal response.)

15 Is there any public comment?

16 MS. MEREDAY: Meta Mereday,
17 Baldwin. Yes, again, since there are very
18 few people who would be able to, as I said,
19 be here to ask these questions or to
20 possibly get any real answers aside from the
21 crickets in the stairs, I would like a
22 little more information if possible with
23 regard to the structure of this multiyear
24 plan.

25 What are the tiers that are

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2 involved? Just a little more detail as
3 opposed to the one or two lines that are
4 here.

5 From those of you more learned
6 elected officials with the staff and the
7 capacity to provide that information.

8 Again, just so the public can
9 know because we are in an election season
10 and who's to say all of this may be a moot
11 point because whoever may get elected may
12 change the whole thing to begin with.

13 So just flatter me by just
14 answering a few of those questions as it
15 pertains to the structure of this, whoever
16 chooses to share that information, it would
17 be greatly appreciated.

18 CHAIRMAN NICOLELLO: The
19 Independent Budget Review Office will
20 perform an analysis of this and I believe we
21 also get an analysis from the Office of
22 Management and Budget as well as the
23 Comptroller's Office.

24 Once we get those, my suggestion
25 is -- we would be happy to give you a copy.

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2 My suggestion is just to give your
3 legislator a call who can easily provide a
4 copy to you each of which provides an
5 in-depth analysis of what the four year plan
6 is.

7 MS. MEREDAY: Okay. But you're
8 approving this now.

9 CHAIRMAN NICOLELLO: We are
10 teeing this up so that we can have the full
11 hearings and budget adoption later in the
12 month.

13 MS. MEREDAY: But generally, what
14 happens when you get to the Full Leg
15 meeting, it becomes a discussion where you
16 say, well, you voted for it in committee.
17 And I don't know why you are opposing it now
18 so I'm just trying to ask the question now
19 in case I may not be at that meeting to ask
20 the questions.

21 Would this not be the time for
22 public comment to have answers given to the
23 public?

24 CHAIRMAN NICOLELLO: You have the
25 opportunity to speak, it's public comment.

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2 That's that. As I said, we, ourselves, have
3 not received the analysis from these offices
4 and if you're truly looking for that
5 information there is a wealth of information
6 in there that can be provided to you.

7 We can provide it to you but I
8 would suggest you call your legislator.

9 MS. MEREDAY: Okay. I don't
10 think I will have a problem doing that. I
11 just want to be clear, what is it exactly
12 that you are voting on today? You are
13 voting on the idea that you will be looking
14 at this later to vote on it later? I'm
15 trying to be clear; I'm not trying to be
16 negative.

17 CHAIRMAN NICOLELLO: There are a
18 number of items in which we do this, for
19 example, Nassau County Community College
20 budget we choose to have the debate and
21 analysis, the public debate and public
22 hearing on that in one format, so we pass
23 them through the committees so we don't wind
24 up asking the same questions.

25 As I explained before, the idea

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2 is that when you do the substantive work on
3 the budget, you want every legislator
4 present, every legislator to have an
5 opportunity to ask questions.

6 I can tell you, I sat for years
7 on the Legislature and that there will be
8 committees that I wasn't a member of, say
9 Public Safety, they had a hearing on the
10 budget. And at that time, just the Public
11 Safety Committee would meet on the budget, I
12 wasn't a member, I couldn't ask any
13 questions. It was frustrating.

14 I think this process actually
15 works better. I understand the criticisms
16 and reasonable minds can differ. But I
17 believe this process gives everybody an
18 opportunity to speak on --

19 LEGISLATOR CURRAN: Chairman, may
20 I speak?

21 CHAIRMAN NICOLELLO: No. We are
22 going to wait until Ms. Mereday is done.

23 MS. MEREDAY: Well, my time kind
24 of got lost because you were talking and the
25 time was ticking.

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2 CHAIRMAN NICOLELLO: I was
3 answering your questions but you can finish
4 up.

5 MS. MEREDAY: I appreciate that.
6 Thank you so much. I'm just curious because
7 as I said, these other committees, as far as
8 I know, at least for this year or for the
9 last two, have not have had any hearing for
10 the public to comment about anything.

11 I don't recall there ever being
12 an item, for example, from the Veterans and
13 Senior Committees to have discussion. I
14 don't believe that there has been an item
15 for economic development for there to be a
16 committee meeting in a hearing.

17 That's why I was curious as to
18 what would be incorporated into multiyear,
19 which is more than one year, more than one
20 fiscal process, where the discussion is as
21 it pertains to that.

