

1. Legislative Session 9/29/21

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO  
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Wednesday, September 29, 2021  
1:30 P.M.

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2 LEGISLATOR NICOLELLO: I'm going  
3 to call this budget hearing to order and ask  
4 Legislator Debra Mule to lead us in the Pledge  
5 of Allegiance.

6 Thank you for joining us today. We  
7 have a number of departments as well as our  
8 OMB and county comptroller will be giving  
9 presentations today. Just noting that a  
10 number of our legislators are participating  
11 remotely. When it comes to the question and  
12 answer segments, some legislators obviously  
13 who want to ask a question can do so. When  
14 you do so however it might be better at the  
15 start of your question to mention your name so  
16 that the reporter can get that down on the  
17 transcript and it's clear to everyone  
18 involved.

19 I have no prepared statement.  
20 Let's get started. Bring up our county  
21 comptroller, Jack Schnirman and his staff.

22 MR. SCHNIRMAN: Good afternoon  
23 Presiding Officer, Mr. Minority Leader,  
24 Mr. Pulitzer, the entire legislative body.  
25 Thank you for having us. Today with me I have

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2 Kim Brandeau deputy controller for  
3 administration and operation. And Lisa  
4 Tsikouras, county director of accounting.

5 LEGISLATOR NICOLELLO: Those who  
6 are remote can you hear us? All right.

7 MR. SCHNIRMAN: Before we start I  
8 want to say I hope everyone here in person,  
9 those watching and participating online  
10 everybody's families are in good health.  
11 Can't think of a better way to spend my  
12 birthday this afternoon than being here with  
13 you. Don't tell my wife.

14 But in all seriousness, before we  
15 get into numbers, I just want to mention on  
16 behalf of our team and our office that we are  
17 deeply saddened by the passing of Howard  
18 Weitzman, dedicated public servant who served  
19 with distinction obviously as Nassau County's  
20 comptroller, as mayor of the Village of Great  
21 Neck Estate and on the board of the Nassau  
22 Interim Finance Authority. Comptroller  
23 Weitzman was truly loved and respected in our  
24 office for his financial acumen, his insight  
25 and so much more. So many of us have had an

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2 opportunity over the last day or so to share  
3 some fond memories and some wonderful stories  
4 about Howard. He is most certainly missed.

5 With that, we'll get into the  
6 numbers and our report. Starting off  
7 modernization has been a key focus here in the  
8 comptroller's office. As we discussed in  
9 prior years, the county's Legacy financial  
10 system has not been able to efficiently  
11 produce GAP compliant financial statements.  
12 This inability has been previously classified  
13 as a material weakness. Thankfully, with your  
14 help, we are doing something about it. So,  
15 begin with a thank you to the legislature on  
16 that.

17 As the Government Accounting  
18 Standards Board, GASB, continues to issue new  
19 governmental accounting standards to  
20 standardize and improve the reporting of  
21 government financial statements, I know GASB  
22 is a page turner for everybody, over the past  
23 few years the complexity and the effort  
24 required for the county to continue to comply  
25 with GAP reporting has certainly increased.

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2 Despite these limitations, we have not only  
3 regularly completed our reports on time but  
4 for the first time ever Nassau County I'm  
5 proud to be report received a special triple  
6 crown medallion from the GFOA. A designation  
7 that signifies that the government has  
8 received all three GFOA awards. The  
9 certificate of achievement for excellence in  
10 financial reporting, the distinguished budget  
11 presentation award and the popular financial  
12 reporting award and that is the new one. None  
13 of this will help the Jets win a game this  
14 year it seems.

15 But the county, in all seriousness,  
16 must prioritize the effort to upgrade this  
17 Legacy financial system. I know I mention it  
18 every time I come but I can't waste the  
19 opportunity to bring it up again to keep up  
20 with the ever increasing reporting  
21 requirements, upgrading the county's financial  
22 system and modernizing the comptroller's  
23 office capabilities has really been a priority  
24 for us to ensure continued compliance with  
25 government accounting standards, timely

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2 financial statements and enhanced public  
3 transparency. In addition, upgrading and  
4 modernizing the financial system which is  
5 currently being done with your support, and we  
6 thank you, will increase operational and  
7 reporting efficiencies that ultimately will  
8 save taxpayer dollars.

9 Secondly, I want to mention how the  
10 comptroller's office in collaboration with the  
11 county executive has taken steps towards a  
12 project to upgrade the county's outdated  
13 financial system. It's a project along these  
14 lines that will take years to fully complete.  
15 In 2019 the county legislature, as you  
16 probably remember, passed a capital plan which  
17 included initial funding to solicit proposals  
18 from qualified entities to provide for  
19 preimplementation services as well as project  
20 management and quality assurance services to  
21 ensure that there's proper oversight and  
22 ongoing monitoring with financial-based  
23 enterprise resource planning, migration, ERP,  
24 as the county seeks to replace the Legacy  
25 financial system NIFS. And if you have looked

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2 at NIFS you remember the old game Pong.

3 I want to thank and acknowledge the  
4 members of this legislature for supporting  
5 that initiative that is so critical to the  
6 county's financial efforts going forward.

7 With the recent RFP selections for  
8 ERP preimplementation services and project  
9 management the county anticipates beginning  
10 the initial phase of the ERP in the fourth  
11 quarter of this year.

12 And in addition to supporting  
13 modernizations to our financial system, our  
14 critical priorities have focused on  
15 modernizing the county's finances using  
16 data-driven processes. Over the past three  
17 years we have created a way for residents to  
18 transparently see the county's finances. So  
19 you can follow along with our budget process  
20 online just like residents can with their own  
21 personal finances. That's the launch of the  
22 Open Nassau transparency portal which we spoke  
23 about before.

24 As part of the transparency portal  
25 I want to highlight today the comptroller's



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2 scorecard which is available on Open Nassau.  
3 Displays 12 key indicators used to measure the  
4 county's fiscal health so that our financial  
5 data is accessible to all in an easy to  
6 understand way. Each year we have made  
7 updates after the comprehensive report, more  
8 after the midyear report and again as we  
9 present the risks and opportunities for the  
10 budget and as information becomes available.

11 Additional measures in the  
12 scorecard include fund balance, sales tax,  
13 structural gap, tax certs, serial bonds, state  
14 comptroller's fiscal stress score, which we  
15 will drill down on in just a moment.

16 As you can see, the scorecard went  
17 from six items being off track, two caution,  
18 one on track in 2018. To two off track, three  
19 caution, four now on track in 2021.

20 Altogether these platforms comprise really  
21 holistic transparency and financial data  
22 sharing initiatives that the county  
23 executive's office and our office are  
24 undertaking together visualizing expenditures  
25 through open checkbook and payroll showing

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2 revenues coming in and their sources through  
3 cash receipts.

4 The fiscal stress score. As we  
5 briefly mentioned earlier, the county's fiscal  
6 stress score, which comes from the office of  
7 the state comptroller, has improved since 2016  
8 when it was in the moderate fiscal stress  
9 category with a score of 56.3. For '17 and  
10 '18 the score rose to significant fiscal  
11 stress level with scores of 68.8 and 72.1.  
12 For '19 the score improved to susceptible to  
13 fiscal stress with a score of 54.6. And the  
14 most recent scoring released by the state  
15 comptroller just released this year, county  
16 score dropped to 45 points, which remains in  
17 the susceptible to fiscal stress category but  
18 just barely. It is only one tenth of one  
19 point away from the no designation of fiscal  
20 stress score.

21 The most recent fiscal stress score  
22 shows the county's finances are continuing to  
23 move in the right direction. Though I will  
24 again point out, as we have said before, we  
25 must continue on a path to sustainability. It

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2 is no time to spike the football and do the  
3 touchdown dance quite yet. None of our  
4 football teams are scoring anyway so there's  
5 no dances to do. We're just not there yet but  
6 we're making progress.

