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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

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11 FINANCE COMMITTEE

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13 LEGISLATOR HOWARD KOPEL

14 CHAIR

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16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 November 15, 2021

23 3:11 P.M.

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

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4 LEGISLATOR HOWARD KOPEL

5 Chair

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7 LEGISLATOR VINCENT MUSCARELLA

8 Vice Chair

9

10 LEGISLATOR TOM MCKEVITT

11

12 LEGISLATOR ROSE MARIE WALKER

13

14 LEGISLATOR ELLEN BIRNBAUM

15 Ranking member

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17 LEGISLATOR ARNOLD DRUCKER

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19 LEGISLATOR DEBRA MULE

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1 Finance 11-15-21

2 LEGISLATOR KOPEL: Finance

3 Committee please come to their seats.

4 Mr. Pulitzer, would you be so kind as to call
5 the roll.

6 MR. PULITZER: Thank you
7 chairman.

8 LEGISLATOR KOPEL: Do you have
9 the substitutions? You have Ms. Mule for Mr.
10 Drucker?

11 MR. PULITZER: That's correct
12 sir.

13 LEGISLATOR KOPEL: And Ms.
14 DeRiggi-Whitton for Mr. Lafazan.

15 MR. PULITZER: Finance
16 Committee. Legislator DeRiggi-Whitton.

17 LEGISLATOR DERIGGI-WHITTON:
18 Here.

19 MR. PULITZER: Legislator Debra
20 Mule.

21 LEGISLATOR MULE: Here.

22 MR. PULITZER: Ranking Member
23 Ellen Birnbaum.

24 LEGISLATOR BIRNBAUM: Here.

25 MR. PULITZER: Legislator Rose

1 Finance 11-15-21

2 Marie Walker.

3 LEGISLATOR WALKER: Here.

4 MR. PULITZER: Legislator Thomas
5 McKevitt.

6 LEGISLATOR MCKEVITT: Here.

7 MR. PULITZER: Vice Chairman
8 Vincent Muscarella.

9 LEGISLATOR MUSCARELLA: Here.

10 MR. PULITZER: And Chairman
11 Howard Kopel.

12 LEGISLATOR KOPEL: I'm here.

13 MR. PULITZER: We have a quorum
14 sir.

15 LEGISLATOR KOPEL: We'll start
16 out with a motion, since we have an addendum,
17 we'll start with a motion to suspend the
18 rules. That motion is made by Mr. McKevitt.
19 Seconded by Ms. Walker. All in favor of
20 suspending the rules please say aye. Thank
21 you. The rules are suspended.

22 Now we will go into, let's see, we
23 have a number of consent items and I'll call
24 those first. Those items have already gone
25 through some other committees. Those items

1 Finance 11-15-21

2 are number 382, 383, 384, 387 and 388. A
3 motion on that is by Ms. DeRiggi-Whitton and
4 seconded by Ms. Walker. All those in favor of
5 those items please say aye. Any opposed?
6 Those items pass unanimously. Thank you.

7 Number 376 is a resolution
8 providing for the issuance of warrants
9 directing the treasurer to pay various
10 villages and cities money from mortgage tax.

11 That motion is made by Ms. Mule.
12 Seconded by Mr. Muscarella. We know what this
13 is. Did anyone have any questions? You need
14 anybody from the administration for this?
15 This is routine. Okay. Hearing none, all in
16 favor of number 376 please indicate by saying
17 aye. Any opposed? That item is unanimous.

18 Numbers 379 and 380 are both
19 transfers of appropriations. And a motion for
20 that is made by Ms. Walker. Thank you. And
21 Ms. Birnbaum seconds that.

22 MS. LAURAIN: Good afternoon.
23 Mary Ellen Laurain, Department of Health.

24 Item 379-21 is a board transfer.
25 It's in the amount of \$15,777. It's for one

1 Finance 11-15-21

2 of our New York State grant funded programs so
3 it has no impact on the budget. It's to
4 maximize grant reimbursement.

5 LEGISLATOR KOPEL: Any
6 questions?

7 MS. LAURAIN: 380-21 is a board
8 transfer in the amount of \$1 million. It's
9 for one of our COVID-related grants. It has
10 no impact on the budget. It's to maximize
11 grant reimbursement.

