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## **12th TERM MEETING AGENDA**

### **Documents:**

R-9-26-18.pdf

1.I.

### **MAC Agenda**

#### **Documents:**

MAC agenda 09.26.18.pdf

1.II.

### **Additional Information**

#### **Documents:**

ORD. 166-D-18.pdf

ORD. 166-A-18.pdf

ORD. 166-B-18.pdf

ORD. 166-C-18.pdf

1.III.

### **Additional Information**

#### **Documents:**

RULES COMMITTEE, 09-26-18.pdf

# **NASSAU COUNTY LEGISLATURE**

## **12<sup>th</sup> TERM MEETING AGENDA**

# **RULES COMMITTEE**

**SEPTEMBER 26, 2018 1:00 PM**

**Richard Nicoletto – Chairman**

**Howard Kopel – Vice Chairman**

**Steve Rhoads**

**Laura Schaefer**

**Kevan Abrahams – Ranking**

**Delia DeRiggi-Whitton**

**Siela Bynoe**

**Michael C. Pulitzer, Clerk of the Legislature**

<b>Clerk Item No.</b>	<b>Proposed By</b>	<b>Assigned To</b>	<b><u>Summary</u></b>
			<b>THE FOLLOWING ITEMS MAY BE UNTABLED</b>
<b>65-18</b>	<b>LE</b>	<b>R</b>	<b><u>PROPOSED LOCAL LAW NO. – 2018</u></b> A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO DEPOSITS OF MATERIAL ON COUNTY ROADS. 65-18(LE)
<b>A-22-18</b>	<b>PR</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND SPRAGUE OPERATING RESOURCES LLC. A-22-18
<b>A-27-18</b>	<b>PR</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY INFORMATION TECHNOLOGY AND INFOSYS INTERNATIONAL, INC. A-27-18
<b>A-53-18</b>	<b>PR</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE DIRECTOR OF NASSAU COUNTY OFFICE OF PURCHASING TO AWARD AND EXECUTE A CONTRACT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY AND THIMGAN & ASSOCIATES. A-53-18
<b>E-2-18</b>	<b>PW</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS, AND HAKS ENGINEERS, ARCHITECTS AND LAND SURVEYORS, P.C. E-2-18
<b>E-46-18</b>	<b>TV</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY AND CAMPANELLI & ASSOCIATES P.C. E-46-18

<b>Clerk Item No.</b>	<b>Proposed By</b>	<b>Assigned To</b>	<b><u>Summary</u></b>
<b>E-52-18</b>	<b>PW</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS, AND ARCADIS OF NEW YORK, INC. E-52-18
<b>E-87-18</b>	<b>AT</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE NASSAU COUNTY ATTORNEY AND DELLAVERSON, P.C. E-87-18
<b>E-103-18</b>	<b>PW</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS AND ARCADIS OF NEW YORK, INC. E-103-18
<b>E-104-18</b>	<b>IT</b>	<b>R</b>	<b><u>RESOLUTION NO. -2018</u></b> A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO A PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF NASSAU, ACTING ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND SIERRA-CEDAR, INC. E-104-18

# **AGENDA**

## **Nassau County Minority Affairs Council Meeting for the Office of Minority Affairs (OMA)**

**Wednesday, September 26, 2018 at 6:00pm**

**Location:** **One West Street, Mineola, NY**  
(1<sup>st</sup> floor conference room)

**Attendees:** **Nadine Burnett, Isma Chaudry, Melrose Corley, Charles Dickens, Gabriela Guzman, Kyle Rose- Louder, Lucas Sanchez, Robert Socolof, Arthur Vernon, William Watson, Regina L Williams, Debra Wheat- Williams**

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- 1. Call to Order/Welcome**
  - 2. Pledge of Allegiance**
  - 3. Roll Call (Attendance & Sign-in Sheet)**
  - 4. Adoption of Agenda**
  - 5. Minutes of 08/22/18 revision 1 (adoption and vote on posting for the public)**
  - 6. Minutes of 09/12/18 (adoption and vote on posting for the public)**
  - 7. Old Business**
    - a. Working Groups Update will be postponed until our next meeting**
    - b. OMA Staff – discussion on additional staff to be added will be postponed until our next meeting**
    - c. Council Meeting dates for the balance of 2018 will be postponed until our next meeting**
  - 8. Review Executive Director resumes**
  - 9. Update on visit to the OMA on 09/19/18**
  - 10. Next MAC Meeting – Wednesday, October 17, 2018 at 6:00pm**
  - 11. Adjournment of Meeting**

ORDINANCE NO. 166-D-2018

CERTIFYING BASE AND ADJUSTED BASE PROPORTIONS FOR COUNTY, TOWN & SPECIAL DISTRICTS & SCHOOL DISTRICTS FOR EACH CLASS OF PROPERTY SET FORTH IN SECTION 1802 OF THE REAL PROPERTY TAX LAW AND FOR EACH PORTION AS DEFINED IN SECTION 1801 (d) OF THE REAL PROPERTY TAX LAW INCLUDED WITHIN NASSAU COUNTY AS AUTHORIZED BY SECTION 1803 (2) OF THE REAL PROPERTY TAX LAW.

BE IT ORDAINED BY THE NASSAU COUNTY LEGISLATURE AS FOLLOWS:

Section 1. The Nassau County Legislature does hereby certify the base and adjusted base proportions for County, Town, Special Districts & School Districts for each class of property set forth in Section 1802 of the Real Property Tax Law and for each portion as defined in Section 1801 (d) of the Real Property Tax Law included within Nassau County, in accordance with the base and adjusted base proportions certificates on file with the Clerk of the Nassau County Legislature.

Section 2. Nassau County hereby reserves all legal, equitable and administrative rights and remedies. This certification shall not be construed as an admission of any error, responsibility or liability on the part of Nassau County in connection with these or any other base or adjusted base proportions.

Section 3. This ordinance shall take effect immediately.

**ORDINANCE NO. 166-A-2018**

AN ORDINANCE TO ACCEPT CERTIFIED COPY OF CERTIFICATE OF THE COUNTY ASSESSOR AS TO AMOUNTS OF TOTAL ASSESSED VALUATIONS IN THE SEVERAL SCHOOL DISTRICTS WITHIN THE **TOWN OF OYSTER BAY** FOR THE SCHOOL YEAR 2018/2019 AS TO EXTENSION OF TAXES: LEVYING TAXES IN ACCORDANCE WITH SUCH CERTIFICATE AND AUTHORIZING AND DIRECTING THE EXECUTION, ISSUANCE AND DELIVERY OF A WARRANT ON BEHALF OF THE COUNTY OF NASSAU AND THE NASSAU COUNTY LEGISLATURE AND UNDER THE SEAL OF THE SAID COUNTY, COMMANDING THE RECEIVER OF TAXES OF THE TOWN OF OYSTER BAY TO COLLECT SCHOOL TAXES FOR THE YEAR 2018/2019 AND PAY MONEYS SO COLLECTED TO THE FISCAL OFFICERS OF EACH SCHOOL DISTRICT AND/OR THE TREASURER OF NASSAU COUNTY; PURSUANT TO THE PROVISIONS OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

WHEREAS, the Assessor of the County of Nassau did heretofore finally complete and verify the school district assessment roll pursuant to which the 2018/2019 school district taxes are to be levied and has furnished to the Nassau County Legislature a certified copy of certificate of the County Assessor in pursuance of which certification is made as to the amounts of total assessed valuations in the several school districts within the Town of Oyster Bay for the school year 2018/2019, and

WHEREAS, the lawful authorities in each school district have heretofore adopted their budgets and fixed the amount of taxes to be raised therein for each such school district, necessary to raise the total amount of the budget of each such school district and have certified to and filed with the Assessor of the County of Nassau their budgets, including copies of resolutions in connection therewith; and

WHEREAS, the Assessor of the County of Nassau has filed with the Clerk of the Legislature a certificate to the effect that the County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of the Nassau County Administrative Code, as amended together with the portion of the school district assessment roll containing the properties situated in the Town of Oyster Bay to which a warrant is to be annexed; now, therefore

BE IT ORDAINED BY THE NASSAU COUNTY LEGISLATURE AS FOLLOWS:

Section 1. That the certified copy of certificate of the Assessor of the County of Nassau bearing the date September 21, 2018 in pursuance of which certification is made as to the amounts of total assessed valuations in the several school districts within the Town of Oyster Bay for the school year 2018/2019 is hereby accepted.

Section 2. That the certificate of the Board of Assessors of the County of Nassau filed with the Clerk of the Legislature to the effect that the said County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of the Nassau County Administrative Code as amended be and the same is hereby accepted.

Section 3. That the taxes so extended for school district purposes in accordance with the foregoing certificate, as filed with the Clerk of the Legislature, are hereby levied.

Section 4. That, pursuant to the provisions of the Nassau County Administrative Code and the County Government Law of Nassau County, this Nassau County Legislature does hereby fix September 28, 2018 at or about 3:00 o'clock in the afternoon of that day as the day and the time upon which a warrant is to be issued and delivered to the Receiver of Taxes of the Town of Oyster Bay, commanding the said Receiver to collect from several persons and on the properties names and described in the portion of the school district assessment roll, containing the properties situated in the Town of Oyster Bay, the sums set opposite the respective names or properties.

Section 5. That the County Executive of the County of Nassau, or in his absence or inability to act the Presiding Officer of the Nassau County Legislature, and the Clerk of the Legislature are hereby authorized and directed to execute for and on behalf of the County and the Nassau County Legislature a warrant under the seal of the County, addressed to the Receiver of Taxes of the Town of Oyster Bay, commanding the said Receiver to collect from the several persons and on the properties named and described in such school district assessment roll the sum set opposite the respective names or properties and further commanding the said Receiver of Taxes of the Town of Oyster Bay to pay over to the Treasurer or fiscal officer of each such school district appearing in such school district assessment roll on the first day of the month until the first day of June next hereafter all moneys so collected for each such school district, and after the first day of June in the year following the year in which the warrant is

issued to pay to the County Treasurer of the County of Nassau all moneys so collected by such Receiver for each such school district appearing in such roll.

Section 6. That the Clerk of the Legislature is hereby authorized and directed to annex the said warrant to the portion of the school district assessment roll, containing the properties situated in the Town of Oyster Bay at the end thereof and to deliver the said roll and warrant to the Receiver of Taxes of the Town of Oyster Bay.

Section 7. This ordinance shall take effect immediately.



**ORDINANCE NO. 166-B-2018**

AN ORDINANCE TO ACCEPT CERTIFIED COPY OF CERTIFICATE OF THE COUNTY ASSESSOR AS TO AMOUNTS OF TOTAL ASSESSED VALUATIONS IN THE SEVERAL SCHOOL DISTRICTS WITHIN THE **TOWN OF NORTH HEMPSTEAD** FOR THE SCHOOL YEAR 2018/19 AS TO EXTENSION OF TAXES: LEVYING TAXES IN ACCORDANCE WITH SUCH CERTIFICATE AND AUTHORIZING AND DIRECTING THE EXECUTION, ISSUANCE AND DELIVERY OF A WARRANT ON BEHALF OF THE COUNTY OF NASSAU AND THE NASSAU COUNTY LEGISLATURE AND UNDER THE SEAL OF THE SAID COUNTY, COMMANDING THE RECEIVER OF TAXES OF THE TOWN OF NORTH HEMPSTEAD TO COLLECT SCHOOL TAXES FOR THE YEAR 2018/19 AND PAY MONEYS SO COLLECTED TO THE FISCAL OFFICERS OF EACH SCHOOL DISTRICT AND/OR THE TREASURER OF NASSAU COUNTY; PURSUANT TO THE PROVISIONS OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

WHEREAS, the Assessor of the County of Nassau did heretofore finally complete and verify the school district assessment roll pursuant to which the 2018/19 school district taxes are to be levied and has furnished to the Nassau County Legislature a certified copy of certificate of the County Assessor in pursuance of which certification is made as to the amounts of total assessed valuations in the several school districts within the Town of North Hempstead for the school year 2018/2019, and

WHEREAS, the lawful authorities in each school district have heretofore adopted their budgets and fixed the amount of taxes to be raised therein for each such school district, necessary to raise the total amount of the budget of each such school district and have certified to and filed with the Assessor of the County of Nassau their budgets, including copies of resolutions in connection therewith; and

WHEREAS, the Assessor of the County of Nassau has filed with the Clerk of the Legislature a certificate to the effect that the County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of the Nassau County Administrative Code, as amended together with the portion of the school district assessment roll containing the properties situated in the Town of North Hempstead to which a warrant is to be annexed; now, therefore

BE IT ORDAINED BY THE NASSAU COUNTY LEGISLATURE AS FOLLOWS:

Section 1. That the certified copy of certificate of the Assessor of the County of Nassau bearing the date September 21, 2018 in pursuance of which certification is made as to the amounts of total assessed valuations in the several school districts within the Town of North Hempstead for the school year 2018/19 is hereby accepted.

Section 2. That the certificate of the Assessor of the County of Nassau filed with the Clerk of the Legislature to the effect that the said County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of the Nassau County Administrative Code as amended be and the same is hereby accepted.

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Section 5. That the County Executive of the County of Nassau, or in his absence or inability to act the Presiding Officer of the Nassau County Legislature, and the Clerk of the Legislature are hereby authorized and directed to execute for and on behalf of the County and the Nassau County Legislature a warrant under the seal of the County, addressed to the Receiver of Taxes of the Town of North Hempstead, commanding the said Receiver to collect from the several persons and on the properties named and described in such school district assessment roll the sum set opposite the respective names or properties and further commanding the said Receiver of Taxes of the Town of North Hempstead to pay over to the Treasurer or fiscal officer of each such school district appearing in such school district assessment roll on the first day of the month until the first day of June next hereafter all moneys so collected for each such school district, and after the first day of June in the year following the year in which the

warrant is issued to pay to the County Treasurer of the County of Nassau all moneys so collected by such Receiver for each such school district appearing in such roll.

Section 6. That the Clerk of the Legislature is hereby authorized and directed to annex the said warrant to the portion of the school district assessment roll, containing the properties situated in the Town of North Hempstead at the end thereof and to deliver the said roll and warrant to the Receiver of Taxes of the Town of North Hempstead.