7 Moving forward, consistent  
8 financial reporting is a key component in the  
9 effort to lift the county out of previous  
10 fiscal crisis. Leaders can't be expected to  
11 fix problems if they can't be properly  
12 diagnosed in the first place. So, as we  
13 recently highlighted in the county's annual  
14 comprehensive financial report for fiscal year  
15 2020 the onset of COVID upended the county's  
16 positive financial trajectory with some  
17 negative impacts last year to sales tax, to  
18 fines, to fees, to other economically  
19 sensitive revenues. But for COVID-19 these  
20 negative financial impacts would not have  
21 likely come to pass.

22 Yet we also see corresponding  
23 positive impacts such as positive spikes to  
24 our local housing market resulting in  
25 increases to other revenue such as mortgage

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2 recordings fees and other related revenue. As  
3 we wrap 2020 year-end county surplus was  
4 \$128.1 million for the primary three operating  
5 funds demonstrating that the county weathered  
6 the unprecedented fiscal storm through the  
7 effective use of federal monies, debt  
8 management and the restructuring, higher than  
9 revised sales tax receipts, as well as lower  
10 expenditures resulting from salary and fringe  
11 savings.

12 The 2020 financial results show the  
13 county again moving in the right direction.  
14 This is good crisis management. Because of  
15 this, we are able to continue on the path to  
16 sustainability. But, as I said, we're not  
17 there yet. We have not yet exited the control  
18 period. That's got to be amongst the short  
19 term goals. There's certainly some more work  
20 to do. Not to mix my metaphors with my  
21 football and my baseball, but for those of us  
22 following at home, the Mets had a good team  
23 this year, we were off to a good start.  
24 Things didn't pan out. So it doesn't always  
25 work out the way we want. So we got to keep

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2 ahead moving in the right direction.

3 As we head into the end of 2021  
4 COVID-19 and emerging variants of the virus  
5 may continue to affect the economy and  
6 economically sensitive revenues resulting in  
7 negative impacts to county finances.  
8 Regardless, federal revenue relief, support  
9 for local business and smart governance  
10 continue to be critical for the county to  
11 maintain liquidity and take steps to close  
12 long-term structural gaps in our budget, as  
13 well as equity gaps in our communities.

14 Looking at the county's financial  
15 outlook in '22. We see that we have seen some  
16 major progress, right? We improved from that  
17 negative 122.4 year end in 2017. Negative  
18 27.5 year end 2018. 145.3 GAP surplus in  
19 '19. 128.1 GAP surplus in '20. Again,  
20 significant progress on the path to fiscal  
21 sustainability. Especially considering the  
22 financial impacts of the pandemic in 2020  
23 which presented at that time an unprecedented  
24 fiscal crisis.

25 Our 2021 midyear report, the most

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2 recent one, just the end of this past July,  
3 estimated a \$79.8 million GAP surplus in the  
4 three primary operating funds. Positive  
5 results certainly given the impacts of the  
6 pandemic. And that does not include the money  
7 that gets taken out potentially with sales tax  
8 overage for special revenue fund.

9 Sales tax has also rebounded  
10 certainly from the major decreases in 2020.  
11 The lowest level of sales tax revenues the  
12 county has received in a decade to amounts  
13 which exceed now prepandemic levels.

14 The restructuring of outstanding  
15 debt to alleviate debt service costs completed  
16 in 2020 produced debt service costs savings of  
17 \$207.7 million in '21 and \$177.8 million going  
18 into the '22 budget setting the stage for the  
19 discussion that we have today. This is a  
20 major driver of the fact that this year we see  
21 some relief in the operating budget that  
22 created the potential to have this  
23 conversation about reducing taxes for this  
24 year.

25 Our review of risks and

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2 opportunities in the 2022 proposed budget  
3 indicates more opportunity than risk.  
4 Although our review only included major  
5 revenue and expenditure lines this is  
6 positive.

7 Looking big picture, the passage of  
8 the American Rescue Plan Act at the federal  
9 level, ARPA, infused trillions of dollars into  
10 state and local governments around the country  
11 to combat the lingering effects economically  
12 of COVID-19.

13 Our office released a report  
14 entitled Guiding Principals Making Smart  
15 Investments with Stimulus Funding. It is one  
16 of our better reports. I get the sense that  
17 it's a well kept secret. So please take a  
18 look if you haven't already. It recommended  
19 smart, innovative options for Nassau County to  
20 use ARPA funding. County is receiving \$385  
21 million over two years in ARPA funding.  
22 Guiding principals reports highlights the need  
23 for government to approach the moment  
24 responsibly with an eye towards strategic  
25 sustainability and avoid pitfalls that can

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2 exacerbate long-term operating deficits.  
3 We've been down that road. Let's not go  
4 back.

5 The report also highlights smart  
6 tips that will ensure that the county can  
7 seize this moment with transformative  
8 investments including investing money to  
9 reduce operating costs, making overdue  
10 investments in technology infrastructure and  
11 making investments in our residents in our  
12 communities.

13 The report also highlights best  
14 practices around the country to embrace  
15 opportunity and risk including things like  
16 providing accountability by sharing data on  
17 the use and impact of federal funds.  
18 Something that I look forward to our office  
19 doing. Investing in workforce development.  
20 Closing equity gaps and supporting temporary  
21 and targeted efforts to address hardships of  
22 the pandemic and focus on areas not supported  
23 by federal and state programs. In short, an  
24 economic recovery that helps people will lead  
25 to a more sustainable recovery for our



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2 government finances because of our importance  
3 of sales tax to our revenues.

4 So, with that, I urge us all to not  
5 approach this moment with a short term  
6 outlook. This influx of funds, if used  
7 responsibly for maximum impact, can really pay  
8 dividends for years to come. This money can  
9 positively shape the future of our county in a  
10 way that makes it an attractive place to live  
11 for future generations and we really want to  
12 approach this moment thoughtfully if we're  
13 going to continue to progress towards and  
14 ultimately achieve long-term fiscal  
15 sustainability.

16 The 2022 proposed budget, along  
17 those lines, includes some prudent fiscal  
18 steps. Pays off the majority of the amortized  
19 pension liability which has accumulated over a  
20 decade. That's helpful. Earmarks funding for  
21 collective bargaining. That's helpful. And  
22 it benefits from the recent debt restructuring  
23 as I mentioned earlier. Again helpful.

24 At the same time the proposed  
25 budget also reduces recurring revenues with a

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2 multiyear property tax reduction that reduces  
3 general fund property taxes by 95 percent from  
4 the 2021 levels in the general fund in the  
5 years '22 to '25. As a result, the proposed  
6 budget further shifts the percentage of  
7 overall county revenues away from the burden  
8 on property tax owners, which is certainly  
9 something that is welcome news to property tax  
10 owners and more obviously towards sales tax,  
11 which is our biggest revenue source.

12 So, to be fair, as I've pointed out  
13 in many years, that can create some financial  
14 risk to county finances going forward. While  
15 sales tax has certainly been strong it remains  
16 an extraordinary, economically sensitive  
17 revenue stream. Business economists have  
18 warned that a slower economic growth this year  
19 is possible due to COVID-19 variants among  
20 other factors. Just this morning I read about  
21 consumer confidence dropping for the third  
22 month in a row. We need people to buy stuff  
23 if we're going to have good sales tax.

24 Thus, it would be best if shifting  
25 the budget's reliance in this fashion is also

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2 coupled with a healthy reserve fund, as we've  
3 talked about before, that creates options and  
4 flexibility for the county in case there is  
5 another downturn. And looking at using that  
6 special revenue fund as a fund with the  
7 ability to stabilize taxes going forward to  
8 prevent potential future increased fiscal  
9 stress resulting from any economic downturns  
10 that come our way. The county need to  
11 approach those fiscal choices ahead carefully,  
12 right? We don't have a crystal ball to see  
13 what will happen with the economy. We don't  
14 know if additional dangerous variants of COVID  
15 may arise or whatever the next crisis may be.