12 LEGISLATOR KOPEL: Any questions
13 on that item? All those in favor please so
14 indicate by saying aye. Any opposed? Thank
15 you. We'll come back to 378.

16 Number 390 supplemental to the
17 annual appropriations for transferring of
18 appropriations. That motion is made by
19 Mr. McKevitt and it's seconded by Ms. Mule.

20 MR. PERSICH: Andy Persich,
21 Office of Management and Budget. Item 390 is
22 a quarterly board transfer, slash,
23 supplemental appropriation to readjust the
24 operating budget for 2021. It's a variety of
25 things that we go through as far as the

1 Finance 11-15-21
2 Department of Social Services. I'll go
3 through them quickly. In the Health
4 Department. The corrections overtime. PD
5 there's some monies needed for higher prices
6 for gasoline. And some related worker's comp
7 expenses that are going to exceed the budget.

8 LEGISLATOR KOPEL: So the item
9 that specifically would bother me enough to
10 ask a question on it at this point is the
11 overtime and especially as it relates to I
12 believe it was the corrections?

13 MR. PERSICH: That's correct.

14 LEGISLATOR KOPEL: We don't have
15 enough people in the academy. We seem to have
16 insufficient people coming in.

17 MR. PERSICH: One thing I know is
18 that we've done two classes this year. I know
19 next year we're planning on an additional two
20 classes. Remember, to bring up the bail
21 reform and whole criminal justice thing it was
22 supposed to be the diversion. What's
23 happening though too is --

24 LEGISLATOR KOPEL: I'm sorry,
25 Andy, the criminal justice --

1 Finance 11-15-21

2 MR. PERSICH: The bail reform.

3 LEGISLATOR KOPEL: And bail
4 reform would have meant fewer are needed.

5 MR. PERSICH: It was supposedly
6 that they were going to be diverted to
7 probation. But what's happening is because of
8 COVID some of the prisoners are staying a
9 little bit longer in the facility. As a
10 result these state ready things is increasing
11 the amount of overtime.

12 LEGISLATOR KOPEL: Why would
13 COVID cause them to stay longer?

14 MR. PERSICH: Because the state
15 wouldn't take state-ready inmates at their
16 facilities. Some inmates stay in the county
17 facility and they get transferred upstate.

18 LEGISLATOR KOPEL: That has
19 nothing to do with the bail reform.

20 MR. PERSICH: No, but part of the
21 problem too is that we do know that the
22 staffing may be a problem for the future. We
23 are always evaluating it. There are some
24 other issue that we're working with the
25 sheriff's department on when they go up to the

1 Finance 11-15-21
2 hospital as far as staffing needs over there
3 and probably correcting some of the -- where
4 they put the inmates in the patients' floor
5 and reopening that. We're working with the
6 hospital on that. So, it's an ongoing battle
7 over there I can tell you that much, but we
8 monitor it very closely. And this is just
9 money to transfer from one line to another.

10 LEGISLATOR KOPEL: I get it but
11 again, for the future, just trying to avoid
12 some of this expensive overtime. So, if there
13 were two class this year and two classes next
14 year is it the thought of the administration
15 at this point that more than two would not be
16 required since it's the same and we still got
17 this problem?

18 MR. PERSICH: Might be the size.
19 Meaning that the classes might have to grow in
20 size. We do more of a routine type of thing
21 like we do with the police department. Do it
22 more like on a cyclical basis. Like in May
23 and December. So that we keep the attrition
24 down and keep the numbers up.

25 LEGISLATOR KOPEL: Because the

1 Finance 11-15-21

2 Department of Corrections people it's not only
3 a question of being expensive for the county
4 but these people are unhappy and
5 understandably so with the amount of extra
6 work that they are required to do. That's
7 probably unsafe.

8 MR. PERSICH: I think they manage
9 it very well over there. I tip my hat to them
10 how they're already doing it. I think there's
11 some anomalies with the numbers. We don't
12 know where the number of inmate is going to
13 fall when we have the state readies still
14 sitting in our facility and not being shipped
15 out. That will drop the population which will
16 drop the overtime. One thing that we're not
17 sure of is that the reimbursements, some of
18 these state-ready inmates might be
19 reimbursable from the state because they
20 haven't taken them up to the facilities that
21 they were supposed to be at.