Section 7. This ordinance shall take effect immediately.



district on such roll. The following is a list of school districts and the amount of taxes to be collected for each district:

AMOUNT TO BE LEVIED

RECAPITULATION:

Class One	\$710,514,131.91
Class Two	34,028,561.02
Class Three	26,502,803.57
Class Four	171,665,318.34
TOTAL LEVY	\$942,710,814.84
LESS RESTORED TAXES	\$ 924,420.94
TOTAL SCHOOL BUDGET LEVY	<u>\$941,786,393.90</u>

- (a) Part of North Shore Central District (1) of the Towns of Oyster Bay and North Hempstead.

IN WITNESS WHEREOF, The Nassau County Legislature has caused this warrant to be signed by the County Executive and the Clerk of the Legislature, and the seal of the County to be hereunto affixed this 28th day of September, in the year two thousand and eighteen.

\_\_\_\_\_  
County Executive



**ORDINANCE NO. 166-C-2018**

AN ORDINANCE TO ACCEPT A CERTIFIED COPY OF A CERTIFICATE OF THE COUNTY ASSESSOR AS TO AMOUNTS OF TOTAL ASSESSED VALUATIONS IN THE SEVERAL SCHOOL DISTRICTS WITHIN THE **TOWN OF HEMPSTEAD** FOR THE SCHOOL YEAR 2018/2019 AS TO EXTENSION OF TAXES: LEVYING TAXES IN ACCORDANCE WITH SUCH CERTIFICATE AND AUTHORIZING AND DIRECTING THE EXECUTION, ISSUANCE AND DELIVERY OF A WARRANT ON BEHALF OF THE COUNTY OF NASSAU AND THE NASSAU COUNTY LEGISLATURE AND UNDER THE SEAL OF THE SAID COUNTY, COMMANDING THE RECEIVER OF TAXES OF THE TOWN OF HEMPSTEAD TO COLLECT SCHOOL TAXES FOR THE YEAR 2018/2019 AND PAY MONEYS SO COLLECTED TO THE FISCAL OFFICERS OF EACH SCHOOL DISTRICT AND/OR THE TREASURER OF NASSAU COUNTY; PURSUANT TO THE PROVISIONS OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

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WHEREAS, the lawful authorities in each school district have heretofore adopted their budgets and fixed the amount of taxes to be raised therein for each such school district, necessary to raise the total amount of the budget of each such school district and have certified to and filed with the Assessor of the County of Nassau their budgets, including copies of resolutions in connection therewith; and

WHEREAS, the Assessor of the County of Nassau has filed with the Clerk of the Legislature a certificate to the effect that the County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of the Nassau County Administrative Code, as amended together with the portion of the school district assessment roll containing the properties situated in the Town of Hempstead to which a warrant is to be annexed; now, therefore

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Section 1. That the certified copy of certificate of the Assessor of the County of Nassau bearing the date September 21, 2018 in pursuance of which certification is made as to the amounts of total assessed valuations in the several school districts within the Town of Hempstead for the school year 2018/2019 is hereby accepted.

Section 2. That the certificate of the Assessor of the County of Nassau filed with the Clerk of the Legislature to the effect that the County Assessor has extended taxes for school district purposes upon the school district assessment roll in accordance with the provisions of Sections 6-21.0 and 6-22.0 of

the Nassau County Administrative Code as amended be and the same is hereby accepted.

Section 3. That the taxes so extended for school district purposes in accordance with the foregoing certificate, as filed with the Clerk of the Legislature, are hereby levied.

Section 4. That, pursuant to the provisions of the Nassau County Administrative Code and the County Government Law of Nassau County, this Nassau County Legislature does hereby fix September 28, 2018 at or about 3:00 o'clock in the afternoon of that day as the day and the time upon which a warrant is to be issued and delivered to the Receiver of Taxes of the Town of Hempstead, commanding the said Receiver to collect from several persons and on the properties names and described in the portion of the school district assessment roll, containing the properties situated in the Town of Hempstead, the sums set opposite the respective names or properties.

Section 5. That the County Executive of the County of Nassau, or in his absence or inability to act the Presiding Officer of the Nassau County Legislature, and the Clerk of the Legislature are hereby authorized and directed to execute for and on behalf of the County and the Nassau County Legislature a warrant under the seal of the County, addressed to the Receiver of Taxes of the Town of Hempstead, commanding the said Receiver to collect from the several persons and on the properties named and described in such school district assessment roll the sum set opposite the respective names or properties and further commanding the said Receiver of Taxes of the Town of Hempstead to pay over to the Treasurer or fiscal officer of each such school district appearing in such school district assessment roll on the first day of the month until the first day of June next hereafter all moneys

so collected for each such school district, and after the first day of June in the year following the year in which the warrant is issued to pay to the County Treasurer of the County of Nassau all moneys so collected by such Receiver for each such school district appearing in such roll.

Section 6. That the Clerk of the Legislature is hereby authorized and directed to annex the said warrant to the portion of the school district assessment roll, containing the properties situated in the Town of Hempstead at the end thereof and to deliver the said roll and warrant to the Receiver of Taxes of the Town of Hempstead.

Section 7. This ordinance shall take effect immediately.



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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO  
PRESIDING OFFICER

RULES COMMITTEE

LEGISLATOR RICHARD NICOLELLO  
CHAIR

Theodore Roosevelt Building  
1550 Franklin Avenue  
Mineola, New York

September 26, 2018

3:13 P.M.

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

LEGISLATOR RICHARD NICOLELLO

Chair

LEGISLATOR HOWARD KOPEL

Vice Chair

LEGISLATOR STEVEN RHOADS

LEGISLATOR LAURA SCHAEFER

LEGISLATOR KEVAN ABRAHAMS

Ranking member

LEGISLATOR DELIA DERIGGI-WHITTON

LEGISLATOR SIELA BYNOE

1 Rules - 9-26-18

2 LEGISLATOR NICOLELLO: Mr.

3 Pulitzer do you want to call the roll for the

4 Rules Committee.

5 MR. PULITZER: Rules Committee

6 roll call. Legislator Siela Bynoe.

7 LEGISLATOR BYNOE: Here.

8 MR. PULITZER: Legislator Delia

9 DeRiggi-Whitton.

10 LEGISLATOR DERIGGI-WHITTON:

11 Here.

12 MR. PULITZER: Ranking member

13 Kevan Abrahams.

14 LEGISLATOR ABRAHAMS: Here.

15 MR. PULITZER: Legislator Laura

16 Schaefer.

17 LEGISLATOR SCHAEFER: Here.

18 MR. PULITZER: Legislator Steven

19 Rhoads.

20 LEGISLATOR RHOADS: Present.

21 MR. PULITZER: Vice Chairman

22 Howard Kopel.

23 LEGISLATOR KOPEL: Here.

24 MR. PULITZER: Chairman Richard

25 Nicolello.

1 Rules - 9-26-18

2 LEGISLATOR NICOLELLO: Here.

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

5 LEGISLATOR NICOLELLO: There are  
6 no items actually on the regular agenda but  
7 there are a number of tabled items and we are  
8 going to call three today. First one is A-27  
9 of 2018. A resolution authorizing the  
10 director of the county Office of Purchasing to  
11 award and execute a contract between the  
12 county and Infosys International.

13 I need a motion to untable. Motion  
14 to untable made by Legislator Rhoads.  
15 Seconded by Legislator DeRiggi-Whitton. All  
16 in favor of untabling signify by saying aye.  
17 Those opposed? The item is back before the  
18 committee. This is Infosys.

19 MR. PEREZ: Good afternoon. Al  
20 Perez, deputy commissioner IT. This is  
21 regarding A-27-18. The Infosys International  
22 contract.

23 LEGISLATOR NICOLELLO: Are you  
24 going to tell us anything about it?

25 MR. PEREZ: Yes. This involves

1                   Rules - 9-26-18  
2     two engineers. This is for the January 1,  
3     2018 to December 31st and we are asking for  
4     \$484,000 to fund this effort for the  
5     Department of Social Services. And this is  
6     also funded 70 percent by New York State. New  
7     York State refunds this after 70 percent.

8                   LEGISLATOR NICOLELLO:     I see you  
9     have Mr. Broderick behind you. You want to  
10    explain what this does?

11                  MR. BRODERICK:     The contract  
12    supports critical operations in the Department  
13    of Social Services. Not only is it for  
14    day-to-day operations from beginning of the  
15    day through the end of the workday, but also  
16    to maintain approximately 30 applications,  
17    maintain client tracking, tracking cases and  
18    movement of individuals amongst the various  
19    departments in the human services  
20    departments.

21                  LEGISLATOR NICOLELLO:     Thank you  
22    very much. Any questions? Minority Leader.

23                  LEGISLATOR ABRAHAMS:     If I  
24    remember, some of our questions were tied to  
25    the fact that this contract was excluded from

1 Rules - 9-26-18  
2 competitive bidding. I don't know if we got  
3 answers to that, but if somebody can elaborate  
4 on the nature of that.

5 MS. STANTON: Nancy Stanton, IT  
6 deputy commissioner. This is on a New York  
7 State contract. That's how we procured it.

8 LEGISLATOR ABRAHAMS: It's  
9 excluded from competitive bidding?

10 MS. STANTON: I'm not sure.

11 MR. BRODERICK: I'm not the  
12 subject matter expert on that but I believe if  
13 you go to the list there they are already  
14 pre-vetted. You're allowed to go to the state  
15 general services listing of approved vendors.

16 LEGISLATOR ABRAHAMS: I think  
17 Mr. Cleary is coming up.

18 MR. CLEARY: Robert Cleary, chief  
19 procurement officer. The services are being  
20 provided for software that's been customized  
21 to the Department of Social Services uses.  
22 There are no other vendors that have the  
23 capacity to provide these services.

24 LEGISLATOR ABRAHAMS: Robert,  
25 would you be able to answer or would this be

1 Rules - 9-26-18

2 something for Paul? When do we anticipate  
3 being able to wean ourselves off of this  
4 contract?

5 MS. STANTON: We are working with  
6 Civil Service now to develop titles that we  
7 can find people to do these services  
8 throughout.

9 LEGISLATOR ABRAHAMS: So when do  
10 we think we can able to do that?

11 MS. STANTON: I'm hoping by the  
12 first of the year.

13 LEGISLATOR ABRAHAMS: So pretty  
14 soon?

15 MS. STANTON: Yes. We have a  
16 draft of the job spec and we hope to get it to  
17 the commission by the end of the week.

18 LEGISLATOR ABRAHAMS: Sounds  
19 promising. Just based on that alone we will  
20 vote for it. Thank you.

21 LEGISLATOR NICOLELLO: Any other  
22 discussion or questions? Thank you. Any  
23 public comment? All in favor signify by  
24 saying aye. Those opposed? Carries  
25 unanimously.

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2 MS. STANTON: Thank you.

3 LEGISLATOR NICOLELLO: Thank  
4 you. A-53 of 2018. A resolution authorizing  
5 the director of the county Office of  
6 Purchasing to award and execute a contract  
7 between the county and Thimgan and Associates.

8 That item is moved -- there's a  
9 motion to untable that item by Legislator  
10 Schaefer. Seconded by Legislator Kopel. All  
11 in favor of untabling that item signify by  
12 saying aye. Those opposed? The item is  
13 untabled. Mr. Moog.

14 MR. MOOG: Thank you. I want to  
15 thank the legislature for scheduling this  
16 contract hearing to discuss the Department of  
17 Assessment's request.

18 The Prognos software platform was  
19 used to generate the market values for the  
20 upcoming '20, '21 assessment roll. The  
21 reassessment for tax class one properties of  
22 Nassau County could not be accomplished with a  
23 high level of accuracy without use of this  
24 platform. Currently all the components and  
25 the factors used to generate the 379,000

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2 values that make up the tax class one portion  
3 of the assessment roll are formulated through  
4 the Prognos system.

5 What the Department of Assessment  
6 needs is to be able to provide to the  
7 residents of Nassau the ability for the first  
8 time to receive every component used to  
9 formulate their market value. Their right to  
10 see how their market values were derived.  
11 Fortunately with Prognos we can provide that  
12 level of detail. Without Prognos we cannot  
13 effectively do outreach since comparative data  
14 and the valuation ladder would not be  
15 available for us to share with taxpayers.

16 Unlike other programs, Prognos is a  
17 totally transparent program. Pulling the  
18 curtain back on factors and components that  
19 went into the valuation. It gives the  
20 homeowner the ability to see how the valuation  
21 is generated and question any of those  
22 factors.

23 Unlike other jurisdictions, we want  
24 to give the homeowner all the tools necessary  
25 to review and see if the value of their

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2   property is correct. Furthermore, without  
3   this platform no one can clearly give  
4   taxpayers answers that they have the right to  
5   know as how their values are generated. For  
6   the Department of Assessment to handle the  
7   questions that no doubt will arise from the  
8   reassessment of '20-'21, we need to give  
9   taxpayers the proper information tied to the  
10  values from the Prognos system. DOA can, with  
11  this software, provide a report to be handed  
12  over to taxpayers with all the details they  
13  need to review their market value. And since  
14  it's a web-based application, taxpayers can  
15  generate their own reports from home.

16                   In effect, anyone assisting  
17  taxpayers, like senior centers, community  
18  centers, local elected officials or any group  
19  assisting homeowners could generate the  
20  reports from their own computer.

21                   Prognos will also enable DOA to  
22  value properties going forward with more  
23  accuracy and efficiency. We estimate that in  
24  one category alone, pricing, we can reduce the  
25  calculation entry into the system by 400

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2 percent. At SCAR we can more than double the  
3 productivity by working the cases quicker and  
4 more accurately. At ARC we will be able to,  
5 with Prognos, finally grant every taxpayer who  
6 wants a hearing the ability to review every  
7 case rather than resort to mass-only program.

8 But one of the most important cost  
9 savings is the ability of Prognos to extend  
10 the life of our database. The Adapt database  
11 cost over \$32 million in 2003. By acquiring  
12 the Prognos Platform we can extend the life of  
13 Adapt. It's like putting a new engine into an  
14 old truck. The truck frame and body is fine  
15 but the Adapt models are based on the capacity  
16 of a computer 30 years ago. The addictive  
17 models in Adapt use limited processing  
18 capacity as was available in the 1990s.

19 Prognos, with its use of a  
20 multiplicative models and multiple regression  
21 DOA will be utilizing the standard modeling  
22 format used in industry today. Prognos allows  
23 DOA and other agencies to continue using Adapt  
24 as it as a database while allowing DOA the  
25 capacity to model in the latest format.