16 That said, we've got to seek to  
17 maintain flexibility, maximize opportunities  
18 to achieve sustainability so that should sales  
19 tax dip at some point, and ultimately at some  
20 point it will, that is the nature of the  
21 business cycle as we all know, then we don't  
22 have to again contemplate unpleasant and  
23 avoidable choices like large tax increases or  
24 fees to increase revenue or employee layoffs  
25 or painful service reductions. The path to

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2 sustainability and to ending the NIFA control  
3 period really lies in the choices that get  
4 made in the near term.

5 So, next I will take you through  
6 some of the more detailed findings of the  
7 report. The 2022 proposed budget reduces  
8 property taxes in the primary operating funds  
9 by almost \$70 million, as I mentioned, as  
10 compared to the '21 adopted budget. The  
11 primary operating fund property tax budget  
12 lines for 2021 and 2022 as proposed are shown  
13 below. Overall there's an 8.5 percent  
14 reduction in property taxes across all these  
15 funds in 2022 as compared to '21. The  
16 administration has stated that property taxes  
17 in the out years in the financial plan are  
18 planned to gradually return to previous  
19 levels. Just as we did in our midyear report,  
20 this report gets into the state of our economy  
21 quite extensively. I won't go into all those  
22 numbers today.

23 During the COVID pandemic the US  
24 economy shrunk by 3.5 percent overall, a  
25 number unforeseen in decades. Numerous

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2 economic indicators are available to monitor  
3 the health and the well being of our economy.  
4 GDP, unemployment rates, CPI, the real estate  
5 market, which are highlighted within this  
6 report, are several indicators that  
7 demonstrate the post-COVID conditions  
8 affecting the county economy.

9 The Conference Board, a nonprofit  
10 business membership and research organization,  
11 reported Tuesday, as I mentioned just a moment  
12 ago, that its consumer confidence index fell  
13 to a reading of 109.3 in September down from  
14 115.2 in August. September's reading is its  
15 lowest level for the index since it sank to  
16 95.2 in February. So, there's a little bit of  
17 cause for caution here. All of this and more  
18 can be found in our state of the economy  
19 section in our report. I just want to hand it  
20 to the team. They really put together some  
21 great information along these lines.

22 So, sales tax is the major revenue  
23 source for the county accounting for over \$1  
24 billion and over 40 percent and arising of all  
25 revenue included in the 2022 proposed budget.

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2 Other major sources of revenue. Property tax  
3 obviously. 22 percent of all of the revenue.  
4 State and federal aid. Departmental revenue.  
5 And while these categories have remained  
6 relatively constant in recent years there has  
7 been a shift somewhat in this proposed budget  
8 as compared to the '21 proposed budget.  
9 Property tax being reduced by 70 million in  
10 '22, sales tax being increasing by 351 in '22  
11 shifts those percentages a bit.

12 The increase in the amount of sales  
13 tax proposed in '22 is due in part to a lower  
14 amount included in the 2021 proposed budget  
15 due to the impacts of COVID-19 on the pandemic  
16 and the economy.

17 So sales tax revenues had shown an  
18 upward trend originally, right, between 2014  
19 and 2019. Remember I came every year, I said  
20 we're making progress, but it's not also yet  
21 sustainable. The progress was predicated upon  
22 sales tax and a low head count. Sick of  
23 hearing me say that I'm sure.

24 2020 put those assumptions really  
25 to the test. Actually county sales tax

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2 revenues were 8.26 percent less in 2020 or  
3 \$105.5 million less than the adopted budget.  
4 This was the largest single year decline in  
5 sales tax revenue. For at least the last ten  
6 years I should say. But not as drastic a  
7 decline as could have materialized. It's not  
8 as bad as was feared at one point.

9 The 2021 adopted operating budget  
10 included a very conservative estimate for  
11 sales tax which was based on the trajectory of  
12 sales tax seen in the third and the start of  
13 the fourth quarter of 2020 when the budget was  
14 adopted. 2021 actual sales tax revenues have  
15 been coming in higher than in previous years.  
16 This is great news. The strength of the sales  
17 tax results in the second quarter of '21 may  
18 be the result of pent up consumer demand and  
19 purchases related to recent spikes in home  
20 sales.

21 The improvements seen in sales tax  
22 revenue collections have also been fueled by  
23 recent changes that required many out of state  
24 vendors to collect and remit state and local  
25 sales taxes. Recently, New York State data

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2       shows that for the 2020-2021 sales tax year  
3       5.2 percent of Nassau County's sales tax  
4       revenues were generated from new internet  
5       sales tax policies in order to level the  
6       playing field for local businesses here in the  
7       county. We worked together with the Nassau  
8       County Council of Chambers to fight and  
9       advocate for this. Congratulations to them.  
10      We are seeing some results.

11                   Nassau County's August 2021 sales  
12      tax collections were 19.3 percent higher than  
13      August of 2020. 9.3 percent higher than  
14      August of 2019. For the first eight months of  
15      '21 Nassau County's sale tax revenues were  
16      26.4 percent higher than the same months of  
17      2020 and 13.3 percent more than 2019. On a  
18      statewide level local sales tax collections  
19      grew more than 15 percent of August of '21.  
20      This is the fifth consecutive month of  
21      collections exceeding 2020 collections and  
22      were higher than prepandemic, 2019, sales tax  
23      revenue. This trend is certainly  
24      encouraging.

25                   However, our fiscal leaders must



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2 approach this increased revenue carefully.  
3 Sales taxes are economically sensitive, as I  
4 mentioned, changes in the local and national  
5 economy and is not always easily to predict  
6 going forward. State Comptroller DiNapoli  
7 recently noted it remains uncertain how recent  
8 increases in statewide infection rates will  
9 impact the economy. Local governments must  
10 continue to monitor changing economic  
11 conditions, maintain vigilance when it comes  
12 to their finances.

13 Our midyear year report on the  
14 county's financial condition provided three  
15 updated sales tax forecasts for 2021. Based  
16 on year-to-date receipts and our sales tax  
17 modeling tool which takes into account updated  
18 industry modifiers data, seasonality and 13  
19 years of actual trend data analysis.

20 The scenarios generated by the  
21 model various assumptions to reflect higher  
22 and lower levels of consumer activity across a  
23 myriad of industry subsectors. Our 2021  
24 projection for the county's sales tax revenues  
25 has been increased based on strong actual

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2 year-to-date collections over both 2020 and  
3 2019.

4 Of note, as of the last sales tax  
5 check on September 10th the county's  
6 year-to-date collections are 29.7 percent and  
7 13.1 percent higher than the same period in  
8 2020 and '19 respectively. Even after  
9 withholdings, which we have to remember, for  
10 aid and incentives for municipalities, aid  
11 money and distress provider assistance.

12 However, the trend in the  
13 collections has now begun to slow and our  
14 projections for the remainder of '21 use a  
15 conservative 3.9 percent growth rate taking  
16 into consideration the discontinuing of  
17 stimulus unemployment checks, the uncertainty  
18 of the effect of COVID-19 variants on consumer  
19 spending and an uptick in inflation.

20 Overall, we project 2021 countywide  
21 and part county sales tax revenues, excluding  
22 part county deferred, to reach \$1.3 billion.  
23 An increase of 38.8 million from our  
24 projection in the 2021 midyear report. For  
25 the purposes of our report we are projecting

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2 2022 sales tax revenue using the mid range  
3 model.

4 So now to get into some of the more  
5 granular risks and opportunities that we see  
6 in this budget I'm going to turn it over to  
7 Lisa Tsikouras to discuss those risks and  
8 opportunities. Go ahead Lisa.