22 You have definitely answered that
23 question that you are really not voting on
24 the multiyear plan itself, you are voting on
25 the idea that you are going to put forward

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2 the multiyear plan once you get the
3 information and then discuss it. Thank you.

4 CHAIRMAN NICOLELLO: Legislator
5 Curran.

6 LEGISLATOR CURRAN: I disagree.
7 I think committees is exactly the
8 appropriate place to ask these questions and
9 hash these things out before it goes to the
10 Full Legislature. That's what committees
11 are for.

12 CHAIRMAN NICOLELLO: Thank you.
13 Any other public comment?

14 (No verbal response.)

15 Hearing none, all in favor of
16 Item 353 of 2017 signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (Nay.)

20 Item carries four to three.

21 The last of the budget items that
22 we are teeing up; 354 of 2017 is an
23 ordinance to adopt the budget for the County
24 Legislature for the County of Nassau for the
25 12 month 2018 fiscal year beginning January

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2 1st, 2018 and ending December 31st, 2018.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Walker, seconded by Legislator
7 Muscarella. This item is the legislature's
8 budget before the Legislature, this
9 committee actually. Do we have any
10 discussion?

11 (No verbal response.)

12 Is there any public comment on
13 Legislature's budget?

14 (No verbal response.)

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 That passes by a vote of four to
21 three. Let me clarify that. Are you voting
22 yes or no for the Legislative budget. It
23 was a unanimous vote, passes by a vote of
24 seven to nothing.

25 Item 361 of 2017 is a local law

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2 amending Title 24 of the miscellaneous laws
3 of Nassau County in relation to extending
4 the Hotel Motel occupancy tax.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Walker, seconded by Legislator
9 Muscarella. It's the Hotel Motel occupancy
10 tax.

11 MS. D'ALLEVA: This item pertains
12 the Hotel Motel tax extender for the next
13 two years, three years.

14 CHAIRMAN NICOLELLO: Anyone have
15 any questions? Legislator Bynoe.

16 LEGISLATOR BYNOE: Hi Roseann.
17 How are you? A couple of questions in terms
18 of the Hotel Motel.

19 Could you tell me, I see a number
20 floating around here, that says we bring in
21 about \$4 million. Is that about accurate?

22 MS. D'ALLEVA: That's about
23 accurate, 4.8, somewhere in that
24 neighborhood, depending on how it adds up
25 throughout the county in terms of hotel

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2 occupancy and stuff like that, but it's a
3 three percent tax rate.

4 LEGISLATOR BYNOE: Do you know
5 how much we spend annually?

6 MS. D'ALLEVA: Of the Hotel
7 Motel?

8 LEGISLATOR BYNOE: Yes, that we
9 utilize.

10 MS. D'ALLEVA: We utilize pretty
11 much all of it. In previous years we had
12 fund balance built up for the grant but
13 pretty much annually now we've been spending
14 the total amount.

15 LEGISLATOR BYNOE: We spent down
16 the fund balance for that grant?

17 MS. D'ALLEVA: We spent it in
18 both the grant fund and in the operating
19 fund.

20 LEGISLATOR BYNOE: Can we get a
21 report as to exactly what is in the fund
22 balance and how we utilize the grant funds
23 this year, specifically which entities
24 received funding?

25 MS. D'ALLEVA: Absolutely. We

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2 can give you a detailed accounting of all
3 the expenses but I'm not sure that there's
4 any funds remaining, but if there is we'll
5 let you know what it is.

6 LEGISLATOR BYNOE: I appreciate
7 that. The other question that I have is
8 relative to how we receive these funds.

9 Could you explain, is this self
10 reporting? That's the way I understand it.

11 MS. D'ALLEVA: Yes. So the
12 county treasurer's office has developed a
13 website where the hotels now can, inclusive
14 of the entertainment tax, can self report.
15 So, yes, it is self reporting.

16 LEGISLATOR BYNOE: So back in I
17 believe it was 2012, there was a report I
18 believe that said we should be doing a
19 little bit more to ensure that we were
20 receiving our funds in terms of enforcement
21 and compliance reviews, auditing, and so
22 much so to the point that back in, I want to
23 say 2014 or '15, I introduced some
24 legislation that would require us to go out
25 and audit those entities to ensure that they

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2 were actually randomly select a couple of
3 entities annually, go out and make sure we
4 are getting some of the money we were
5 entitled to, and that legislation along with
6 many other great pieces of legislation
7 introduced by this caucus was never allowed
8 to meet the floor for discussion or even for
9 voting.