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2 The savings in operations to DOA,  
3 as well as the necessity to perform outreach  
4 to taxpayers after November 1st makes the  
5 purchase of this product essential. And since  
6 programing is already linked to the Adapt  
7 system to spool up time for this platform is  
8 quick and seamless. Thank you.

9 LEGISLATOR NICOLELLO: Thank you  
10 Mr. Moog. Legislator Rhoads.

11 LEGISLATOR RHOADS: Thank you  
12 Mr. Chairman. Good afternoon Mr. Moog. How  
13 are you? I have a few questions. The county  
14 procurement guidelines on sole source, which  
15 is CE01/2017 sets forth a number of  
16 requirements for what we may consider to be a  
17 sole source contract. I just wanted to  
18 discuss those with you.

19 The first requirement is that the  
20 only source for a good or service has  
21 sufficient ability to deliver the service  
22 required by the county in a timely manner.  
23 However, that vendor's unique qualification  
24 may not be based solely on having a continuing  
25 relationship with the county.

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2 Incidentally, with respect to  
3 Prognos, what is that company's relationship  
4 with the county?

5 MR. MOOG: Thimgan was a  
6 subcontractor to SVS. So the relationship  
7 with the county is only connected to SVS.

8 LEGISLATOR RHOADS: In other  
9 words, the subcontractor was entered into a  
10 contractual agreement?

11 MR. MOOG: With SVS.

12 LEGISLATOR RHOADS: That  
13 particular contract, because it was with a  
14 subcontractor, never came to the county for  
15 approval and never came to the legislature for  
16 approval under those circumstances, right?

17 MR. MOOG: It wouldn't be  
18 required to come.

19 LEGISLATOR RHOADS: But we do  
20 approve -- typically we do approve their  
21 subcontracting, right?

22 MR. CLEARY: The county has to  
23 approve subcontractors.

24 LEGISLATOR RHOADS: In this  
25 instance we did but not for this particular

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2 subcontractor as it pertains to assessment,  
3 correct?

4 MR. CLEARY: Let me clarify. The  
5 legislature approves the original SVS contract  
6 I believe. The sub would not come before this  
7 body. The county office administering the  
8 contract would have to approve the  
9 subcontractor.

10 LEGISLATOR RHOADS: Which goes to  
11 points number two and three in the law which  
12 is that the county has to verify that the  
13 county's needs can't be met by an alternative  
14 service and must issue a notice of intent to  
15 enter into a sole source agreement. And I  
16 notice that's not contained in the backup  
17 materials. Was that actually done?

18 MR. MILES: Robert Miles, deputy  
19 county attorney. There was a notice of intent  
20 published in Newsday.

21 LEGISLATOR RHOADS: Do you happen  
22 to have a copy of the notice of intent so that  
23 we can submit it to the legislature now so  
24 that we can make sure that that box was  
25 checked?

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2 MR. MILES: It's in our emails.  
3 We can forward you the notice of intent.

4 LEGISLATOR RHOADS: It's more  
5 important that the clerk of the legislature  
6 receive it so it can be formally entered into  
7 the record.

8 Incidentally, the third prong of  
9 that is prior to initiating any sole source  
10 procurement the contract must be reviewed by  
11 the department's selection committee. Did  
12 that take place?

13 MR. CLEARY: I'm sorry. What was  
14 the question?

15 LEGISLATOR RHOADS: Item three in  
16 the CEO1 of 2017 is that prior to initiating  
17 any sole source procurement the contract must  
18 be reviewed by the department's selection  
19 committee. The question was did that occur?

20 MR. CLEARY: Yes, the Department  
21 assessed its needs and determined that this  
22 was the appropriate product.

23 LEGISLATOR RHOADS: Who was on  
24 the selection committee?

25 MR. MOOG: It was Daniel Ross,

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2 Robert Miles, Anthony Arcuri, myself and Steve  
3 Cordi.

4 LEGISLATOR RHOADS: This went  
5 through our procurement process. If  
6 Mr. Cleary is here obviously it was approved  
7 by Mr. Cleary?

8 MR. MOOG: Yes, it was.

9 LEGISLATOR RHOADS: Incidentally,  
10 there are numerous jurisdictions throughout  
11 the United States that obviously use  
12 assessment software. Was there any attempt,  
13 and I know we are saying that this was a sole  
14 source, was there any attempt to engage or  
15 solicit bids from any of those other companies  
16 that provide this type of service to various  
17 jurisdictions?

18 MR. MOOG: We didn't pursue that  
19 because the Prognos system was already used by  
20 us on the valuations. So, in order to present  
21 the values to the taxpayers that use the  
22 actual method the only way to have that  
23 presented clearly would be if we used the same  
24 system.

25 LEGISLATOR RHOADS: SVS hired

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2 Prognos. We didn't hire Prognos, right?

3 MR. MOOG: Correct.

4 LEGISLATOR RHOADS: And we're  
5 hiring Prognos now solely as a result that SVS  
6 used them as a subcontractor, correct?

7 MR. MOOG: Prognos was the models  
8 that we used to generate the values and we  
9 wanted to make sure that those models were  
10 used in presenting to the taxpayer.

11 LEGISLATOR RHOADS: I understand  
12 that. I guess the concern that I have and I  
13 will explain later the reasons why ultimately  
14 I will be voting for this, but the concern  
15 that I have is that we have a situation where  
16 a subcontractor entered into a contract with a  
17 particular company. This particular company  
18 didn't go through the county's normal bidding  
19 procurement process. Didn't go through our  
20 typical vetting process. My understanding is  
21 that even though there's a contract between  
22 SVS and Prognos there was no actual money  
23 exchanged between Prognos and SVS. That  
24 essentially they were working under the  
25 understanding and the promise that at some

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2 point in time the county would wind up buying  
3 their service.

4 MR. MOOG: That's not our  
5 understanding at all.

6 LEGISLATOR RHOADS: So there is  
7 an actual monetary exchange between SVS and  
8 Prognos?

9 MR. MOOG: That is correct.

10 LEGISLATOR RHOADS: What was the  
11 amount of that contract? Do you know?

12 MR. CHIARA: Deputy County  
13 Executive John Chiara. Without getting into  
14 specifics because we don't want to interfere  
15 with the business relationship between a  
16 subcontractor and contractor, we are informed  
17 by the prime that he had a normal  
18 subcontracting relationship with the  
19 subcontractor in this case, which was his  
20 normal procedure that he engaged with federal  
21 and the other subcontractors. And that  
22 subcontractor was paid on a monthly basis  
23 based on the agreement that they came to.

24 LEGISLATOR RHOADS: It's your  
25 representation that it's your understanding

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2 that there was a service that was provided and  
3 they received some form of remuneration for  
4 that service pursuant to their contract?

5 MR. CHIARA: It was the  
6 representations made to us that contract,  
7 which occurred multiple years ago, happened in  
8 the normal course of subcontracting business.  
9 That's correct sir.

10 LEGISLATOR RHOADS: Obviously we  
11 are all aware of the fact that the county  
12 executive held a press conference earlier  
13 today. And as you know, Mr. Moog, one of the  
14 topics of conversation that came up the last  
15 time that this matter was before us in the  
16 Rules Committee two weeks ago was the county's  
17 intention with respect to assessment. And we  
18 now know what that intention is as it relates  
19 to the ratio, correct?

20 MR. MOOG: That is correct.

21 LEGISLATOR RHOADS: It was the  
22 decision of the county executive today to  
23 issue a new executive order replacing her  
24 executive order that she would abide by the  
25 6-20 rule in which she agreed that she would

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2 not manipulate the ratio. And in fact she has  
3 rescinded that executive order and has  
4 indicated today in a new one that she will in  
5 fact be manipulating the ratio from 8.25 to a  
6 point one; is that correct?

7 MR. MOOG: The ratio will be  
8 lowered to point one zero on tax class one.

9 LEGISLATOR RHOADS: I know that  
10 obviously you answered several questions at  
11 the press conference, and I know that you were  
12 posed a particular question by Newsday as to  
13 the impact upon the average homeowner as to  
14 the relationship between the ratio and the  
15 possibility of substantially higher taxes. Do  
16 you recall being asked that question?

17 MR. MOOG: I was asked a question  
18 from Newsday about the effect on six and 20,  
19 yes.

20 LEGISLATOR RHOADS: Essentially  
21 six and 20, would you not agree, and I know we  
22 were talking about transitional assessment and  
23 part of the county executive's anticipated  
24 plan is that she's hoping to phase this in  
25 over a five year period of time. The 6-20

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2 rule would you not agree, Mr. Moog, is a form  
3 of transitional --

4 MR. MOOG: No. It's assessment.

5 LEGISLATOR RHOADS: As you are  
6 familiar, the rule itself indicates that we  
7 cannot change the assessed value of a property  
8 by more than six percent in a single year and  
9 more than 20 percent over a five-year period  
10 of time, correct?

11 MR. MOOG: That is correct.

12 LEGISLATOR RHOADS: And the  
13 assessed valuation has a direct correlation to  
14 the market value of a home, does it not?

15 MR. MOOG: It's supposed to, yes.

16 LEGISLATOR RHOADS: Essentially,  
17 the market value of the home, the amount of  
18 that market value, is multiplied, for lack of  
19 a better word, by the level of assessment to  
20 determine the assessed value; is that  
21 correct?

22 MR. MOOG: That's correct.

23 LEGISLATOR RHOADS: Essentially  
24 the level of assessment that's being  
25 manipulated, that's being changed, is a tool

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2       whereby we can essentially bypass the  
3       requirements of 6-20 and actually effect a  
4       more substantial change in the market value of  
5       a property more quickly?

6                   MR. MOOG:       You change the level  
7       of assessment to try to properly reflect the  
8       market values.  It's pretty common, even in  
9       New York City where you have caps, that the  
10      level of assessment gets lowered in order to  
11      make sure that the level of assessment is in  
12      accordance with what is defensible in court  
13      and as well as administrative review bodies.

14                  LEGISLATOR RHOADS:     But in the  
15      lead-up to the approval by this legislature of  
16      the contracts whereby by the reassessment --  
17      not reassessment but the revaluation was done,  
18      that's the reason that the county executive  
19      issued the commitment that she was going to  
20      abide by the 6-20 caps, correct?

21                  MR. MOOG:       To the agreement for  
22      .25 under the assumption that the  
23      reassessment would generate still enough  
24      properties that were uncapped to do a fair  
25      sales ratio study.

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2 LEGISLATOR RHOADS: Actually the  
3 executive order wasn't conditioned upon  
4 anything, right?

5 MR. MOOG: That is true. But  
6 that was the assumption that was made.

7 LEGISLATOR RHOADS: In fact, the  
8 county executive had issued a statement  
9 indicating that those taxpayers who have not  
10 grieved in general will reach equalized market  
11 values sooner than those who have grieved for  
12 the past eight years. Grievers have the  
13 protection and certainty afforded by state  
14 law. The disparity between grievers and  
15 nongrievers is a result of the frozen tax  
16 roll, which was the policy of the prior  
17 administration, and it's time to end that  
18 policy.

19 The state law that she is referring  
20 to and the protection that taxpayers have been  
21 afforded by state law she is referencing the  
22 6-20 rule, correct?

23 MR. MOOG: Yes. Statute 1805.

24 LEGISLATOR RHOADS: And Statute  
25 1805 exists to protect taxpayers against large

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2 and unpredictable changes in the market value  
3 and the assessed value of their home,  
4 correct?

5 MR. MOOG: That was the intent of  
6 the law in 1980, that is correct.

7 LEGISLATOR RHOADS: It's still  
8 good law today, right?

9 MR. MOOG: It's good law as long  
10 as you are doing reassessments every single  
11 year.

12 LEGISLATOR RHOADS: Does the law  
13 say that by the way?

14 MR. MOOG: No, it does not say  
15 that.

16 LEGISLATOR RHOADS: The  
17 protection is still intended to be to protect  
18 against large swings from one year to the next  
19 in assessed value and in market value,  
20 correct?

21 MR. MOOG: It is intended to  
22 prevent large swings in the assessed  
23 valuation.

24 LEGISLATOR RHOADS: I'm going to  
25 ask you to assume for the purposes of my

1                   Rules - 9-26-18  
2   question that the average value of a home, I  
3   know the figure is slightly higher, but the  
4   average value of a home is approximately  
5   \$500,000 in Nassau County. When you apply the  
6   .25 level of assessment when you are  
7   attempting to reach the assessed value of a  
8   home, it's a simple mathematical calculation,  
9   right?

10                   MR. MOOG:       Correct.

11                   LEGISLATOR RHOADS:     If you  
12   multiply the 500,000 by the .0025 you would  
13   reach, again, factoring out any exemptions you  
14   might be entitled to, just a straight  
15   mathematical calculation, the assessed value  
16   would become 1250?

17                   MR. MOOG:       Yes.

18                   LEGISLATOR RHOADS:     Which means  
19   that under state law the most that we can  
20   change the value of a property or the most we  
21   can change the assessed value of a property  
22   would be six percent of 1250, correct?

23                   MR. MOOG:       Yes.

24                   LEGISLATOR RHOADS:     I'm going to  
25   ask you to assume for the purposes of my

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2 question that that would equate to 75.

3 MR. MOOG: I will accept that.

4 LEGISLATOR RHOADS: Unless you  
5 can do math a lot quicker than me. So, that  
6 the change in the assessed valuation, if we  
7 were going to abide by state law, makes the  
8 assessed value of that property 1325,  
9 correct? If you do the math in reverse, that  
10 would mean that Nassau County cannot change  
11 the value, the market value of a particular  
12 property by more than 30,000. The 75 would  
13 equate essentially to \$30,000 of increased  
14 market value, right?

15 MR. MOOG: Correct. That's if  
16 you were going to take a look at the effective  
17 market value. The market value could actually  
18 be increased by more but the assessment itself  
19 is capped.

20 LEGISLATOR RHOADS: Right. Which  
21 means that the most from one year to the next  
22 under this particular example, the most we  
23 would be able to change the market value of a  
24 home is 530,000.

25 MR. MOOG: No. You can change

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2 the market value to as high as you want. The  
3 assessed valuation is capped not the market  
4 value.

5 LEGISLATOR RHOADS: So the  
6 assessed value that you would be paying is  
7 based upon a market value of 530,000,  
8 regardless of what the actual market value is.