9 MS. TSIKOURAS: Good afternoon.  
10 So, some of the positive opportunities that we  
11 identified in the 2022 budget are listed in  
12 the report under our key drivers. The largest  
13 of those is in payroll and fringe benefit  
14 savings. When we perform our analysis we  
15 excluded what the administration had put in  
16 for potential collective bargaining agreement  
17 as we don't have the details. We don't know  
18 the timing. The variables at this point in  
19 time are unknown. So, we've taken that out  
20 and net of other small pluses and minuses  
21 within that category, including some small  
22 risks within overtime and termination pay for  
23 the police department, we are projecting a \$65  
24 million savings. Again, that is primarily the  
25 result of the exclusion of the projected, I'm

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2 sorry, the proposed budget's assumption for  
3 the collective bargaining agreements.

4 Then we also have an additional  
5 \$17.5 million positive in sales tax revenues.  
6 The difference between this number and the 38  
7 that the comptroller mentioned has to do with  
8 the shortage in 2020 related to the part  
9 county. So this number includes the part  
10 county deferred.

11 We're also projecting an  
12 opportunity in interest penalty on taxes  
13 because there has been a delay in the tax lien  
14 sales. That's the majority of the \$8.1  
15 million that we're projected for interest  
16 penalties on taxes.

17 We also see a potential opportunity  
18 in debt service of \$5.6 million just based on  
19 what our projections are with the current debt  
20 and what we think the amortization of that  
21 debt will be going forward.

22 We have a \$5.4 million judgement  
23 settlement opportunity that relates to the  
24 sewer and storm water district. It was  
25 budgeted in 2021. It's not going to happen in

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2 2021. We don't have enough information or  
3 settlement information. So we've picked that  
4 up as an opportunity. And then approximately  
5 3.1 million in various social services  
6 opportunities as well.

7 As far as the key risk drivers, we  
8 see some risk in rents and recoveries  
9 primarily due to capital close out money  
10 that's budgeted that we don't have any further  
11 information of which projects that  
12 represents. So we risked that. Prior year  
13 appropriations that represent disencumbrances  
14 of contracts are not revenue streams. So  
15 those have been risked. As well as potential  
16 sale of county property as we don't have a  
17 list of what particular properties or whether  
18 they will settle and close out in 2022.

19 We've also risked the use of fund  
20 balance in the sewer fund. The sewer fund may  
21 not have much fund balance projected at the  
22 end of 2020. So we've risked that in 2022.  
23 And we've also risked some additional revenues  
24 in departmental revenues, particularly the  
25 income and expense law which is still in the

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2 courts. And some fines and forfeitures  
3 related to TIPVA fees and red light cameras.

4 And we also see a potential risk in  
5 early intervention of \$3 million, which we  
6 anticipate, just based on the department  
7 requesting a higher amount, which is slightly  
8 offset by an increase in state aid. Does  
9 anyone have any questions on that?

10 MR. SCHNIRMAN: We're almost  
11 done. So, in conclusion, we must seek to  
12 maintain liquidity, flexibility, maximize  
13 opportunities for sustainability so that  
14 should sales tax dip we do not have to again  
15 contemplate unpleasant choices like large tax  
16 increases, fees to increase revenue or  
17 employee layoffs or painful service  
18 reductions. Those choices are all avoidable  
19 if we make good choices continually going  
20 forward. The path to sustainability and to  
21 ending the NIFA control period lies in the  
22 choices that are made in the near term.

23 So, with that, I want to thank the  
24 legislature again for your partnership. Look  
25 forward to taking your questions about the

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2 risks and opportunities that we see in this  
3 budget. Thank you.

4 LEGISLATOR NICOLELLO: Thank you  
5 for the presentation. I have some questions  
6 and I will turn it over to the other  
7 legislators. You spent some time on sales  
8 taxes. What's the projection, what's your  
9 projection at this point for the end of the  
10 year?

11 MR. SCHNIRMAN: Lisa you want to  
12 give the specific numbers?

13 MS. TSIKOURAS: We've increased  
14 our projection for 2021. We anticipate sales  
15 taxes to come in at approximately, and this is  
16 the net revenue including any prior year  
17 deferred, of \$1.368.7, which represents \$344.8  
18 million over the 2021 budget. It's also an  
19 increase of approximately \$49 million over our  
20 midyear report.

21 LEGISLATOR NICOLELLO: \$344  
22 million over the administration's projected  
23 budget for 2021?

24 MS. TSIKOURAS: Yes.

25 LEGISLATOR NICOLELLO: The

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2 administration had projected a 20 percent  
3 decrease in sale tax for 2021; is that  
4 correct?

5 MS. TSIKOURAS: I don't have that  
6 information handy.

7 LEGISLATOR NICOLELLO: What was  
8 the comptroller's office projection for 2021?

9 MS. TSIKOURAS: The sales tax?  
10 That's the number. That was the number I gave  
11 you.

12 LEGISLATOR NICOLELLO: As of now  
13 but what was your projection going into the  
14 budget consideration process? What were you  
15 projecting sales taxes in 2021 to be as  
16 compared to 2020?

17 MR. SCHNIRMAN: What was our  
18 budget projection for '21 he's asking.

19 MS. TSIKOURAS: I don't have it.  
20 Do you have it? Do you have it for the 2021  
21 budget.

22 MR. SCHNIRMAN: It was more  
23 conservative if that's what you're asking.

24 LEGISLATOR NICOLELLO: Roughly 16  
25 percent decrease.



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2 MR. SCHNIRMAN: It was more  
3 conservative, yes. Based on the information  
4 we had at the time it was certainly a  
5 conservative projection.

6 LEGISLATOR NICOLELLO: So, the  
7 fact that, let's take the administration's  
8 number, the fact that the administration was  
9 \$344 million, is \$344 million over budget what  
10 does that tell you about the administration's  
11 ability to prognosticate sales taxes?

12 MR. SCHNIRMAN: Tells me it was a  
13 conservative projection. I'll just say that  
14 in an unprecedented financial crisis if  
15 ultimately what you what to see is  
16 conservative budgeting, is liquidity being  
17 maintained to stave off those ugly choices  
18 that we talked about before that we all  
19 contemplated during 2020, from our perspective  
20 if you combined those conservative projections  
21 with the other measures that were taken that  
22 ultimately ended up in effective crisis  
23 management. If the harshest criticism that we  
24 can have in the rearview mirror is that those  
25 projections were too conservative I think that

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2 is certainly better than the alternative.

3 That's my personal opinion.

4 LEGISLATOR NICOLELLO: That's a  
5 point that you can make but the point we can  
6 make is how reliable are your estimates going  
7 forward and the estimates of the  
8 administration? You mentioned before that  
9 those conservative estimates were based on the  
10 third and fourth quarter trends in 2020. In  
11 fact, the trends were going very well. We had  
12 made up a substantial amount of the sales  
13 taxes that we had lost at the heart of the  
14 pandemic.

15 But more to the point, you sent us  
16 a letter on November 5, 2020. We had  
17 projected sales taxes to come in better than  
18 what you were projecting, what the  
19 administration was projecting based on those  
20 trends and what we were observing and what the  
21 entire country was observing based on the  
22 economy rebounding. This is what you told  
23 us. And again, because our numbers we were  
24 projecting more in sales taxes than you this  
25 is what you wrote to us.

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2 These sales tax predictions by the  
3 legislature -- our sales tax numbers -- were  
4 arbitrarily and haphazardly justified by a  
5 last minute report with cherry-picked data  
6 that misleadingly conflates economic recovery  
7 with growth.

8 Now, that was your criticism of  
9 us. Then you continue.

10 The Majority should avoid damaging  
11 the county's financing by recklessly adding  
12 \$63 million in questionable revenue at this  
13 uncertain moment.