10 But nonetheless, the point to
11 this is, can you tell me since that time the
12 report was issued, back if 2012 or somewhere
13 around that time what this county has done
14 to ensure that we are receiving the funds
15 that we are rightfully entitled to?

16 MS. D'ALLEVA: I believe that the
17 Comptroller's Office does do some auditing
18 with respect to that in certain hotels.

19 I know that we were able to
20 garner, not a settlement, but we were able
21 to garner some back sales tax from a large
22 entity in Long Beach, recently like a year
23 ago.

24 LEGISLATOR BYNOE: So you don't
25 know whether we've utilized any auditing or

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2 in compliance regulations or procedures to
3 make sure we're getting money adequately and
4 appropriately from other entities except for
5 the one out in Long Beach?

6 MS. D'ALLEVA: I do know that one
7 of the reasons that the county treasurer's
8 office actually developed the interface
9 online is to make it more accessible and
10 easier for entities to report their sales
11 tax.

12 If there is an abhorition in
13 terms of reporting, then that's investigated
14 within the Treasurer's Office.

15 But in terms of who's auditing
16 any type of blip in terms of what's
17 reasonable and customary then is given to
18 the Comptroller's Office because they have
19 the audit division that would go out and
20 actually be able to audit entities or from
21 that point on give it to the IRS.

22 LEGISLATOR BYNOE: So I agree
23 that at some point there would be a pattern
24 that would be created by way of their
25 filings and the treasurer would be able to

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2 identify if in certain years we were
3 receiving less because there is a report of
4 less money coming in, but I believe and I
5 think this holds true even for taxpayers,
6 right, one of the things that hold people
7 honest to paying their taxes is the fear of
8 being auditing.

9 I think if we do not create, in
10 some way, a process to ensure that we are
11 getting the monies that we are rightfully
12 entitled to, that we could be -- people
13 could be under reporting.

14 Self reporting is great but it
15 only works -- I understand in terms of labor
16 it's great for the county to have self
17 reporting, and I believe having access to
18 the website to do that report is great. It
19 makes it easier.

20 But I think if you have bad
21 actors out there, people who are going to
22 willfully under report, that the only thing
23 that's going to hold them honest would be
24 the fear of being audited.

25 Again, I think the county should

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2 be employing those methodologies to make
3 sure that every tax dollar that we're
4 entitled to from those entities are coming
5 in.

6 MS. D'ALLEVA: I agree. I
7 implore you to lobby your congressman. We
8 should all lobby our congressmen because to
9 fund the IRS so that they can have auditors
10 come in and audit sales tax for all areas of
11 all businesses.

12 LEGISLATOR BYNOE: In this
13 aspect, we don't even have to go to our
14 Congressmen. The county has the right to do
15 that.

16 As a matter of fact, after I
17 introduced the legislation or right before
18 -- I can't remember what the order is, I do
19 know that Suffolk County did utilize that
20 process and they're auditing randomly
21 selecting entities and they have paid
22 themselves back and then some by going out
23 and having some of their auditors from their
24 Comptroller's Office and I believe there
25 were some kind of relationship collaboration

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2 between the Treasurer's Office and the
3 Comptroller's Office to ensure that we were
4 getting our money back.

5 So I don't think that we need to
6 go as far as our federal elected officials.
7 I think we have at authority right here at
8 the county level to do that.

9 CHAIRMAN NICOLELLO: Legislator
10 Birnbaum, did you have a question?

11 LEGISLATOR BIRNBAUM: I have a
12 question about an advisory board to the
13 Parks Department which may or may not exist.
14 I'm not sure.

15 Is there a board that exists in
16 the Parks Department that reviews
17 applications and determines where some of
18 these monies goes towards?

19 MS. KRIEB: Eileen Krieb,
20 Department of Parks. Initially when the
21 Hotel Motel tax came into effect, I don't
22 know 2010 or something like that, we did
23 have an advisory board that was made up of
24 experts from the museum world. We had their
25 expertise to help evaluate the applications

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2 that were coming before us.

3 Presently there is no board in
4 place.

5 LEGISLATOR BIRNBAUM: Do you
6 think maybe we should reinstate this board?

7 Is it written that -- I think I
8 read there's a provision in the Charter that
9 there's supposed to be a seven member
10 advisory board.