9 MR. MOOG: We would place a  
10 market value -- let's say the market value of  
11 the property was 650,000. The assessment  
12 would still only go up by \$75 because the  
13 assessment is capped but not the market value.

14 LEGISLATOR RHOADS: So the  
15 question becomes and the question that you  
16 were posed by Newsday is, what exactly is the  
17 impact of the relationship between the  
18 assessed valuation and market value? Isn't  
19 this really a way to be able to effectively  
20 change the market value of homes more quickly  
21 and bypass the caps on the assessed value of a  
22 home?

23 MR. MOOG: That question, if  
24 you're looking at the present system at  
25 Nassau, has already been bypassed by a level

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2   of assessment that will be probably .10 at  
3   department, at the ARC. So, the reasoning  
4   behind the change is that why do you have a  
5   county with two different levels of  
6   assessment? A .25 at the Department of  
7   Assessment and a point what is now .14 and  
8   probably be .10 at the Assessment Review  
9   Commission? Having the level of assessment  
10  consistent and having taxpayers not have to go  
11  through the obligation of filing a grievance  
12  to get the level of assessment they rightly  
13  deserve is the real crux of the situation.

14                   LEGISLATOR RHOADS:     But  
15  essentially, and again I appreciate that  
16  explanation, but essentially it doesn't answer  
17  the question. Isn't the reason for changing  
18  the ratio level an opportunity to be able to  
19  increase the market value of a home and  
20  effectuate a change in the assessed value more  
21  quickly?

22                   MR. MOOG:     No. The reason we  
23  changed the level of assessment was because  
24  there's two different levels of assessment.  
25  We decided to make them consistent. That is

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2 the reason why. Because we are trying to  
3 avoid mass settlements and possible litigation  
4 where the county cannot defend an assessment  
5 with the level of assessment at .25. That's  
6 the real underlying reason why this was done.

7 Because you're having hundreds of  
8 thousands of grievances filed at ARC, where  
9 they are getting a level of assessment right  
10 now that's 45 percent lower than the  
11 Department of Assessment's level and soon will  
12 probably be 60 percent below. We felt it  
13 wasn't the obligation of every single taxpayer  
14 in order to get the proper level of assessment  
15 to have to go through ARC to do that.

16 Now, if the action is believed to  
17 cause undue increase on taxes, Laura Curran  
18 believes it should be handled through a  
19 transition and ease those increases along the  
20 way.

21 LEGISLATOR RHOADS: Isn't the  
22 purpose of 6-20 law to actually give you some  
23 guidance with respect to that transition? In  
24 other words, you can't increase the assessed  
25 value by more six percent a single year.

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2 MR. MOOG: We are not going to be  
3 increasing the assessment we actually going to  
4 be decreasing the assessment.

5 LEGISLATOR RHOADS: But you are  
6 going to be increasing the market value that  
7 will apply to that assessment, correct?

8 MR. MOOG: Market values are  
9 always changed in every reassessment  
10 regardless of if it's capped or not. In  
11 New York City they change the market values  
12 every single year.

13 LEGISLATOR RHOADS: We're not New  
14 York City by the way.

15 MR. MOOG: I understand that but  
16 I'm saying it's a similar situation where you  
17 have capped properties and market value is  
18 reassessed every year and looked at and  
19 changed.

20 LEGISLATOR RHOADS: We were  
21 speaking before about a \$500,000 home at a .25  
22 assessment, correct?

23 MR. MOOG: Correct.

24 LEGISLATOR RHOADS: The assessed  
25 value is 1250. The net increase would be 75.

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2 The most we can increase the assessed value to  
3 would be 1325?

4 MR. MOOG: Correct.

5 LEGISLATOR RHOADS: Isn't it a  
6 fact though, Mr. Moog, that when you reduce  
7 the level of assessment to a .1 you can  
8 achieve the same 1325 at the state cap? And  
9 actually, in fact, raise by net increase of  
10 the assessed value by 825?

11 MR. MOOG: The assessed value or  
12 you mean the market value?

13 LEGISLATOR RHOADS: The assessed  
14 value.

15 MR. MOOG: The lowering of the  
16 level of assessment to .10 will enable the  
17 market values that were generated in  
18 the '20-'21 tax year to be properly reflected  
19 in assess valuation.

20 LEGISLATOR RHOADS: But here's  
21 the issue. When you increase the assessed  
22 value by -- at a .1 that same \$500,000 house  
23 at a .001, the new assessed value would be  
24 500. From one year to the next, right, you  
25 can increase that to 1325. We established

1                   Rules - 9-26-18  
2   that earlier, right? At .25 all you can raise  
3   it to is 1325 from 1250.

4                   You, by reducing the level of  
5   assessment to 500 would have the opportunity  
6   to raise that level of assessment by a full  
7   825 points to achieve that 1325, correct?

8                   MR. MOOG:     I think what you're  
9   driving at is the fact that you are looking at  
10  the market value as a static number. The  
11  market value's reflection of the market or the  
12  sales -- let me finish -- the market value if  
13  it's increase, let's say that 500,000 was the  
14  old assessed valuation. Which under our  
15  expert the assessment roll is not very  
16  accurate. We do a reassessment and that house  
17  now instead of being worth \$500,000 is worth  
18  \$700,000. Under the .10 the new assessment  
19  will be 700. Under .25 you would get the  
20  increase, as you said, of \$75. But when that  
21  property goes through ARC it will be reduced  
22  because the level of assessment of ARC is  
23  lower than the level of assessment in the  
24  Department of Assessment. And that doesn't  
25  make any sense whatsoever to have another

1                   Rules - 9-26-18  
2   venue in which the level of assessment is  
3   based on the sales ratio study, like we've  
4   done, and it will automatically lower the  
5   property.

6                   Most of the reductions at ARC are  
7   not based on value. It's based on the level  
8   of assessment. So it becomes this constant  
9   merry-go-round where people jumped on, they  
10   get assessed, then they go to ARC and get an  
11   automatic reduction because level of  
12   assessment there is right now 45 percent below  
13   the Department of Assessment and soon will be  
14   probably be 60 percent below. Does that make  
15   sense? It doesn't offer any protections. It  
16   basically forces a taxpayer to jump through a  
17   hoop to get what they're supposed to get as a  
18   right.

19                  LEGISLATOR RHOADS:     The correct  
20   solution to this problem would go to full  
21   valuation, wouldn't it?

22                  MR. MOOG:            We would welcome to go  
23   full valuation if that was the case.

24                  LEGISLATOR RHOADS:     But we don't  
25   have full valuation. And the practical effect

1 Rules - 9-26-18  
2 of manipulation of the level of assessment is  
3 the fact that that same \$500,000 home, if you  
4 were increasing it by 825 points with a base  
5 of 500 in assessed value, is an increase of  
6 almost 66 percent if you were to do it at full  
7 value, is it not?

8 MR. MOOG: I will trust you on  
9 the math, but right now the situation is  
10 arranged that the current tax roll, which has  
11 already been shown to be inaccurate, has  
12 created a situation where you get a different  
13 level of assessment at two different venues.

14 LEGISLATOR RHOADS: Here's the  
15 issue and I guess the problem that I'm having  
16 some difficulty understanding. Is that when  
17 you change the ratio, when you change the  
18 level of assessment, you can't deny that  
19 there's a relationship between the two. To  
20 use your example, let's say that as a result  
21 of your revaluation you determine that that  
22 same \$500,000 house has a market value of  
23 \$700,000. Under the existing system at a .25  
24 ratio the most that you would be able to  
25 increase the market value of that home is

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2 530,000 if we were complying with the state  
3 law, correct?

4 MR. MOOG: Okay. That's correct.

5 LEGISLATOR RHOADS: Under the  
6 system that you have employed now, by dropping  
7 the ratio to a .1 you can achieve right away  
8 the full assessment of that home at a \$700,000  
9 value. In fact, by manipulating the level of  
10 assessment to a .1 you can actually increase  
11 the assessed value of that home to a total of  
12 \$1.325 million and still be in compliance with  
13 state law because you're at the 1325 number at  
14 a .1 valuation, correct?

15 MR. MOOG: The market value is  
16 not tied to the cap. You make it sound like I  
17 randomly increase market value. Market value  
18 is tied to the sales and tied to the market.

19 LEGISLATOR RHOADS: But my point,  
20 through the mathematical equations, is that  
21 you can effectively change the market value of  
22 a home by greater than the six percent cap  
23 simply by manipulating the level of  
24 assessments so as to achieve more room in the  
25 assessed value before you actually reach the

1 Rules - 9-26-18

2 six percent year over year.

3 MR. MOOG: The market value is  
4 never tied to the cap. But let me explain.  
5 In the example you just said --

6 LEGISLATOR RHOADS: But Mr. Moog,  
7 the market value is always tied to the  
8 assessed value.

9 MR. MOOG: No, it's not.

10 LEGISLATOR RHOADS: Sure it is.

11 MR. MOOG: Assessed valuation is  
12 tied to the market unless you have a cap.

13 LEGISLATOR RHOADS: Essentially  
14 what you're saying is, that it's okay from the  
15 administration's perspective that if the  
16 actual value of a 500,000 home, in the opinion  
17 of the Department of Assessment, was 1.325  
18 million, that even though the state law  
19 indicates, if we were abiding by that, that  
20 you can only raise the assessed value of the  
21 home to 530,000 you can achieve the full  
22 assessment of 1.325 million in a single year  
23 simply by changing the ratio from .25 to .1.

24 MR. MOOG: You can always change  
25 the market value to what the market dictates

1 Rules - 9-26-18  
2 from the sales. If that \$500,000 home is  
3 worth \$700,000 we put a market value of  
4 \$700,000. The cap is on the assessment, how  
5 much the assessment can go up. Now, if that  
6 person at \$700,000 with .25 and the \$75  
7 increase as you mentioned, goes to ARC they  
8 will get the right level of assessment of .10  
9 and that assessment will be reduced to 700.

10 LEGISLATOR RHOADS: How do you  
11 anticipate that?

12 MR. MOOG: How do I anticipate  
13 how ARC will be lowered?

14 LEGISLATOR RHOADS: How do you  
15 know what ARC is going to do?

16 MR. MOOG: Because ARC will use  
17 the sales ratio of capped and uncapped  
18 properties. We already ran a market of sales  
19 ratio of capped and uncapped and it came out  
20 to .10 from our expert. If not, it could go  
21 to 1-4, they already have 1-4, and you get a  
22 45 percent reduction.

23 LEGISLATOR RHOADS: But  
24 essentially, Mr. Moog, isn't that what the  
25 county executive agreed to back in March? Was

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2 she not aware of the fact that we have two  
3 different ratios?

4 MR. MOOG: I can't go into the  
5 exact thinking of what she was thinking when  
6 she signed that agreement. I know that under  
7 state law, without the stipulation, you could  
8 set a level of assessment as long as you have  
9 a rational number of capped and uncapped  
10 properties to prove that ratio. The thinking  
11 may have been, and from what I was told from  
12 the county attorney, was that you would have  
13 enough uncapped properties to do a proper  
14 sales ratio to justify the .25.

15 Once the values were generated by  
16 our office, probably the second week in  
17 August, they indicated that over 99 percent of  
18 the properties would be capped. Meaning that  
19 you wouldn't have enough sales of uncapped to  
20 do a proper sales ratio.

21 On top of that, the stipulation  
22 signed by the prior administration forces ARC  
23 to use both capped and uncapped. So, if you  
24 weren't under the stipulation, if you looked  
25 at the expert's opinion that we hired, you

1                   Rules - 9-26-18  
2       could actually lower the ratio to say let's  
3       say .16 where you have enough uncapped  
4       properties to do a proper sales ratio. And  
5       over half the properties would be still be  
6       protected under the cap.

7                   But with the stipulation in place,  
8       we would be forced to go down to the point  
9       where you have virtually no uncapped sales  
10      because that's how the sales ratio would be  
11      generated for ARC. In that scenario, whatever  
12      assessment ratio you set, DOA will still be  
13      able to do a sales ratio and have a much lower  
14      level of assessment.

15                  LEGISLATOR RHOADS:       Essentially  
16      what you're saying is the county executive  
17      made a mistake?

18                  MR. MOOG:       I'm saying it was very  
19      complex issues that ran through this and I  
20      don't think many people in this county  
21      understood the implications of these  
22      restrictions on annual property tax law and  
23      how they affected our new tax roll. On top of  
24      it, no one could really predict until the  
25      reassessment was redone. And that only

1 Rules - 9-26-18

2 occurred the second week in August.

3 LEGISLATOR RHOADS: The solution  
4 that the administration has achieved to  
5 correct the error of agreeing to something  
6 that they apparently did not fully understand  
7 was to take a scenario where 98 percent of the  
8 taxpayers would have been afforded the  
9 protections under 6-20 and change the ratio to  
10 a situation where 95 percent of the properties  
11 in Nassau County, residential properties in  
12 Nassau County, would no longer be protected by  
13 6-20; is that correct?

14 MR. MOOG: The 6 and 20 applies  
15 to the cap on the assessment and from the  
16 scenario 95 percent of the properties would  
17 receive a decrease in the assessment.

18 LEGISLATOR RHOADS: But those  
19 mathematical equations we discussed before  
20 work in reverse, do they not?

21 MR. MOOG: In the reverse the  
22 market values are not capped and you are  
23 correct.

24 LEGISLATOR RHOADS: Believe me, I  
25 understand that the market value isn't

1 Rules - 9-26-18  
2 capped. But the ability of the county to  
3 effectuate a change based upon a change in the  
4 market value is capped. So the most, if you  
5 are complying with 6-20, that we would be able  
6 to change the market value of that \$500,000  
7 home that we're talking about, based upon our  
8 math is 530,000, right?

9 MR. MOOG: No. The market value  
10 is not driven by the assessment. The  
11 assessment is driven by the market value with  
12 a cap.

13 LEGISLATOR RHOADS: So even if,  
14 and we've established this already, even if  
15 the change that the Department of Assessment  
16 felt was required in the market value of a  
17 particular home was a difference between  
18 500,000 and 700,000 the most that you would be  
19 able to charge in terms of an impact upon  
20 taxable value is the equivalent of a \$530,000  
21 market value?

22 MR. MOOG: Yes. If you have .25  
23 level of assessment.

24 LEGISLATOR RHOADS: Under .1  
25 ratio, now that \$700,000 value, change in

1 Rules - 9-26-18  
2 value, you get to apply the full impact of  
3 that \$700,000 change in value simply by  
4 changing the ratio because you are in  
5 technical compliance with the law because your  
6 assessed value is going to come in at less  
7 than the 1325.