14 In fact, we are over \$340 million  
15 above the projections. So when you were  
16 calling us reckless because we had called your  
17 office out and the administration out on its  
18 ludicrously low numbers for sales tax  
19 projections I think, you call yourself an  
20 umpire, I think at that moment you had stepped  
21 out of the umpire role and you were being a  
22 partisan. So as we go forward and we look at  
23 your sales tax projections for this year why  
24 shouldn't we keep that history in mind?

25 MR. SCHNIRMAN: I disagree with

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2 your characterization of our projections.  
3 I'll again say that we made conservative  
4 projections based on the information available  
5 to us at that time. I am happy that obviously  
6 sales tax overperformed significantly over  
7 those expectations. I'm happy that that money  
8 will sit in a special revenue fund and hopeful  
9 that that money will be used wisely as we  
10 spoke about.

11 I won't repeat ad nauseum the  
12 variety of factors and subsectors and  
13 indicators that we use in making these  
14 predictions. And I will tell you that they  
15 are done without favoritism and we're giving  
16 you our mid line projection. And again, we  
17 can agree to disagree but I'll just say from  
18 our perspective if in that uncertain  
19 environment and unprecedented crisis if the  
20 worst thing that happened is that we were too  
21 conservative that is a much better problem to  
22 have than the alternative.

23 LEGISLATOR NICOLELLO: Right.  
24 There's a preference to be more conservative  
25 than less. But again, the budget is \$344

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2 million over the projection and you stepped in  
3 to advocate against our budget amendments that  
4 modestly increased projections calling it  
5 reckless, arbitrary and haphazard. So, again,  
6 our question is what credence can we give to  
7 your budget projections given that history?

8 MR. SCHNIRMAN: I've answered  
9 your question as best as I am prepared to.

10 LEGISLATOR NICOLELLO: Just a  
11 couple of other areas. About how many audits  
12 does the comptroller's office do each year?

13 MR. SCHNIRMAN: It varies year to  
14 year.

15 LEGISLATOR NICOLELLO: About how  
16 many ongoing audits does the comptroller's  
17 office do?

18 MR. SCHNIRMAN: We have quite a  
19 few going on currently and always.

20 LEGISLATOR NICOLELLO: Can you  
21 tell me some of the major audits of this  
22 administration's operations that are ongoing  
23 at the moment?

24 MR. SCHNIRMAN: Sure. We're  
25 looking at ARC right now for example. We

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2 recently completed the IDA. We have a full  
3 list that we can make available at any given  
4 moment, which I'm sure Kim is probably  
5 scribbling on a piece of paper right now. We  
6 don't have an audit list in front of us. We  
7 have plenty of open audits.

8 LEGISLATOR NICOLELLO: I didn't  
9 expect you to have it on you. But I would  
10 appreciate that list and specifically I want  
11 to know what audits are being done of this  
12 administration. Because it seems to us that  
13 the vast majority of audits we have seen were  
14 of the prior administration's. So that this  
15 administration has not been looked into. And  
16 there's areas that we're going to go into  
17 today where we think audits would be fully  
18 justified.

19 MR. SCHNIRMAN: Without getting  
20 into it too deeply as we are here to talk  
21 about the 2022 risks and opportunities in the  
22 budget, there's an audit look-back period. If  
23 you start an audit today you're going back  
24 several years. It's hard to do audits looking  
25 forward. You're looking back. But we're are

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2 happy to provide you with any information you  
3 need. Again, today though we're here to talk  
4 2022 budget.

5 LEGISLATOR NICOLELLO: The only  
6 point I make in response to that is that  
7 you've been here for three and a half years.  
8 While there is a value to looking back and  
9 getting audits of prior activities in terms of  
10 going forward or at present the greater value  
11 would be to see how we're operating now.

12 MR. SCHNIRMAN: I'll just mention  
13 that in addition to look-backs we are also  
14 doing looking forwards in the sense that we  
15 have been doing follow-up audits of how are we  
16 doing six months, a year later on whatever  
17 issues that we found. How many of them have  
18 been addressed. Let's say just to make up a  
19 number, let's say there were 50  
20 recommendations on something, some time later  
21 of those 50 how many are being addressed  
22 fully? How many are being addressed  
23 partially? How many have not yet been  
24 addressed? In that sense we are continuing to  
25 do things in real time. So at this point once

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2 we audit a thing it's a more of an ongoing  
3 relationship to actually ensure that change  
4 happens.

5 LEGISLATOR NICOLELLO: You will  
6 get me a list as requested?

7 MR. SCHNIRMAN: Sure.

8 LEGISLATOR NICOLELLO: Just want  
9 to touch on the assigned fund balance.  
10 Obviously we've had surpluses in the county  
11 last couple of years and do you have the  
12 amount that's in the assigned fund balance  
13 bucket? I don't want to obviously delve too  
14 deeply in this.

15 MR. SCHNIRMAN: Yes. Normally I  
16 bore you with this. I shouldn't say bore,  
17 it's not boring, it is critical. I insert  
18 everything I've ever said about the importance  
19 of rebuilding a reserve fund that I know you  
20 understand and certainly agree with.

21 But as of, I'll grab our fact sheet  
22 for you, and our assigned fund balance as of  
23 the end of 2020, right, in our comprehensive  
24 annual financial report is -- sorry. I  
25 thought I had that fact sheet. I do have that



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2 fact sheet. Lisa is carrying the one for you.

3 MS. TSIKOURAS: And I can't do  
4 this.

5 MR. SCHNIRMAN: She's going to  
6 check it three times. Just a little over \$200  
7 million.

8 LEGISLATOR NICOLELLO: Do you  
9 have, I don't know if you have it now or can  
10 provide it to us a description of what that  
11 assigned fund balance is assigned to? The  
12 basis why it's in an assigned fund balance.

13 MR. SCHNIRMAN: We'll send that  
14 to you after the fact. I apologize but we're  
15 here to talk budget. We didn't bring all of  
16 our fund CAFR material. I apologize. Just  
17 for the record. The phrase CAFR has been  
18 ended as it points to some legacy issues in  
19 South Africa. So it's Comprehensive Annual  
20 Financial Report. The acronym, just for  
21 knowledge, by GFOA, has been discontinued.

22 LEGISLATOR NICOLELLO: So  
23 basically, I'm completing my questions, but  
24 basically you'll provide us the designation of  
25 what the assigned fund balance --

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2 MR. SCHNIRMAN: Sure. We'll give  
3 you the details on the assigned.

4 LEGISLATOR NICOLELLO: As well as  
5 the ongoing audits. Anyone else have any  
6 questions? Legislator Birnbaum.

7 LEGISLATOR BIRNBAUM: I just want  
8 to follow-up with what you said about the  
9 sales revenue increase from the projections.  
10 What you're saying is that \$38.8 million might  
11 be the increase at the end of this year from  
12 your projection, right?

13 MR. SCHNIRMAN: Correct.

14 LEGISLATOR BIRNBAUM: What  
15 percentage would that be over the projection?  
16 Like what percent error was that when you do  
17 the math?

18 MR. SCHNIRMAN: Including the 38  
19 she's asking.

20 LEGISLATOR BIRNBAUM: The budget  
21 for sales tax was what one point?

22 MR. SCHNIRMAN: While she does  
23 that, August '21 was 19.3 percent higher than  
24 August of 2020 in real numbers. Not over  
25 budget. 9.3 percent higher than August of

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2 '19.

3 LEGISLATOR BIRNBAUM: Right. The  
4 year end because taking into account that  
5 the --

6 MR. SCHNIRMAN: Yeah. The  
7 percent over the projected budget you're  
8 asking?

9 LEGISLATOR BIRNBAUM: The year.  
10 Then I think we can understand what we're  
11 talking about. Like how much did it vary from  
12 what your projection was to see if that was  
13 within the range of what was expected without  
14 having --

15 MR. SCHNIRMAN: It is certainly  
16 significant. As presiding officer pointed  
17 out, it's a big number. When you're talking  
18 about \$300 million that's a big number.  
19 Again, I'll leave the arguments over the  
20 projections aside and talk about what we  
21 consider something that is critical going  
22 forward. In that you're going to have a  
23 significant amount of money moving into that  
24 special revenue fund.