11 MS. D'ALLEVA: I'm not really
12 familiar with the advisory board, but I can
13 tell you we still funding our museums with
14 Hotel Motel money.

15 I believe last year it was to the
16 tune of close to \$700,000; I mean a
17 million-seven, sorry.

18 LEGISLATOR BIRNBAUM: I guess we
19 can talk about this another time about the
20 board. Thank you.

21 CHAIRMAN NICOLELLO: Yes.
22 Obviously you're going to have a changeover
23 in administration so it's something we can
24 revisit come the new year.

25 Any other questions or

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2 discussion?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 The item passes unanimously.

12 The next several items are
13 ordinances supplemental to the annual
14 appropriation ordinance in connection with
15 the Department of the Nassau County
16 Probation Department, the Department of
17 Parks and Rec and the Probation Department
18 again.

19 LEGISLATOR MACKENZIE: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRMAN NICOLELLO: Moved by
22 Legislator MacKenzie, seconded by Legislator
23 Walker. These items are before the
24 committee. Two of them went before the
25 public safety committee a few minutes ago.

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2 I ask that the minutes be incorporated by
3 reference.

4 (Whereupon, please refer to the
5 minutes of the Public Safety Committee dated
6 10-2-17 pertaining to Clerk Items 362, 367
7 at pages 5-13.)

8 CHAIRMAN NICOLELLO: The only one
9 that's new -- not new, but that didn't go
10 through committees is the one for the
11 Department of Parks, Recreation and Museums
12 which allocates \$1.5 million from the
13 revenues from the rifle range.

14 Do you have someone who can speak
15 about item 363?

16 MS. D'ALLEVA: It's a
17 supplemental appropriation to allocate
18 revenues from the rifle range to the parks
19 budget.

20 CHAIRMAN NICOLELLO: Any
21 questions on this item?

22 (No verbal response.)

23 Thank you, Roseann. Any public
24 comment? Meta Mereday.

25 MS. MEREDAY: Actually, it's Meta

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2 J. Mereday, use my middle initial just for
3 public record, Baldwin.

4 Just curious as to who determines
5 where these funds go and maybe this is also
6 a point of clarification with regard to
7 calendared items being considered in this
8 budget.

9 Because I know that Legislator
10 Bynoe has legislation that she submitted and
11 has been asking to get that calendared and
12 you have residents that have been here and
13 were not able to come today, particularly
14 those from Minority Leader Kevan Abrahams'
15 district in Uniondale. That's a funded
16 project. The money has been there.

17 So I'm just curious how we
18 determine these various projects with these
19 types of resources when we have real issues.
20 There is a business concern that needs the
21 legislation that Legislator Bynoe has
22 submitted and there are communities that are
23 in desperate need of getting the street
24 scapes and the safety structures in place in
25 communities such as Uniondale.

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2 I'm curious as to how this
3 determination gets funded. Thank you.

4 CHAIRMAN NICOLELLO: My
5 understanding is, but I will have somebody
6 come up and confirm this, that these monies
7 are collected from the rifle range I believe
8 have to stay within parks. Maybe Roseann
9 can answer that question.

10 The revenue that's received from
11 the rifle range at Mitchell Field, that
12 money has to stay within the Parks
13 Department, correct?

14 MS. D'ALLEVA: Yes, I believe
15 that there is an MOA or some sort of
16 agreement that actually predicates that the
17 money can only be used for Mitchell Field.

18 CHAIRMAN NICOLELLO: At Mitchell,
19 it's even more precise. Thank you. Any
20 other public comment?

21 (No verbal response.)

22 All those in favor of these items
23 signify by saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Those items carry unanimously.

4 The last two items are 368 and
5 369. These are resolutions to authorize the
6 county assessor and/or the county treasurer
7 and/or the receivers of taxes of the towns
8 of North Hempstead and the City of Long
9 Beach to partially exempt from real property
10 taxation certain real properties located in
11 various school districts.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR MUSCARELLA: Second.

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

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

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2 Those items carry unanimously.

3 Motion to adjourn?

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR MACKENZIE: Second.

6 CHAIRMAN NICOLELLO: Moved by
7 Legislator Walker, seconded by Legislator
8 MacKenzie. All those in favor of
9 adjourning?

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 The committee is adjourned and we
14 will go back to Rules next.

15 (Whereupon, the Finance Committee
16 adjourned at 2:42 p.m.)

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C E R T I F I C A T E

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

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of October, 2017.

FRANK GRAY