8 MR. MOOG: I understand what  
9 you're driving at with the limitations and the  
10 avoiding any undue shock increase in taxes  
11 upon a taxpayer. That's why the county  
12 executive brought the issue of having a  
13 transitional transition. At the same time --

14 LEGISLATOR RHOADS: But that's  
15 also why she agreed to the 6-20 in the first  
16 place.

17 MR. MOOG: What you're saying is  
18 doesn't cure the problem of mass settlements  
19 and also doesn't cure the problem of  
20 litigation that occurs from that action.  
21 There's no addressing of the litigation here  
22 from using six and 20 and .25. How do you  
23 address that litigation issue?

24 LEGISLATOR RHOADS: The issue is  
25 transparency. You said it yourself. You want

1 Rules - 9-26-18  
2 the taxpayer to be able to understand exactly  
3 what's happening with respect to their taxes.  
4 The bottom line is that every homeowner opens  
5 up their notice of tentative assessment and  
6 the first thing that they look for is what is  
7 the change in the market value of their home.  
8 And essentially what you've set up when you  
9 changed the ratio and manipulate the ratio is  
10 that the market value no longer really  
11 matters.

12 MR. MOOG: The opposite. When  
13 you lower the level of assessment and your  
14 market value has a direct relationship to the  
15 assessment and that's plain and simple to see  
16 on the 511 form we will be sending out.

17 LEGISLATOR RHOADS: Except when  
18 you are capped at a .25 and changing the  
19 market value of a home to the equivalent a  
20 530,000 and the 6-20 curbs applies, how is it  
21 a benefit to taxpayers that you can now bring  
22 the full impact of a change in market value of  
23 their home from 500,000 to 700,000, from  
24 \$500,000 to 900,000, from 500,000 to a  
25 million, from \$500,000 to \$1.325 million and

1 Rules - 9-26-18  
2 still be in compliance with state law? How is  
3 that transparent and how does that make it  
4 easier for homeowners to understand the full  
5 brunt and impact of the changes that the  
6 county executive has suggested?

7 MR. MOOG: Right now if you have  
8 an assessment of 500,000 at .10 your  
9 assessment is 500. You see the direct  
10 relationship. \$800,000, 800. A million,  
11 1,000. If the full market value is whatever  
12 value is placed on it it will be one  
13 one-thousandth of that value.

14 Now, overall, you're trying to  
15 basically say in order to get that proper  
16 value a homeowner would have to go through ARC  
17 and get that level of assessment further down  
18 the line. The view of my office and the view  
19 of the county executive is why not give that  
20 value upfront rather than wait for them to go  
21 through ARC to get it.

22 LEGISLATOR RHOADS: Because  
23 you're imposing the full impact of that value  
24 on them in single year theoretically. The  
25 county executive's proposal is suggested that

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2 it's applied in a transitional assessment over  
3 a five year period of time. That transitional  
4 period is not going to be enforced by November  
5 1st of this year when the notices of tentative  
6 assessment go out, correct?

7 MR. MOOG: No, it will not.

8 LEGISLATOR RHOADS: It's entirely  
9 possible that the state legislature isn't  
10 coming back into session before January 1st  
11 when that roll is final, correct?

12 MR. MOOG: Whatever is changed in  
13 the law could be applied retroactively.  
14 There's been a similar situation in Greenburgh  
15 and Westchester where no reval was done for 50  
16 years and when they did the reassessment they  
17 applied a transitional assessment to those  
18 assessments and phased it in over time and  
19 that was done in June, six months after the  
20 tax roll was filed.

21 LEGISLATOR RHOADS: That's  
22 great. But what happens if the state  
23 legislature doesn't do it? What happens to  
24 the taxpayer then?

25 MR. MOOG: I fully believe that

1 Rules - 9-26-18  
2 most of the assemblymen and senators in Nassau  
3 County would be behind such a measure.

4 LEGISLATOR RHOADS: Would be  
5 behind your five year transitional assessment  
6 as opposed to the six percent cap?

7 MR. MOOG: No. As opposed to  
8 having the assessment set at level of  
9 assessment at .10 as it's going to be in the  
10 notices going out November 1st.

11 LEGISLATOR RHOADS: But there's  
12 no question that between the proposal of the  
13 county executive, which is to apply  
14 essentially 20 percent of the change in  
15 assessment per year as opposed to a six  
16 percent cap, lessens the protections afforded  
17 to the taxpayer approximately by two-thirds.

18 MR. MOOG: First, you have to  
19 remember that all these changes that are made  
20 in the assessment roll any increases or  
21 decreases in taxes will be zero sum games in  
22 every taxing authority jurisdiction. So any  
23 increases that people have within the county  
24 portion will be counterbalanced by other  
25 decreases. It's a zero sum game. Same with

1                   Rules - 9-26-18  
2    school district.  If the levy is kept the same  
3    certain people's taxes will go up, certain  
4    people's taxes will go down.

5                   I know the legislature is always  
6    concerned because taxes are the most important  
7    issue.  But there is also a concern that there  
8    are a lot of people who will be receiving  
9    decreases from this action also.  That's  
10   because the values they were overpaying for  
11   many years or some years or maybe just a  
12   couple of years because the market values were  
13   not correct.  Why those market values were not  
14   correct?  There's a lot of different issues  
15   behind that.  Some was because they were  
16   grieved.  Some because of mass settlements.  
17   Some because the assessments over time, if you  
18   don't do reassessment, become out of whack.

19                  This action brings this all back  
20   into a clear picture of what the value would  
21   be if it was properly valued.  You don't have  
22   to go to ARC to do that.

23                  Again, that's one of the reasons  
24   why we want to have transparency and it's all  
25   part of the action that the county executive

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2 believes the taxpayer has a right to know how  
3 their values were generated and what their  
4 taxes are based on.

5 LEGISLATOR RHOADS: Except by  
6 going to what you believe to be full accurate  
7 value and doing away with the protections that  
8 are afforded by 6-20 by changing the level of  
9 assessment and effectively bypassing the rule,  
10 the net impact upon the actual taxes that are  
11 paid by consumers is that they will increase  
12 not by six percent but they can increase by as  
13 much as 66 percent in the case of our \$500,000  
14 home.

15 MR. MOOG: Actually I don't think  
16 anybody will be increased 66 percent and most  
17 will not be --

18 LEGISLATOR RHOADS: This is a  
19 zero sum game.

20 MR. MOOG: There will be some  
21 increases there will be some decreases but the  
22 likelihood of a property getting a 67 percent  
23 increase is highly unlikely.

24 LEGISLATOR RHOADS: The  
25 suggestion that was made by the administration

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2 was that as many as 80,000 homes may receive a  
3 decrease in taxes as a result of a change in  
4 the ratio; is that correct?

5 MR. MOOG: I'm not familiar with  
6 that figure, so.

7 LEGISLATOR RHOADS: I can only  
8 suggest that it was a figured reported in  
9 Newsday. If in fact that's accurate and  
10 80,000 homes receive a decrease in taxes,  
11 isn't it a fact that it would be an increase  
12 in taxes on approximately 300,000 homes in  
13 order to be able to achieve that?

14 MR. MOOG: Not at all.

15 LEGISLATOR RHOADS: But there  
16 would be a tax increase on how many in your  
17 approximation?

18 MR. MOOG: It depends on the  
19 taxing jurisdiction and how the distribution  
20 was set. Some jurisdictions will have a  
21 perfect bell curve. Whereas, you might have  
22 ten percent gets so much increase, the same  
23 ten percent gain a decrease. Others ones the  
24 bell curve might be skewed. But in the end  
25 the dollar amount being moved within these

1 Rules - 9-26-18

2 jurisdictions should be a zero sum game.

3 LEGISLATOR RHOADS: But the size  
4 of the tax increase would be based upon the  
5 change in the assessed value of the home,  
6 correct?

7 MR. MOOG: Yes. In the assessed  
8 valuation of the home based on the market  
9 value.

10 LEGISLATOR RHOADS: And by  
11 changing the level of assessment in the case  
12 of our \$500,000 home, you can get the full  
13 impact of changing the value of that home from  
14 \$500,000 to \$1.325 million simply by dropping  
15 the ratio from a .25 to a .1.

16 MR. MOOG: And it would be phased  
17 in over a five-year period from what was being  
18 proposed by the county executive.

19 LEGISLATOR RHOADS: If, in fact,  
20 the state legislature approves it.

21 MR. MOOG: That's true.

22 LEGISLATOR RHOADS: And if the  
23 state legislature doesn't approve it, I'm  
24 sorry homeowners, you're screwed?

25 MR. MOOG: I'm sorry homeowners,

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2 some of you will get increases and some will  
3 get decreases.

4 LEGISLATOR RHOADS: Some of you  
5 will get increases as much as 66 percent  
6 apparently.

7 MR. MOOG: Not 66. I'm not  
8 representing anywhere being 66 unless maybe a  
9 physical increase occurred. I will also say  
10 that as well as you want to explain why people  
11 are getting increases you have to explain why  
12 people are getting decreases in all these  
13 years they may have been entitled for a lower  
14 assessment. A lower tax bill because of  
15 market value.

16 LEGISLATOR NICOLELLO: Legislator  
17 Rhoads ask a few questions but others have  
18 questions as well.

19 MR. MOOG: I do appreciate this.  
20 These are valid issues being brought forward.  
21 I'm glad to answer them.

22 LEGISLATOR RHOADS: So  
23 essentially what the county executive is doing  
24 is bypassing the protection that is afforded  
25 by the 6-20 rule and in place of that the

1 Rules - 9-26-18  
2 county executive is putting in place a system  
3 whereby she hopes that the state legislature  
4 will replace those protections by a five-year  
5 phase in?

6 MR. MOOG: She is applying -- she  
7 is using this method, and I am one who also  
8 endorses it, to avoid litigation and reduction  
9 in the assessment roll. Over the past eight  
10 years with the frozen roll, the assessments,  
11 even though the assessment roll was supposed  
12 to be frozen, went down by 32 percent and the  
13 coefficient of dispersion on the current full  
14 market value because of these changes, now 18  
15 percent. So, if the assessment roll is not  
16 accurate, to bring the tax roll back to  
17 accuracy and to avoid litigation and to allow  
18 taxpayers the right to have the level of  
19 assessment, which they would get at ARC, just  
20 get it at Department of Assessment and not go  
21 through the extra step is the reasons why this  
22 is being done.

23 LEGISLATOR RHOADS: Except that  
24 by your own admission at ARC the level of  
25 assessment would be set at a .14 or .15.

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2 MR. MOOG: No. It would be set  
3 by stipulation from a sales ratio. If you  
4 look at the new market values I would predict  
5 it would be one zero.

6 LEGISLATOR NICOLELLO: What was  
7 it last year?

8 LEGISLATOR NICOLELLO: Sum up  
9 this line of questioning please.

10 LEGISLATOR RHOADS: I'm sorry.  
11 The summary of it is that look, when the  
12 county executive's representatives were here  
13 before us in March there was a firm commitment  
14 to abide by the 6-20 rule. The testimony was  
15 that -- my question was going forward whatever  
16 system we have in place we wanted to make sure  
17 it was consistent. What I believe first  
18 happened under the Suozzi administration may  
19 or may not have continued, you guys can  
20 certainly tell me, is that I believe it's  
21 Article 18, you are familiar with the 6-20  
22 rule that we cannot raise, the county cannot  
23 raise the assessment of any home greater than  
24 six percent in one year or greater than 20  
25 percent over a period of five. Mr. Dennion

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2 answered yes.

3 And that by changing the level of  
4 assessment you, in effect, are able to  
5 circumvent that 6-20 rule.

6 Mr. Dennion answered Are you asking  
7 me whether that was done? That was done 15  
8 years ago. They did that.

9 I responded understood. But we do  
10 want to assure before we move forward with  
11 this process there's a commitment from the  
12 county executive to abide by 6-20. Because at  
13 the end of this process we cannot have people  
14 being reassessed and having their assessment  
15 jump tens of percentage points theoretically.  
16 It's going to have to be phased in in  
17 accordance with the law.

18 At that point Mr. Chiara steps in  
19 and says Right. And actually the proposal was  
20 made by the county executive because the  
21 phase-in is an idea of fairness in that  
22 individual residents of the county, because of  
23 the fact that the county has failed to do  
24 their proper assessment, this phase-in is  
25 necessary in order to make it fair for

1                   Rules - 9-26-18  
2    individual residents who have to plan on their  
3    individual yearly finances for the phase-in.  
4    That is one of the reasons why the county  
5    executive proposed that.  Because a phase-in  
6    is necessary in order to ensure the economics  
7    of each individual resident rather than the  
8    county as a whole.  I think that's why the  
9    county executive proposed that to the  
10   legislature needing to comply with the 6-20  
11   rule.

12                   What you are telling us now, as a  
13    result of the press conference, for the sake  
14    of expediency the county executive has decided  
15    that she is going to do away with the  
16    protections that are afforded to the taxpayer  
17    and she is going to replace it with what she  
18    hopes will be a five-year phase in after she  
19    has the opportunity to take full affect of the  
20    change in assessed value which used to be  
21    capped.

22                   I don't know how this is a  
23    protection to the taxpayer.  I don't  
24    understand how this is in any way  
25    transparent.  It seems as though this was done

1                   Rules - 9-26-18  
2     in the most convoluted way possible so as to  
3     make it impossible for people to understand  
4     exactly what the county executive is doing is  
5     going to impact the bottom line of their  
6     taxes.

7                   I intend to vote for this proposal  
8     simply because it will afford the Department  
9     of Assessment, hopefully, the opportunity to  
10    explain to the residents in my district the  
11    full effect of what the county executive has  
12    planned to do and how we reached that amount.  
13    So that they can have in the interest of full  
14    disclosure a full picture of exactly what the  
15    county executive and the Department of  
16    Assessment is doing to them by potentially  
17    increasing their taxes by tens of percentage  
18    points, which is exactly what Mr. Chiara  
19    indicated was the reason for imposing the 6-20  
20    rule or agreeing to abide by state law in the  
21    first instance.

22                   MR. MOOG:        I want to say Mr.  
23    Rhoads thank you for your endorsement for the  
24    Prognos program.

25                   LEGISLATOR NICOLELLO:       That was

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2 good.