22 LEGISLATOR KOPEL: Do they
23 reimburse at overtime rates?

24 MR. PERSICH: Yes, they will be.
25 Because it's almost like when they hand them a

1 Finance 11-15-21

2 bill for lack of a better thing because it's
3 part of the state criminal justice whatever
4 office that is.

5 LEGISLATOR KOPEL: It might be we
6 don't know though? We don't know whether or
7 not that will be reimbursable?

8 MR. PERSICH: We are under the
9 impression it will be. So when we do the year
10 end close, what we will do we will book a
11 receivable in the revenue side from the state
12 to offset some of the costs for this
13 overtime. We're not at that point yet. This
14 thing will clear up and clarify as we get
15 closer to year end.

16 LEGISLATOR KOPEL: Anyone else?
17 Yes, Ms. Walker.

18 LEGISLATOR WALKER: Are we
19 allowed to bill them periodically or do you
20 have to wait until the end of the year?
21 Because if they've been here all this time and
22 we could have been sending them bills and
23 having them pay for some of that.

24 MR. PERSICH: I am aware that the
25 Department of Corrections is tracking this

1 Finance 11-15-21

2 overtime. They work more hand and hand with
3 the state Department of Corrections about this
4 reimbursement. It's kind of a fluid
5 situation. But it's my understanding that
6 some of this money will be coming back to us
7 and I think it's a question of when.
8 Beginning of the year it was different.
9 Remember, we didn't have the money that we
10 have now. But even then the state was cutting
11 reimbursements. Now where at a different
12 point that I think the state has the money to
13 probably reimburse us and we'll go back and
14 ask for that money.

15 LEGISLATOR WALKER: Is there a
16 chance they're saying too bad for you? I
17 guess there's always that chance.

18 MR. PERSICH: Some of the
19 dealings I've had with the state you never
20 know what you're going to get sometimes. I'm
21 hopeful with this one though I think it's a
22 slam dunk because it will probably be covered
23 under some of the ARP funding that the state
24 got that they will have to divy down to the
25 counties. It's not just here in Nassau

1 Finance 11-15-21

2 County. I think it's a problem statewide.

3 LEGISLATOR WALKER: Or course I'm
4 not expecting you to have this answer, but we
5 don't necessarily have the option of saying
6 well, we're not taking these people?

7 MR. PERSICH: It's not a question
8 of taking. They're here now. They need to be
9 transported out because their sentence is a
10 greater term of what they can stay at this
11 facility. But because of COVID there's a
12 whole bunch of testing requirements that the
13 facility had to be COVID free. That's almost
14 impossible with intake and outtake. It's a
15 challenge for them over there keeping up with
16 it.

17 LEGISLATOR WALKER: Thank you.

18 LEGISLATOR KOPEL: Anyone else?
19 Hearing none, all those in favor of item 390
20 please so indicate by saying aye. Any
21 opposed? That item is unanimous.

22 We have one remaining item. That
23 would be number 378, which is a resolution
24 authorizing the acting county attorney to
25 compromise and settle an action entitled

1 Finance 11-15-21

2 Passaro versus the County of Nassau. Motion
3 on that is made by Ms. Birnbaum. Seconded by
4 Mr. McKevitt.

5 Now Mr. McKevitt makes a motion to
6 go into executive session and that's again
7 seconded by Ms. Birnbaum. All those in favor
8 of executive session please so indicate by
9 saying aye. Any opposed? We are in executive
10 session to which members of the Rules
11 Committee are invited as well.

12 (Executive session commenced at
13 3:22 p.m.)

14 (Committee reconvened at 3:37 p.m.)

15 LEGISLATOR KOPEL: We've heard
16 what we needed to hear in executive session
17 and that being the case, all those in favor of
18 number 378 please so indicate by saying aye.
19 Any opposed? That item is passed unanimously.

20 Ms. Walker moves to adjourn and
21 Mr. McKevitt seconds it. All those in favor
22 of adjourning please say aye. Any opposed?
23 We are adjourned and Rules Committee is next
24 again.

25 (Committee adjourned at 3:38 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 18th day of
November 2021.

FRANK GRAY