25 In addition to the menu of options

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2 that you created legislatively with it, we  
3 would urge you to consider adding additionally  
4 tax stabilization as one of those. I think  
5 it's probably within the spirit of what you  
6 had authored regardless. I think it  
7 behooves -- it's potentially a once in a  
8 generation opportunity to have the ability to  
9 use that kind of money. When you combine that  
10 with the federal money coming in it's a very  
11 special moment financially for the county to  
12 hopefully to continue to make progress toward  
13 sustainability.

14 LEGISLATOR BIRNBAUM: Did you say  
15 that it was because approximately 5.2 percent  
16 of the tax we collected last year was because  
17 of the money we're now getting from the sales  
18 tax --

19 MR. SCHNIRMAN: From internet  
20 sales tax, yeah. I want to say it was in June  
21 of '19 that the state added internet sale tax  
22 collection. It's something that small  
23 businesses had lobbied very aggressively for.  
24 I'm sure a lot of folks heard from them in  
25 that regard. The Nassau Council of Chambers

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2 was extremely active there. And we saw an  
3 uptick in sales tax after that. But it was  
4 impossible for the majority of time between  
5 June of '19 and now to separate out what were  
6 internet sales tax collections that we're  
7 adding to overall sale tax versus what was the  
8 economy.

9 But now, for the first time, we see  
10 some of those numbers. And to your point, 5.2  
11 percent was the increase from internet sales  
12 tax. So that's obviously significant and the  
13 timing even more so as during the course of  
14 the last year and a half with the COVID  
15 shutdown, to oversimplify for a second, a lot  
16 of people were home ordering stuff online.  
17 That obviously had a significant impact in  
18 capturing that internet sales tax. Just like  
19 if you go to a mom and pop store and you're  
20 downtown you have to pay sales tax there.

21 LEGISLATOR BIRNBAUM: How are you  
22 building it into the 2022 budget, the internet  
23 sale tax revenue?

24 MR. SCHNIRMAN: That's now part  
25 of our sales tax modeling.

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2 LEGISLATOR BIRNBAUM: At what  
3 percent are you saying would be attributable?

4 MS. TSIKOURAS: The way the model  
5 works is the model looks at the trends. As  
6 the comptroller said, there's quite a lot of  
7 historical trend in there. So as those sales  
8 are coming -- now those sales are part of our  
9 trend. It's picking up seasonality. It picks  
10 up the trends and then it factors into it  
11 based on different growth scenarios. That's  
12 why there's an optimistic mid range and a  
13 conservative range.

14 LEGISLATOR BIRNBAUM: Is it  
15 possible to give a percentage number to what  
16 percent of our sales tax are from internet  
17 sales?

18 MS. TSIKOURAS: No.

19 LEGISLATOR NICOLELLO: Legislator  
20 Rhoads.

21 LEGISLATOR RHOADS: Thank you  
22 Mr. Presiding Officer. Comptroller Schnirman,  
23 I believe you stated that the forecast that  
24 you gave us with respect to 2021's projected  
25 sales tax revenue was based upon your view of

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2 the third and fourth quarter sales tax revenue  
3 change in 2020; is that correct?

4 MR. SCHNIRMAN: It was based on a  
5 variety of factors including the third and the  
6 fourth quarters. It was based on previous  
7 year-to-date receipts, our sales tax modeling  
8 tool which takes into account updated industry  
9 modifiers data, seasonality as Lisa just said,  
10 13 years of trend analysis and it generates  
11 scenarios by the model and those various  
12 assumptions reflect higher and lower levels of  
13 consumer activity across all the various  
14 industry subsectors. So, it looks at the  
15 entirety of the economy, all the different  
16 things, whether it be gasoline or restaurants  
17 and breaks them down by the industry modifiers  
18 and works from there.

19 LEGISLATOR RHOADS: At the end of  
20 the second quarter, as I recall, of 2020 our  
21 sales tax revenue was off by approximately 40  
22 percent. That was the height of the shutdown.

23 MR. SCHNIRMAN: Last year you're  
24 saying?

25 LEGISLATOR RHOADS: Last year,

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2 2020.

3 MR. SCHNIRMAN: What was the  
4 number you said off.

5 LEGISLATOR RHOADS: Off by 40  
6 percent.

7 MR. SCHNIRMAN: That we were  
8 dropping by 40 percent.

9 LEGISLATOR RHOADS: We were  
10 dropping by 40 percent.

11 MR. SCHNIRMAN: I don't think  
12 thing we were ever down quite that much. I'm  
13 sorry to interrupt. When we look at this, we  
14 just don't look at where we are today. Let's  
15 say we're in August you said. Oh, my  
16 goodness, we're done 40 percent because of the  
17 seasonality we look at. So what does this  
18 mean? Where ever we are today, what does this  
19 mean for where we think we may end the year?  
20 Because that's obviously the central question.

21 LEGISLATOR RHOADS: Understood.  
22 Let's look at this globally. The forecast was  
23 that we would be down, based on the numbers at  
24 the end of the second quarter of 2020, we were  
25 off by approximately 40 percent. May have



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2 been 39 and change as I recall. For some  
3 reason the number 39.6 sticks in my head. The  
4 third and fourth quarter last year, once the  
5 economy reopened, there was a dramatic  
6 increase in the amount of sales tax revenue in  
7 the third and fourth quarter to the point  
8 where we ended the year from a deficit of 40  
9 percent, being down by 40 percent, to being  
10 down by just over eight percent, right?

11 MR. SCHNIRMAN: 8.26 I believe.

12 LEGISLATOR RHOADS: So based upon  
13 that, you're talking about a swing of  
14 approximately 32 percent. We made up ground  
15 to the point where being down 40 percent we  
16 were down 8.6 at the end of the year. If one  
17 of the items of analysis in your forecasting  
18 for 2021 was the performance of sales tax  
19 revenue in the third and fourth quarter, which  
20 showed such a dramatic increase in the amount  
21 of revenue coming into the county, how is it  
22 that your office justified, your office  
23 justified saying that in 2021 there would be a  
24 16.6 percent decrease over 2020 in sales tax  
25 revenue?

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2 MR. SCHNIRMAN: So, before we  
3 sort of wrap up the sales tax piece because I  
4 think we've said for the most part what we're  
5 going to say, I just want to correct one thing  
6 that you just said. When we were having the  
7 discussion last fall, right, in October, we  
8 certainly didn't know where the fourth quarter  
9 of 2020 was going to go because it hadn't  
10 happened yet.

11 Also, my recollection, and I'll let  
12 Lisa speak to the specifics, but when we did  
13 our worst case to our I wouldn't say best case  
14 because the best case was still bad. Dropping  
15 8.2 percent in a year was quite a bad  
16 scenario, our worst case to our least worst  
17 case let's call it, I want to say our worst  
18 case projection was somewhere in the 20s in  
19 terms of a percentage if memory serves. I  
20 don't think that we were ever projecting a 40  
21 percent drop on that in sales tax last year.

22 LEGISLATOR RHOADS: We're going  
23 to have to go back and check the numbers and  
24 it's clearly academic for the purposes of our  
25 discussion here today. My concern is that

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2 despite the fact that sales tax revenue had a  
3 dramatic increase we were still off as a  
4 result of the projections made by your office,  
5 as a result of the projections made by the  
6 Office of Management and Budget, which  
7 actually was off by even more than your office  
8 was off. We now have \$345 million more in  
9 sales tax revenue that we received over what  
10 was forecasted. So I know that Legislator  
11 Birnbaum I believe mentioned the term \$34  
12 million. We're actually talking about \$345  
13 million that you were off. Is that not  
14 accurate?