3 Mr. Moog, here's the problem. The  
4 terms that you're using, it was an interesting  
5 back and forth, but coefficient of dispersion,  
6 level of assessment et cetera. And when your  
7 average homeowner hears these things and when  
8 they receive a notice that says this is what  
9 your market value is and we are going to apply  
10 the level of assessment, your tentative  
11 assessed value is X. So a \$500,000 house fair  
12 market values, times .001 as you plan to do  
13 and tentative assessed value is 500, they're  
14 scratching their heads. They have no idea  
15 what any of this means.

16 You've said repeatedly that one of  
17 the primary goals here is transparency. That  
18 is our primary goal. Be as transparent as  
19 possible to give the taxpayers as much  
20 information as possible as to what effect the  
21 county's actions will have. That's my first  
22 point. You would agree that transparency is  
23 vital, correct?

24 MR. MOOG: I agree 100 percent to  
25 that.

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2 LEGISLATOR NICOLELLO: Second  
3 point is it doesn't give me a lot of  
4 confidence that the town of Greenburgh  
5 apparently went through this transitional  
6 assessment. That's the only example you can  
7 give. How many properties are there in the  
8 town of Greenburgh?

9 MR. MOOG: I think there's 80,000  
10 residents. It's actually the largest  
11 jurisdiction in Westchester.

12 LEGISLATOR NICOLELLO: 80,000  
13 residents. We have 1.3 million. 379,000  
14 parcels or something like that?

15 MR. MOOG: Correct.

16 LEGISLATOR NICOLELLO: And Nassau  
17 County is as diverse, complicated, centric as  
18 you possibly can get. So you're not giving me  
19 a lot of confidence that something that the  
20 town of Greenburgh did will help us here.

21 MR. MOOG: I'm just saying it was  
22 also done in two other towns. And it's a  
23 normal cost that Albany recognizes when you do  
24 a reassessment that a phase-in would be  
25 sometimes necessary to ease the taxpayer into

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2 the new values that would be placed.

3 LEGISLATOR NICOLELLO: One other  
4 point with respect to that. The county  
5 executive is now saying she is going to go to  
6 transitional assessments now. Which is  
7 September of 2018. She has just reversed  
8 herself. Of course she says she has different  
9 information from what she told us she was  
10 going to do in March until today. We have no  
11 idea whether she will reverse herself again.  
12 There are people that argue that those whose  
13 assessments are too high, who didn't grieve,  
14 should be brought up and equalized as soon as  
15 possible. We don't know what it is or what  
16 equations she will have come January. We  
17 don't even know if this will ever be  
18 proposed. We don't know if the legislature  
19 will pass it. It's a complete unknown.

20 What is known is that this .001  
21 effectively removes 95 percent of the  
22 taxpayers from the state cap and that is  
23 extremely concerning to us.

24 The Prognos system does it allow  
25 you to estimate the taxes that will result

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2 from a tentative assessed value on a given  
3 home?

4 MR. MOOG: No, it will not do the  
5 taxes because it's an evaluation tool not a  
6 tax tool. The rates will be set by every  
7 local taxing authority and what those tax  
8 rates are and what those levies are are  
9 unknown to us.

10 LEGISLATOR NICOLELLO: But the  
11 Department of Assessment has the means by  
12 which they can estimate assessed values of  
13 homes. They can estimate the impact on taxes  
14 based on tentative assessed values. I find it  
15 difficult to believe that you need to speak to  
16 someone about that.

17 MR. MOOG: I will say that we  
18 would have to load like a proto tax roll.  
19 That is not an easy thing to do but we could  
20 probably load a proto tax roll. But we can't  
21 really represent exactly what the taxes are  
22 beyond that.

23 LEGISLATOR NICOLELLO: I  
24 understand that you can't load exactly what  
25 the taxes are. But you can estimate what the

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2 taxes would be. In fact, one of the 511  
3 options is to do exactly that, to provide  
4 homeowners with an estimate of the taxes,  
5 correct?

6 MR. MOOG: That is correct.

7 LEGISLATOR NICOLELLO: Here's  
8 what I see is a major issue here. We've been  
9 calling this a systematic review and it is  
10 technically. But we are in effect doing  
11 exactly the same thing as a full revaluation.

12 MR. MOOG: No. I would say more  
13 of a reassessment. Full reevaluation would be  
14 a full -- taking inventory. If we had the  
15 personnel we could do a full reval. We don't  
16 have the personnel for that.

17 LEGISLATOR NICOLELLO: Full  
18 reassessment county-wide, tremendous impacts  
19 through the county. The last time we did  
20 something like this, the tentative assessed  
21 notices generated some 38,000 visits to  
22 personnel set up to field questions. Over  
23 100,000 telephone calls. Are you prepared for  
24 what's going to follow when you send these  
25 tentative notices out?

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2 MR. MOOG: We are trying to get  
3 prepared for that. With the limited personnel  
4 that we have and we were hoping with the  
5 Prognos system being put online and on the web  
6 a lot of the information being provided in the  
7 office as well as the satellite offices would  
8 be the same thing available to all the  
9 taxpayers online. As well as the fact that  
10 there will be people more than willing to  
11 assist if they go to their local taxing  
12 authority or local elected official. It will  
13 be able to be accessed universally by  
14 everybody, the information that we provide,  
15 for an online a web-based system if we had  
16 Prognos.

17 LEGISLATOR NICOLELLO: That was a  
18 very opaque answer. What I'm asking you is  
19 when people get their tentative assessed  
20 values, they get these notices, I want an  
21 assurance that this administration is going to  
22 have the means to provide people the answers  
23 they require. Whether it's staffing locations  
24 where people can go to, whether it's having a  
25 person at a phone that actually answers or

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2 elsewhere. I want an assurance. You said  
3 we're going to try. This has been in the  
4 works for the better part of a year. There's  
5 no try here. It's do it.

6 MR. MOOG: We're unsure what the  
7 volume of the traffic will be for people  
8 coming in person if this information was  
9 available online. In the prior example given,  
10 there was very limited use of the internet and  
11 people getting access online. So, that's one  
12 of the reasons why we wanted the Prognos  
13 system to have a better accessibility to the  
14 taxpayers immediately from their own home on  
15 the information.

16 LEGISLATOR NICOLELLO: That's one  
17 of the reasons I'm going to vote for because I  
18 believe that it will provide additional  
19 tools. And we've given the Department of  
20 Assessment, this administration, every  
21 possible tool they could have to do this  
22 assessment and to communicate with the public.

23 So again, my advice is -- not my  
24 advice. The Department of Assessment better  
25 be ready for what's coming. And if you're not

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2 then this administration has a tremendous  
3 problem.

4 You talk about transparency. If  
5 people can't get answers to the questions of  
6 what's going to happen to their taxes they're  
7 going to be irate and we're going to be  
8 irate. Because that's the one thing they are  
9 entitled to from their government. How much  
10 are they going to be paying in taxes? We're  
11 changing the method in which they're going to  
12 assessed. How much are we going to be paying  
13 in taxes? This information better be provided  
14 and the administration better be ready to deal  
15 with them. Thank you.

16 We have several other legislators.  
17 Legislator Kopel, Legislator Schaefer and  
18 Legislator DeRiggi-Whitton.

19 LEGISLATOR KOPEL: I will try not  
20 to beat the poor horse too much more. It's  
21 practically dead as it is. But I will ask a  
22 few questions and perhaps touch on ground  
23 that's already been plowed to a small extent.

24 The Prognos system will show  
25 comparatives values of homes within a certain

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2 area. Would that be a fair statement?

3 MR. MOOG: It will provide  
4 comparables to the homes as well as the  
5 adjustments that were made to the home and the  
6 comparable.

7 LEGISLATOR KOPEL: These  
8 adjustments whose model is this? In other  
9 words, you might say that home A on a block  
10 has a swimming pool. Home B has an above  
11 ground thing and home C has nothing or a  
12 basement or what have you. Then, the way I  
13 understand it, a value would be assigned or  
14 percentage would be assigned which would  
15 increase the value of that home. Would that  
16 be about right?

17 MR. MOOG: What Prognos does it  
18 take a wide number of sales within the same  
19 taxing authority, like the school district,  
20 and uses those sales to generate through  
21 multiple regression additions or adjustments  
22 to the comparables to the subject property.

23 Normally when you have -- in the  
24 old days you just take five sales and adjust  
25 it on a cross index and add or subtract from

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2     that. This is a more sophisticated model  
3     where it would use more of the affect of these  
4     different aspects in order to generate a more  
5     accurate value through a multiplicative  
6     model.

7                   MR. ACURI:     Anthony Acuri,  
8     assessment. The appraisal procedure is known  
9     as match pair analysis. This is in the old  
10    days when it was with done pen and paper. You  
11    take a property without a pool that is very  
12    similar to a property with a pool. You look  
13    at the sales price for both and the  
14    adjustments. The difference should be the  
15    value of the pool.

16                  Now, when you do an appraisal in  
17    pen and paper you do three of those. The  
18    beauty of Prognos is it does 50 or 100 within  
19    that market area. It doesn't go out of the  
20    market. It stays in that market area. So  
21    whatever the variable is, a pool, an inground  
22    pool, an above ground pool, a basement no  
23    basement, a sun room, no sun room it's matched  
24    pair. One with, one without. But in this  
25    case 50 withs, 50 without.

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2 LEGISLATOR KOPEL: What I'm  
3 asking about, what I had tried to ask is the  
4 internal logic, the algorithm, how is this  
5 established? In other words, what it's going  
6 to do is take 50 in the same neighborhood and  
7 then it's going to figure out -- by that it  
8 will establish the percentage increase?

9 MR. ACURI: From the market.  
10 Always speaking back --

11 LEGISLATOR KOPEL: In other  
12 words, that's what establishes the percentage  
13 increase in value?

14 MR. ACURI: For that component,  
15 yes.

16 LEGISLATOR KOPEL: It inevitably  
17 you're going to have a lot of errors creep  
18 in. In other words, you can talk about a pool  
19 and there are pools and there are pools.  
20 Inground pools only let's say. There are  
21 small pools and big pools and fancy pools,  
22 ones with marble and ones with water spouts  
23 and God knows what have you.

24 MR. ACURI: It's done on the  
25 square foot of the pool.

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2 LEGISLATOR KOPEL: Strictly on  
3 the square foot?

4 MR. ACURI: Yeah. And the type  
5 of pool. Type and square foot.

6 LEGISLATOR KOPEL: What I'm  
7 simple saying is -- so then why do we need to  
8 spend all the money on the appraisers if it's  
9 done strictly on that basis? In other words,  
10 on the revaluations we had the Smith firm and  
11 the other firm. I forget. Haberman. Why did  
12 we need that if everything is based on this  
13 Prognos system?

14 MR. MOOG: When we did the  
15 reassessment, and I came into the process in  
16 June, SVS was brought in and they  
17 subcontracted with Russ Thimgan and provided  
18 the Prognos system and then we had to keep  
19 going through tests of data with the  
20 contractor to make sure it was speaking  
21 correctly to the market and sales.

22 But the beauty of this is, the  
23 example you brought up on the pools, if the  
24 data is wrong or the data is not really  
25 correctly reflecting that, the taxpayer can

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2    see that and bring that issue forward in a  
3    grievance. That's part of the transparency  
4    that if there is a disagreement on what the  
5    influence factor is because of the description  
6    you used in a broad brush --

7                   LEGISLATOR KOPEL:       What I asked  
8    you was different. What I asked you is, was  
9    the money that we spent on SVS then pretty  
10   much a waste? We could have just used the  
11   Prognos system?

12                  MR. MOOG:       SVS hired Russ Thimgan  
13   and the Prognos system. And actually that's  
14   what we're talking about. By hiring this  
15   system we can eventually do the modeling  
16   ourselves. That's the eventual transition  
17   over three years. That's why there's a  
18   training component in this contract that over  
19   time we would be doing our own modeling. And  
20   that's why we want to make sure we're not put  
21   into the same situation.

22                  LEGISLATOR KOPEL:       But the system  
23   is doing the modeling, isn't it? The way  
24   you've described it it seems like the system  
25   itself is establishing the variations and

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2 value.

3 MR. ACURI: I want to speak a  
4 little bit to the prior system known as Adapt,  
5 the title product. All pools or any of the  
6 other things that things that you mentioned,  
7 any of the other variables that you mentioned  
8 are done on a cost approach. What you get  
9 with cost is the same value for pool no matter  
10 where it is.

11 LEGISLATOR KOPEL: That's a 1938  
12 thing and I get that because the way the  
13 original system was and that a nonsensical  
14 thing. I get that. I'm saying is that within  
15 a given neighborhood today in this system the  
16 system itself is establishing the percentage  
17 increase by let's say, just to use a crude  
18 term, by average. In other words, it will  
19 take lots of different pools and by square  
20 footage and figure out how much does a square  
21 foot add to the value of a home in a  
22 neighborhood and will take that percentage  
23 increase and apply it to a given home.

24 MR. ACURI: No, not the same  
25 percentage to a given home. It uses multiple

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2    regression, which is one of the unique parts  
3    of the Prognos package. I like to liken  
4    multiple regression to a wagon wheel. You  
5    have a variable in the middle of the wheel and  
6    then the spokes are all the other variables.  
7    So it's how the variables compare and  
8    influence each other. It's not a one-to-one  
9    relationship. It's a one to  
10   multirelationship.

11                   LEGISLATOR KOPEL:     I kind of get  
12    it and I'm going to stop on that point because  
13    what I do see is that this is -- it is clearly  
14    I think everyone one knows it's a massive  
15    project. Revaluation of so many different  
16    parcels. That's what this system is going to  
17    do and we're hoping it's going to do it  
18    accurately. But when you do reevaluations of  
19    300 some odd parcels you are inevitably going  
20    to have a lot of disagreement inevitably I  
21    would have to say. As to valuations only.

22                   MR. ACURI:        And we expect that.

23                   LEGISLATOR KOPEL:     The system  
24    will help you I get that. The system will  
25    help you show the taxpayer. Good.

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2 MR. ACURI: It will show the  
3 taxpayer but it also will point out perhaps an  
4 error in inventory that the taxpayer can bring  
5 back to us and we can correct immediately.  
6 That's the power of this program.

7 LEGISLATOR KOPEL: I get the  
8 power of the system now. But moving on,  
9 moving back. I think it was 38,000 parcels --  
10 I'm shifting gears here -- the number just  
11 sticks in my head as the number of parcels you  
12 would have needed to --

13 MR. MOOG: Meaning uncapped  
14 sales? You would need 3800 verified sales.  
15 Which would be sales that would be arm's  
16 length and truly relevant to do a modeling,  
17 yes.

18 LEGISLATOR KOPEL: So that 38  
19 would have established an LOA of ten?

20 MR. MOOG: No. 3800 would have  
21 established an LOA of .16. But because of the  
22 stip you would have to use both capped and  
23 uncapped sales and that would drop it down.

24 LEGISLATOR KOPEL: Being that I  
25 think that we may have established that there

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2 are going to be a significant number of  
3 grievances based just upon valuations or at  
4 least a significant number of puzzled  
5 inquiries let's just call it that. I think  
6 we're trying to do too many things at one  
7 time.

8 You also said a little earlier in  
9 response to Legislator Rhoads that a full  
10 valuation would be something that you would  
11 welcome.

12 MR. MOOG: 100 percent.

13 LEGISLATOR KOPEL: As would I.  
14 What we are doing now is we're going -- I  
15 think the two different LOAs is something that  
16 ultimately you would want to get away from but  
17 it is not such an evil thing in and of itself,  
18 at least to my thinking, because it contains a  
19 very significant protection. It contains a  
20 very significant protection for the taxpayer.  
21 I think implementing the different valuations  
22 at the same time as we're going to drop the  
23 protection for the taxpayer, effectively drop  
24 it, eliminate it, and trying to then  
25 substitute a different one which is going to

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2 be, I don't know if it's 20 percent a year. I  
3 know it's a five year transition.

4 MR. MOOG: 20 percent a year  
5 you're correct.

6 LEGISLATOR KOPEL: But that's on  
7 a moving target since you are planning to do  
8 reevaluations each year it should be  
9 interesting to see how it --

10 MR. MOOG: Similar to what tax  
11 class two and four would have. Tax class two  
12 and four have that already.

13 LEGISLATOR KOPEL: I'm afraid  
14 it's a bridge too far. I think you're going  
15 to have chaos. I think you should have done  
16 part of it one year and maybe moving away from  
17 the ratio maybe should have been better  
18 considered, more well thought out and give it  
19 time, give it a year so you can debate it and  
20 think it through and have maybe a consensus.  
21 Maybe move to full valuation and build in some  
22 adequate protection rather than do it by  
23 fiat. Which you're trying to do it now.

24 Again, as was said in response to  
25 Legislator Rhoads, or Legislator Rhoads I

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2 think pointed out quite eloquently, is that  
3 you're going to implement the .1, which means  
4 you effectively eliminated the 6-20  
5 protection. Now you're without a safety net  
6 because you're hoping that the legislature is  
7 going to do something that's going to save you  
8 to some extent. Inadequately in my opinion  
9 but to some extent. If the legislature  
10 doesn't go ahead and do what you want where  
11 are you then? You have some taxpayers with  
12 nasty, massive increases. You've got the  
13 compounded increase based upon perhaps an  
14 increase in assessed valuation and no safety  
15 net. That could be very ugly.

16 MR. MOOG: I appreciate your  
17 comments.

18 LEGISLATOR KOPEL: Not to mention  
19 the fact that the new limitations on federal  
20 deductions for real estate taxes among other  
21 things, you may have people losing their homes  
22 over this. I predict chaos. And doing things  
23 again by fiat without adequate consultation,  
24 without working it through is not the way to  
25 go.

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2 MR. MOOG: Thank you for your  
3 comments.

4 LEGISLATOR NICOLELLO: Legislator  
5 Schaefer and then Legislator DeRiggi-Whitton.

6 LEGISLATOR SCHAEFER: Hi  
7 Mr. Moog, how are you? I think Legislator  
8 Kopel sort of was asking or talking about what  
9 I was going to ask about which is why we  
10 didn't or did you consider utilizing what we  
11 just put in place with the current state law  
12 and seeing how that goes for a year or so  
13 until we see whether or not the legislature is  
14 going to approve this.

15 MR. MOOG: My main concern was to  
16 try to limit litigation damage that's being  
17 done and the constant number of grievances  
18 being filed and the fact that taxpayers would  
19 get that level of assessment from ARC to begin  
20 with. Why wait for them to go through a whole  
21 other level of review. Why not just give them  
22 that upfront and avoid the litigation from the  
23 back end?

24 We did look at it from many  
25 different angles. Especially how many sales

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2    would be required. We kept running up against  
3    the stipulation signed by the prior  
4    administration boxing us in. Without that  
5    stipulation there may have been some more  
6    leeway or room to maneuver on it. But we  
7    didn't have that with that stipulation. We  
8    did look at it many different ways to try to  
9    see how long it would take to get around the  
10   stipulation and we kept running into the  
11   county guarantee. So every angle we went at  
12   we were always boxed in from what was done by  
13   the prior administration.

14                   LEGISLATOR SCHAEFER:     You  
15   mentioned something earlier about .16 being  
16   defensible in court. Why don't we go to that  
17   as opposed --

18                   MR. MOOG:       That would only be  
19   defensible if the stipulation was not in  
20   place. Once the stipulation is in place you  
21   are forced to use both capped and uncapped  
22   properties. The point 16 generates enough  
23   properties in the uncapped category to justify  
24   a defensible sales ratio study in court. So  
25   you wouldn't be at much risk by going to .16

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2 because you do a sales study. But with the  
3 stipulation in place you would be totally at  
4 lost because it would force you to use both  
5 capped and uncapped properties.

6 LEGISLATOR SCHAEFER: I don't  
7 want to reiterate questions. The only other  
8 thing, a little bit of different -- not to do  
9 with the ratio or anything, but the ratio  
10 expert I know has been now working for several  
11 months. I don't think we had that contract  
12 come before the legislature. I was just  
13 wondering what, if anything, you know about  
14 that?

15 MR. MOOG: It was contracted with  
16 the county attorney as an expert witness for  
17 possibility of litigation

18 LEGISLATOR SCHAEFER: Expert  
19 witness. That's not something then that will  
20 come before this body?

21 LEGISLATOR NICOLELLO: Aren't we  
22 required to get notice of those contracts?  
23 It's a rhetorical question.

24 MR. MOOG: I don't believe it  
25 would go in front of the legislature being the

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2 county attorney for hiring an expert witness.  
3 You would need to talk to the county attorney  
4 on those issues.

5 LEGISLATOR NICOLELLO: Come on.  
6 We get notice of the contracts the county  
7 executive has in terms of -- that don't reach  
8 the limits. You're really going to hide  
9 behind the county attorney's office?

10 MR. MOOG: He was hired by the  
11 county attorney.

12 LEGISLATOR NICOLELLO: We're  
13 talking about transparency. You're going to  
14 hide behind the county attorney's office. Not  
15 even give us information about what the  
16 contract is, what it's about. That's  
17 ridiculous. I understand it doesn't reach the  
18 threshold we don't approve it but notice  
19 should come to us. We spent two years  
20 battling over this whole issue with the county  
21 executive sitting here in the middle of the  
22 fray. Now you're going to start hiding behind  
23 the county attorney?

24 MR. MOOG: They're the ones that  
25 hired the expert. How they did the contract

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2 is how the county attorney handled it, not  
3 myself.

4 LEGISLATOR NICOLELLO: Legislator  
5 DeRiggi-Whitton.

6 LEGISLATOR DERIGGI-WHITTON: I  
7 just have a statement. I really think we need  
8 public hearings on this. Because not only are  
9 you going to get the phone calls but we're  
10 going to get the phone calls and we're going  
11 to need to have the information, number one.

12 Number two, our main concern was  
13 there were a number of people that did not  
14 grieve. I think that was a concern for  
15 everyone up here. We were told there was a  
16 connection between them and a lot of the  
17 harder hit areas in our county. Possibly the  
18 less wealthy let's say that way. But then I  
19 heard you say something earlier about how you  
20 felt that area will also be subject to  
21 increase in assessment. Is that only the  
22 people that grieved or is there something I  
23 don't understand with that?

24 MR. MOOG: When you take this  
25 separate action, when you have a level of

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2 assessment lowered and assessments change and  
3 you have some people's taxes increase and some  
4 people's taxes decrease. In each taxing  
5 jurisdiction, in each school district, which  
6 is where the majority of taxes are paid it's a  
7 zero sum game. So the amount of money that  
8 the increased people pay is offset by the  
9 amount of money for the decrease people. It's  
10 a zero sum in each set.

11 As for the premise that people who  
12 grieve or don't grieve, even the cert bar said  
13 a lot of people didn't grieve because they  
14 felt they were underassessed. So it's not a  
15 clear cut premise to say if you grieved you're  
16 being overtaxed. If you didn't grieve you're  
17 overtaxed or undertaxed. It's very  
18 scattershot for the most part and it's all  
19 within a zero sum game for each taxing  
20 jurisdiction a.

21 LEGISLATOR DERIGGI-WHITTON:  
22 That's good to know too. I wasn't aware of  
23 that. So it goes by school district as far as  
24 the taxing institution; is that correct?

25 MR. MOOG: Every taxing

1                   Rules - 9-26-18  
2       jurisdiction, if you look at each jurisdiction  
3       they will set their rate according to the  
4       value. So if certain people go up in a school  
5       district the equal number of people -- the  
6       equal amount of money will go down within the  
7       school tax being levied.

8                   LEGISLATOR DERIGGI-WHITTON:  
9       That's not county-wide then?

10                  MR. MOOG:       In a county-wide one  
11       would be done basically as the entire county.  
12       About 15 or 16 percent of the tax bill is  
13       county-wide. There would be changes within  
14       that unit. But it's always a zero sum game.

15                  LEGISLATOR DERIGGI-WHITTON looking  
16       at the county-wide let's say project, however  
17       you want to mention it, what would you expect  
18       the results to be? Would you expect the  
19       results to be that the less wealthy areas go  
20       up more or the wealthy areas go -- how do you  
21       expect it to go county-wide?

22                  MR. MOOG:       County-wide it's not  
23       as clear cut as that. In some areas it  
24       depends on how much those values went up and  
25       down in the market value. So some areas where

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2 people may not have grieved it depends on how  
3 much their market values went up compared to  
4 areas that may have grieved.

5 In some odd ways you have areas  
6 which have large lot homes where the market  
7 value didn't increase as a percentage as  
8 quickly as areas where you might have had  
9 smaller homes in desirable school districts.  
10 It's all nuanced according to different  
11 aspects of the market. So you have two really  
12 actions flowing on this. What was the prior  
13 history, but also what the value increases  
14 were over time for different areas.

15 LEGISLATOR DERIGGI-WHITTON: That  
16 was a hope that we had was to help those areas  
17 if the fact of the matter was they were not  
18 being represented correctly I was hoping that  
19 would help this. But it doesn't even sound  
20 like that's a guarantee.

21 MR. MOOG: We would have to look  
22 at the impact on that.

23 LEGISLATOR DERIGGI-WHITTON: One  
24 last quick question. I think we are all going  
25 to support today's item. The information that

1                   Rules - 9-26-18  
2    they get, let's say my house for instance. I  
3    see how specific some of it. Like the heating  
4    system. Are you only going by other sales or  
5    are you going -- does this company need to be  
6    checking with the building department? Or how  
7    do they get their information?

8                   MR. MOOG:       Our office loads the  
9    inventory data for the description of all the  
10   properties. That's one of the main jobs of  
11   the assessment office. The sales that come in  
12   are also vetted by our office to see if they  
13   verify as arm's length sales to be used.  
14   Those sales are then used in a multiple  
15   regression model. So when you are presented,  
16   those are comparable sales that are considered  
17   arm's length and most comparable to the  
18   property, as well as the influences on each of  
19   those sales, what they call the valuation  
20   ladder, that could all be provided online to  
21   any taxpayer who looks at it.

22                   LEGISLATOR DERIGGI-WHITTON:    Is  
23    this program going to do anything to get that  
24    information per house more specific than what  
25    you have now?

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2 MR. MOOG: We would welcome any  
3 specific information if --

4 MR. ACURI: The program in itself  
5 will not but it will help the department  
6 pinpoint properties or areas that we need to  
7 recollect. Now, with the pending influx of  
8 new employees we're hoping to do massive  
9 recollection projects, and this is going to  
10 point a way for us as to what to collect and  
11 where.

12 LEGISLATOR DERIGGI-WHITTON thank  
13 you.

14 LEGISLATOR NICOLELLO: Anyone  
15 else? Legislator Bynoe and Legislator  
16 Abrahams.

17 LEGISLATOR BYNOE: Thank you  
18 Presiding Officer. Good day. You weren't  
19 here Mr. Moog back in March when this issue  
20 was heavily debated on the floor.

21 MR. MOOG: No, I was not.

22 LEGISLATOR BYNOE: And the  
23 initial executive order was signed.

24 MR. MOOG: No, I was not.

25 LEGISLATOR BYNOE: I'm not going

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2 to reiterate or pose many of the same  
3 questions that I have that some of my  
4 colleagues have already shared. I just do  
5 hope that there is going to be a point in time  
6 when some of the data from the expert and some  
7 of our concerns to our specific districts can  
8 be addressed.

9 But today, what I'm going to say is  
10 more along the lines that I'm hopeful,  
11 extremely hopeful, that there is an  
12 opportunity for state intervention and that  
13 there would be some level of a home rule  
14 because that was what I had been asking for  
15 from the very beginning during these  
16 sessions. Is that I had a significant concern  
17 about it not considering an adjustment to the  
18 level of assessment because the six and 20 and  
19 other people would arrive at their fair market  
20 values, or I should say their full assessed  
21 values quicker than the others and kind of  
22 perpetuate the system that we currently have  
23 in place.

24 I really believe from the very  
25 beginning that state intervention was

1                   Rules - 9-26-18  
2    necessary. That we were going to need a  
3    customized plan that would methodically give  
4    some relief to those that have been  
5    shouldering the burden while escalating those  
6    at the other end of the spectrum who had in  
7    fact grieved successfully.

8                   There was some I guess initiative  
9    that was formulated in the later end of the  
10   state legislative session to try and give some  
11   level of an exemption to the folks at the top  
12   and it went through the Assembly but it failed  
13   miserably in the Senate.

14                  So, I share the concerns of my  
15   colleagues that how do we know that it will  
16   survive in the state? There are so many  
17   unknowns. That is why I wanted to get the  
18   state intervention before we went through this  
19   whole process.