15 MR. SCHNIRMAN: I don't know what  
16 the specific number it is that 2021 has varied  
17 from our projection. But I've already given  
18 you both the numbers, our analysis and our  
19 opinion and response to your concern. I'm not  
20 sure what it is additionally that you would  
21 look for me to say. I think I've said what  
22 I'm here to say about that.

23 LEGISLATOR RHOADS: What I'm  
24 looking for is an explanation or why it is  
25 that your numbers that were provided to us

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2 were so wildly inaccurate and why you felt  
3 justified in telling the legislature that our  
4 forecast of being down by eight percent  
5 according to our own independent analysis was  
6 reckless?

7 MR. SCHNIRMAN: At that time with  
8 the information we had that's the way we saw  
9 it. I've answered your question. If you  
10 would like to continue to speak about it that  
11 is certainly your right but I've answered your  
12 question.

13 LEGISLATOR RHOADS: I'm satisfied  
14 with the fact that I'm not going to get an  
15 answer, so I'm just going to make a  
16 statement. I think that what the issue was is  
17 that we have the comptroller's office, we have  
18 the administration through its Office of  
19 Management and Budget and we have NIFA that  
20 wanted to achieve a desired result.

21 The numbers that were actually  
22 given to us as forecast for sales tax  
23 projections with respect to the 2021 budget  
24 were widely inaccurate because the  
25 administration wanted to justify refinancing

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2 \$1.4 billion in debt so that it would be able  
3 to achieve a substantial surplus in 2021.  
4 They did so with the assistance of the  
5 comptroller's office and with the assistance  
6 of NIFA. Giving them the opportunity now to  
7 be able to talk about tax cuts and now be able  
8 to talk about, as we are, fee reductions.

9 The issue that I have, Comptroller  
10 Schnirman, is that I don't want conservative  
11 or liberal budget estimates. When we're  
12 relying upon your office and relying upon the  
13 Office of Management and Budget to forecast  
14 what our revenues are going to be I'm looking  
15 for accurate numbers. Not conservative or  
16 liberal. Because we're using those to make a  
17 determination as to how we're going to proceed  
18 with respect to the budget.

19 The bottom line is, if we're  
20 showing massive deficits or in this case  
21 massive surpluses in my view both of those are  
22 equally problematic because our responsibility  
23 as legislators, our responsibility as county  
24 comptroller, and as county executive is not to  
25 take out of the pockets of taxpayers one more

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2 dollar in revenue than is necessary to be able  
3 to fund the legitimate operations of  
4 government.

5 Now, I know from a budgetary  
6 standpoint it's always nice to have a little  
7 bit of a cushion. But a \$354 million  
8 difference in revenue is simply unacceptable.  
9 And I don't think it was because the  
10 comptroller's office or OMB was bad at their  
11 job. I think that those forecast numbers were  
12 so wildly inaccurate because they were  
13 designed to be widely inaccurate. Based upon  
14 where we were in 2020 with a full shutdown we  
15 were down only eight percent, 8.6 percent in  
16 sales tax revenue.

17 Looking at 2021, where there were  
18 no anticipation of any further shutdown, how  
19 we can turn around and say that sales tax  
20 revenues were going to be 20 percent below  
21 2020 made no sense then, it makes no sense now  
22 and we know that those numbers are simply  
23 wrong.

24 That same basis was used as a  
25 justification for the administration to argue

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2 why they should have been able to use \$98  
3 million in CARES Act funds that were supposed  
4 to go to businesses, that was supposed to go  
5 to residents who were struggling to recover  
6 from the pandemic and could have been used for  
7 that purpose, why the administration chose to  
8 come to us and why NIFA backed them up on it  
9 saying that we have to use 98 out of that \$103  
10 million to go towards salaries and benefits  
11 that were already included as part of the  
12 county budget because we had a \$245 million  
13 projected budget deficit.

14 So, as I'm sitting here today and  
15 debating whether or not I was going to ask  
16 questions, I was tempted not to ask questions  
17 because I don't believe the answers. And  
18 that's unfortunate. Because we're kind of  
19 flying blind through this process. If I can't  
20 rely that the numbers that are being given to  
21 me by the county comptroller are based in  
22 reality, which last year demonstrated it is  
23 not, if I can't rely on the Office of  
24 Management and Budget and I can't rely upon  
25 our purported fiscal watchdogs in NIFA, well,

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2 who are we supposed to rely upon?

3 Why is it that the legislature has  
4 to go out and get its own independent analysis  
5 with respect to the budget? It shouldn't be  
6 necessary. But it sure was necessary last  
7 year and thank goodness we did.  
8 Unfortunately, the changes that we sort to  
9 make in the budget were vetoed by the county  
10 executive and were backed up by the Minority  
11 here in the legislature. Otherwise, we would  
12 be looking at something very different today.  
13 Even more money. Having less debt.

14 We borrowed \$1.4 million that we  
15 didn't need at rates higher than we had to pay  
16 because that's what the county executive  
17 wanted to do, you backed her up on it, NIFA  
18 backed her up on it to create a substantial  
19 budget surplus for this year when she's  
20 running. That's wrong. Wrong for the  
21 taxpayers. Wrong for government.

22 And that's the reason why, as we're  
23 having these hearings today, I really don't  
24 have any questions for the comptroller's  
25 office because I don't have confidence in the



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2 information we're being provided is actually  
3 accurate information. I know you disagree  
4 with that and I'm sure that exception will be  
5 noted for record. But I felt as though I had  
6 to state my piece and I appreciate the  
7 opportunity to do that. Thank you.

8 MR. SCHNIRMAN: I do disagree  
9 with the assessment. I will not spend more  
10 time debating it. I believe your  
11 characterization is inaccurate. I do believe  
12 that the restructuring was ultimately  
13 helpful. Just as many homeowners has  
14 refinanced. I'm sure many on the dais have  
15 refinanced at record low rates. So to was the  
16 county able to do so. I'll fall back on  
17 the -- you don't need to hear me say it  
18 again -- my previous statement about the  
19 unprecedented fiscal crisis and ultimately it  
20 is great news that we are sitting here a year  
21 later fiscally, because overall the crisis  
22 continues, and things are better than we  
23 expected. And beyond that I'll just agree to  
24 disagree.

25 LEGISLATOR BIRNBAUM: I just want

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2 to elaborate on what you said. The number I  
3 was quoting, that 38.8, was from the midyear  
4 report from this year.

5 LEGISLATOR RHOADS: Thank you.

6 LEGISLATOR NICOLELLO: Any other  
7 legislators either here or remote have any  
8 questions for the comptroller? All right.  
9 You can go enjoy your birthday.

10 MR. SCHNIRMAN: Thank you.  
11 Appreciate it. All due respect, happy to  
12 enjoy the birthday.

13 LEGISLATOR NICOLELLO: The  
14 administration is up next.

15 MR. PERSICH: Good afternoon  
16 everybody. Andy Persich from Office of  
17 Management and Budget. I'm joined here by my  
18 team, Chris Nolan, Irfan Qureshi and Irina  
19 Sedighi.

20 On behalf of the county executive  
21 I'm here to present the 2022 budget, and I do  
22 have to owe a debt of gratitude out to the  
23 staff who work for me during these countless  
24 times to get this budget prepared even in the  
25 past years. There were some challenges this

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2 year with the building being shutdown during  
3 the middle of the budget process that we had  
4 to relocate over to 240, which we managed to  
5 overcome and keep the process moving.

6 Again, with every other budget  
7 there are many challenges and I'm sure we're  
8 going to go through some of the things that  
9 are in this budget. A little bit of a  
10 different budget than I've had in the past.  
11 So I'm here to discuss it. I have a short  
12 presentation and we can answer your questions  
13 as we see fit.