20                  So, I'm going to support this  
21   measure today because whether we get the  
22   intervention or we don't people are going to  
23   have tons and tons of questions. So, whatever  
24   system we can put in place to make sure that  
25   folks have an opportunity to have a better

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2 understanding of their tax liability I think  
3 is the right move.

4 But I really, really would like to  
5 have some opportunity to talk about that data  
6 that the expert put together and look at how  
7 whatever plan this administration has for this  
8 transitioning and how it affects this county  
9 as a whole. Thank you.

10 MR. MOOG: I appreciate your  
11 comments and your support. Thank you.

12 LEGISLATOR ABRAHAMS: I don't  
13 really have a question so you gentlemen can  
14 have a seat if you like.

15 MR. MOOG: I will keep standing.

16 LEGISLATOR ABRAHAMS: If you  
17 like. But my statement doesn't require a  
18 response. I just wanted to state for the  
19 record that obviously we spent an enormous  
20 amount of time debating the merits of the  
21 county executive's level of assessment. That  
22 said, the item that was on the agenda was to  
23 discuss the Prognos. Where I can see the  
24 connection between the two, I just want to  
25 make sure now that we've spent multiple hours

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2 discussing the level of assessment, I just  
3 want to make sure what the committee is taking  
4 action on, which is the Prognos contract, we  
5 are going to vote in the affirmative of the  
6 Prognos contract.

7 But I also want to note for the  
8 record to make sure that it's clear that we  
9 have not had enough time to evaluate the  
10 county executive's executive order and how it  
11 pertains to the level of assessment as well as  
12 the assessed values and the future of  
13 assessments in this county. We will continue  
14 to review the county executive's executive  
15 order, and at a later point, if it is  
16 detrimental to the taxpayers of this county we  
17 will not be supporting it.

18 From that standpoint I just want to  
19 make sure that the vote we take today, which  
20 will be in the affirmative for Prognos, by no  
21 stretch of the imagination is any intention of  
22 our support or not support of the county  
23 executive's action of the executive order  
24 today. Thank you.

25 LEGISLATOR NICOLELLO: Legislator

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2 Rhoads has a follow-up.

3 LEGISLATOR RHOADS: This is more  
4 of a statement as well. I don't support the  
5 county executive's actions today. The reality  
6 is the Minority Leader is 100 percent right.  
7 We are voting on the Prognos contract. The  
8 bottom line is I don't know that we have an  
9 opportunity to really speak to the county  
10 executive's plan. Because quite frankly when  
11 we had an opportunity to speak to the county  
12 executive's plan we were sandbagged. We were  
13 given a set of facts that the county executive  
14 was going to abide by the state's 6-20 rule.  
15 The county executive, for whatever reason, has  
16 made a determination that she's not going to  
17 abide by her word.

18 We had Mr. Chiara here before the  
19 legislature, before the Rules Committee on  
20 March 5, speaking on behalf of the  
21 administration, talking about the importance  
22 to the taxpayers of having those protections.  
23 And six months later the county executive, for  
24 a matter of convenience and for a matter of  
25 what is easier for the county as opposed to

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2 what is easier for the taxpayer, has elected  
3 that she is going to take an action which she  
4 promised she would not take to circumvent  
5 those protections.

6 It's not the fault of Prognos.  
7 It's the fault of the county executive. And  
8 to the extent that Prognos is going to enable  
9 the Department of Assessment to attempt to  
10 explain to the average taxpayer why it is that  
11 their taxes could potentially go through the  
12 roof, we are in support of transparency.

13 But I have to object to the way  
14 that this process was handled by the  
15 administration. The sad part about it is I  
16 don't know that there is anything that we as a  
17 legislature is going to be able to do at this  
18 point to be able to stop it.

19 Even with respect to the contract,  
20 and I know Mr. Moog you commented with respect  
21 to the expert's recommendation that a level of  
22 assessment of .16 would in fact be  
23 defensible. Even with respect to how the  
24 contract was hired. Newsday had filed a FOIL  
25 request asking for a copy of the report.

1                   Rules - 9-26-18  
2    Asking for the name of the individual who was  
3    hired. Asking how much they were paid. All  
4    of that information was denied to them and  
5    quite frankly denied to us until quite  
6    recently. I don't think we received a copy of  
7    the report until September 21st. The contract  
8    has never appeared before us. I don't know  
9    how that individual was hired. I don't know  
10   how I'm supposed to explain to my constituents  
11   when we are the ones who are supposed to have  
12   oversight over this process, particularly me  
13   sitting on the Rules Committee, how that  
14   individual was hired, whether there were any  
15   conflicts, how our procurement went, how we  
16   went the personal service process, what the  
17   amount of that contract was. I don't know if  
18   Mr. Chiara is still here but I would love an  
19   answer to the question whether the county  
20   attorney's office is comfortable with that and  
21   how in fact they were comfortable with that?

22                   The bottom line is that this  
23    process, while we come here and talk about  
24    transparency and the administration has come  
25    to talk about transparency and how important

1                   Rules - 9-26-18  
2    it is to make sure the taxpayers understand,  
3    this process has occurred in perhaps the least  
4    transparent way possible. It seems as though  
5    the information is trying to be withheld not  
6    only from members of the legislature, but from  
7    members of the public. And we are trying to  
8    make it as difficult as possible for them to  
9    be able to understand exactly what is  
10   transpiring and what the impact is going to be  
11   on something as important as in an environment  
12   where everyone feels as though they are  
13   incredibly highly taxed and properly so, where  
14   their taxes may actually be increasing and  
15   they will have no explanation as to why other  
16   than what we tell them. So keeping the  
17   legislature in the dark about that is  
18   certainly not transparency.

19                   I'm concerned. I don't know how  
20   when witnesses come before the legislature at  
21   this point I'm supposed to have any confidence  
22   in representations that are made by the  
23   administration that the county executive is  
24   planning on following her word. I don't know  
25   how I can rely upon representatives of the

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2 administration of what they'll telling me is  
3 accurate.

4 When you look at even other issues  
5 that have taken place recently with the  
6 administration in terms of bypassing the  
7 county legislature to seek changes in state  
8 law with respect to a five percent margin of  
9 error. Which occurred this last spring.  
10 Making proposed changes to the budget with  
11 respect to NIFA without legislative approval.  
12 Most of which haven't even come before the  
13 legislature for approval.

14 I'm very concerned and I came into  
15 this process knowing when you have a county  
16 executive from a different political party  
17 that there were going to be some bumps in the  
18 road. But my attitude was gosh, where there  
19 are areas of agreement we want to try to find  
20 ways to work together.

21 But when the relationship between  
22 the executive and the legislature has been so  
23 badly poisoned, it's my opinion, on behalf of  
24 the administration, it makes it very difficult  
25 for that relationship to continue in a

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2 productive way. We are going to continue to  
3 try and reach out. But gosh, it makes it very  
4 hard to do that.

5 Again, I plan on voting for this  
6 particular contract because I think it adds to  
7 transparency. But I really wish the  
8 administration would reevaluate the way it's  
9 going about its business and treat the  
10 legislature as a partner in government as  
11 opposed to a hurdle to overcome.

12 LEGISLATOR NICOLELLO: Thank you  
13 Mr. Moog for your testimony. Hearing no other  
14 discussion among the legislators, is there any  
15 public comment? Hearing none, all in favor of  
16 this contract, A-53 of 2018, signify by saying  
17 aye. Those opposed? It carries unanimously.

18 Last item that we are going to  
19 consider today on the Rules Committee calendar  
20 is, we are going to untable, E-103 2018. A  
21 resolution authorizing the county executive to  
22 execute a personal services agreement between  
23 the county and Arcadis of New York, Inc.

24 Minority Leader Abrahams makes a  
25 motion. Legislator Schaefer seconds the

1 Rules - 9-26-18  
2 motion. A motion to untable. All in favor  
3 signify by saying aye. Those opposed? The  
4 item is untabled. Carries unanimously.

5 MR. ARNOLD: Good afternoon.  
6 This item is a construction management  
7 contract for the police academy. Arcadis was  
8 the highest technically ranked proposal along  
9 with Liro. We held interviews between the two  
10 and the committee chose Arcadis as the highest  
11 technically ranked firm of the two. Then we  
12 looked at the cost proposals and Arcadis had  
13 the best value for the work and the committee  
14 selected Arcadis.

15 LEGISLATOR ABRAHAMS: How are you  
16 Mr. Arnold? I think if it's possible  
17 Mr. Chiara can join you at the podium. I  
18 think it will be helpful because some of  
19 the -- to be fair to you Ken, some of the  
20 discussions I've had with him as well as other  
21 folks of the administration I know you were  
22 not at the meetings. I don't want to put you  
23 in a difficult situation.

24 I just want to note for the record  
25 that members of my staff as well have met with

1 Rules - 9-26-18  
2 members of the administration to discuss some  
3 of the concerns I put on the record at the  
4 last committee meeting in regards to some of  
5 the matters as pertains to investigations in  
6 other states of Arcadis US, which Arcadis  
7 New York, which is the contract that's before  
8 us, is an affiliate or subsidiary of Arcadis  
9 US.

10 I just want to note again for the  
11 record -- Mr. Chiara and Mr. Cleary's coming  
12 up -- some of the concerns that we had that  
13 were occurring in Alabama. Some of the issues  
14 with the vice president there. If you could  
15 just elaborate a little bit for the record  
16 what has occurred and why it would not occur  
17 in Arcadis New York based off our meeting from  
18 last week. Last Friday.

19 MR. CHIARA: John Chiara, deputy  
20 county executive. We reviewed the underlying  
21 issues that were disclosed and we say  
22 disclosed because they were fully disclosed  
23 based on our other reviews and checks, and we  
24 found that Arcadis, in response to these  
25 specific issues, recognized the issues,

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2 responded to the issues. In the areas where  
3 they needed to take remedial action to prevent  
4 future issues they responded in very much the  
5 way a large company would with a robust  
6 compliance area.

7 We've had multiple discussions.  
8 The partners had multiple discussions with the  
9 attorney, one of the attorneys for Arcadis  
10 New York, and we've had multiple discussions.  
11 We requested additional information from  
12 them. We are satisfied that Arcadis New York,  
13 who we have the contract with, is at this  
14 moment a responsible vendor and they were the  
15 lowest technical bidder.

16 LEGISLATOR ABRAHAMS: In the  
17 event, Mr. Chiara, there were some issues  
18 regarding travel reimbursement as well as  
19 concerns that Arcadis US, this vice president  
20 that was in the Alabama office, in terms of  
21 providing employment to one of the people that  
22 Arcadis US was contracting with, I believe it  
23 was the Birmingham Water Works, can you talk a  
24 little bit more about the protocols that are  
25 in place with Arcadis New York and why that

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2 would not happen with Arcadis New York.

3 Then my follow-up question to that  
4 one, just put it on the record so we can wrap  
5 this up quickly, we also noticed that there  
6 was a best and final offer that was put into  
7 the record. I just need to understand when  
8 that was actually offered and also if there  
9 was anything -- for the record I think I know  
10 the answer to this -- was there a best and  
11 final offer offered to any of the other  
12 vendors as well? Those are my two final  
13 questions.

14 MS. HODAK: Jane Hodak,  
15 Department of Public Works. Mr. Arnold can  
16 speak to the best and final offer  
17 Legislator Abrahams. And Mr. Torrez from  
18 Arcadis is here to speak to your questions  
19 regarding the investigation in Alabama. Which  
20 question would you preferred to have answered  
21 first?

22 LEGISLATOR ABRAHAMS: In the  
23 order that's fine. The Arcadis Alabama would  
24 be fine.

25 MR. TORREZ: Good afternoon. My

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2 name is Raul Torrez. I am the regional  
3 director of Arcadis US and also Arcadis  
4 New York officer. So, the Arcadis New York  
5 operation is under my jurisdiction.

6 So, the question that I understand  
7 it is, how do we make sure this does not occur  
8 again or doesn't occur within Arcadis  
9 New York? Arcadis has an overall policy both  
10 globally, nationally and locally, which are  
11 the same procedures, to make sure that we have  
12 a very strong integrity compliance process for  
13 all our contracts and our employees.

14 In addition to that, we have  
15 additional procedures put in place that we  
16 have many third-party audits that occur on  
17 expense reports to make sure that this does  
18 not occur again throughout our organizations  
19 worldwide.

20 LEGISLATOR ABRAHAMS: Thank you  
21 Mr. Torrez. I appreciate that. Ken, you will  
22 answer the best and final offer?

23 MR. ARNOLD: So the question  
24 was?

25 LEGISLATOR ABRAHAMS: When did

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2 you extend the best and final offer? When did  
3 that conversation take place? Was it offered  
4 to the other vendors?

5 MR. ARNOLD: After the committee  
6 met and a technical ranking was developed the  
7 meeting took place and a firm was selected.  
8 The committee decided to request a best and  
9 final offer from Arcadis.

10 LEGISLATOR ABRAHAMS: Was it  
11 extended to the other vendors?

12 MR. ARNOLD: No.

13 LEGISLATOR ABRAHAMS: I know the  
14 answer to that was no because I remember  
15 discussing it at the meeting, but for the  
16 record just explain the rationale why you would  
17 not extend it to the other vendors.

18 MR. ARNOLD: We are not looking  
19 to have competing for cost. This is a  
20 quality-based selection and we only extend our  
21 best and final offer typically to the highest  
22 technically ranked firm.

23 LEGISLATOR ABRAHAMS: Just to be  
24 clear, the Department of Public Works never  
25 extends it to multiple vendors, does not

1 Rules - 9-26-18  
2 extend best and final offers to other vendors  
3 that also have high technical scores?

4 MR. ARNOLD: In most cases that  
5 is correct.

6 LEGISLATOR ABRAHAMS: Thank you  
7 Mr. Arnold. Nothing further.

8 LEGISLATOR NICOLELLO: Any other  
9 discussion among the committee? Any public  
10 comment? All in favor signify by saying aye.  
11 Those opposed? Carries unanimously.

12 We need a motion to adjourn the  
13 Rules Committee. Moved by Legislator Rhoads.  
14 Seconded by Legislator Schaefer. All in favor  
15 of adjourning the Rules Committee signify by  
16 saying aye. Those opposed? Rules Committee  
17 is adjourned.

18 (TIME NOTED: 4:57 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 second day of  
October 2018

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FRANK GRAY