14 So, this budget is composed of a  
15 few different things. One, the big thing in  
16 the room is the \$70 million property tax cut  
17 that the administration carefully put in to  
18 the budget to get taxpayer relief to some of  
19 the people as needed as a result of the  
20 pandemic.

21 In addition to that, we're getting  
22 rid of our pension liability which is roughly  
23 around 195 million in two tranches. 150 of it  
24 is this year. I'm going to do the other half  
25 hopefully next year to lower our liabilities

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2 because this county does still owe a lot of  
3 people money.

4 In addition to what's in the  
5 budget, we also funded collective bargaining  
6 consistent with the patterns that we had with  
7 the other previous unions, DAI and SOA. We've  
8 increased funding in the Office of Minority  
9 Affairs, Asian Affairs and Hispanic Affairs.  
10 We funded the new body cam program, including  
11 the expenses associated with that. There were  
12 some living wage issues that were found in  
13 2021 that we have to fund for certain seasonal  
14 employees. We have funded two police classes,  
15 two correction classes and we've restored the  
16 busing to the levels prepandemic. We've also  
17 increased the sworn head count by six. Those  
18 are for the new body cam officers that will be  
19 working over in the police department.

20 On page two it kind of gives you a  
21 breakdown of what the largest components of  
22 the budget are. As you can see, almost \$1.7  
23 billion relates to salary and fringes. Of  
24 that, \$150 million is for the pension  
25 repayment and the fringe benefit line.

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2 Additionally, local government  
3 assistance, which is a function of sales tax,  
4 accounts for about 85 million. Transportation  
5 is roughly around \$183 million. Our other  
6 than personal services is approximately \$250  
7 million. Our debt service, which has declined  
8 a little bit, is \$180 million. Direct  
9 assistance, which is a lot of the social  
10 service programs, Medicaid, TANIFF, SNAP, all  
11 that good stuff, is approximately 563  
12 million. Then we have the category of the  
13 others which is utilities and a couple of  
14 other things that are approximately get to  
15 \$500 million.

16 So on the expense side the budget  
17 accounts for about \$3.5 billion. Now in order  
18 to pay for these things we have to generate  
19 revenue in order to cover this. Our sales tax  
20 projection is one million 375. Our property  
21 taxes went from 825 down to 755. Our state  
22 aid is being restored to the levels of  
23 prepandemic, maybe a little higher, to \$225  
24 million. Federal aid is approximately 157.  
25 Our department revenues are \$245 million.

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2 Then we have a bunch of other revenues that we  
3 collect that account for about \$750 million.  
4 That gets us to balanced.

5 Every year it's a challenge but  
6 this is how the revenues and expenses always  
7 have to match up and this is how we got to the  
8 zero number.

9 On slide three, this is a fan  
10 favorite, but it kind of shows you where the  
11 spending goes to. The largest two components  
12 as you can see are salaries and fringe  
13 benefits, which are about almost 52 percent of  
14 what we pay for. We have approximately 7,000  
15 employees. 7,200 employees I think is the  
16 exact number. And we're increasing the head  
17 count by almost 95 in 2022 by adding selected  
18 positions in public safety and a bunch of  
19 different arenas to help deliver better  
20 services.

21 On slide six, as you can see, it  
22 shows the revenue. If you would have looked  
23 at this slide last year compared to this year  
24 you would see that the sales tax and the  
25 property tax, the sales tax section last year

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2 was roughly around 34 percent. We're  
3 projecting -- because at that point in time  
4 where we were, remember, it was different time  
5 in September this year to last year. But we  
6 can talk about that later. But I will say  
7 that we're in a different place right now,  
8 which is a good place, and I think the  
9 county's finances are on the road to  
10 recovery. But a part of the equation is the  
11 revenue side of this in order to fund things.

12 On slide five, I know we don't pay  
13 a lot of attention here to this because we  
14 only worry about the operating budget, but we  
15 do do quarterly multiyear plans. I think if  
16 you look at what this is showing is we've been  
17 able to reduce the out year gaps because all  
18 the decisions we made leading up to this,  
19 which popular or unpopular or not, our goal  
20 with this slide, I think everybody in this  
21 chamber, including the administration, is to  
22 get the control of the county back into our  
23 hands versus NIFA. I'm the one who has to  
24 deal with them on a regular basis. I will  
25 tell it's not always a fun thing. Let's keep

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2 that in mind.

3 If you look at this, I think the  
4 guide slope to where we want to get to is kind  
5 of built right here. Painful to get there but  
6 I think we're on the verge of getting there.  
7 But this just shows you what the out year gaps  
8 were previously and what we predicted them to  
9 be in this year.

10 On slide six, again, I covered  
11 what's mostly in the highlights which is our  
12 sworn staff is at the 2606. It was 2500 for  
13 years that I can remember but we've increased  
14 it by six for the body cam program. We've  
15 added additional fire commission officers and  
16 operators over there. We have two classes of  
17 correction officers. We've added some  
18 staffing in the probation and JVC for  
19 electronic monitoring.

20 Again, we'll discuss the minority  
21 departments. We increased the head counts and  
22 the budgets there. Human services we've added  
23 new efforts for the new police reform which  
24 include some of the mental health things. And  
25 the Department of Social Services we've added



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2 case workers and social examiners to help fund  
3 the needs that are over there. We don't know  
4 what the outcome of this is going to be and we  
5 haven't seen that yet, the uptick in case  
6 loads, but it's still probably a looming thing  
7 based on what's out there.

8 That's about all I have to say  
9 about that. I don't have a lot. I'm sure  
10 there's going to be a lot of questions so I  
11 left my presentation brief and to the point  
12 for you guys so we can have a discussion about  
13 things.

14 LEGISLATOR NICOLELLO: We  
15 appreciate that. Just walk me through how you  
16 got to your sales tax projections for 2022?  
17 In terms of did you base it off initially the  
18 2019 budget and move forward? Just walk me  
19 through that.

20 MR. PERSICH: Because the past  
21 two years have been I would say '20 and '21  
22 have been anomalies, we kind of go back to  
23 2019 when we thought the economy was at its  
24 norm, pre-COVID. I'll drift back just a  
25 little bit. From September of last year to

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2 like October, December of last year there were  
3 a lot of things going on whether it be in  
4 Washington, here. We didn't have a vaccine.  
5 Opening and closing. Shutting things down.  
6 So when we did the budget we weren't at a good  
7 point in September last year. That's what I  
8 can tell you.

9 But how we got to our sales tax  
10 number was we took the '19 number and we took  
11 what the average growth rate was and then we  
12 took out the '20 and '21 numbers and just made  
13 believe if they grew at the annual rate of  
14 three percent that this is where the 2022  
15 number would be. So we grew it at three  
16 percent in '20, three percent in '21 and then  
17 three percent in '22. So it's theoretically  
18 almost a nine percent increase from 2019 to  
19 now.

20 LEGISLATOR NICOLELLO: If you  
21 look at the actuals for '20 and '21 would it  
22 come up to -- would it be the equivalent, in  
23 terms of the actuals, would it be equivalent  
24 of the six percent that you're attributing the  
25 growth would be? I don't know if I phrased

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2 that correctly. But I understand you were  
3 assigning numbers to each year as if the  
4 pandemic didn't happen. Three percent in '20,  
5 three percent in '21. If you look at the  
6 actuals is that six percent an accurate  
7 assessment?

8 MR. PERSICH: No, I don't  
9 think -- remember 2021, if we're going to go  
10 there because 2020 was the only actual year  
11 that we had, we were down eight percent. We  
12 discounted that I would call it it's an  
13 inflection point in the number. It's like  
14 when the Dow goes up and down. That was a  
15 point in time that we tried to normalize out.  
16 We said let's make believe that didn't  
17 happen. In '21, although we're seeing  
18 collections moving all around, we still get  
19 collections through February of next year.  
20 There's still some, I would say, a lot of game  
21 left to be played with that number. I don't  
22 know where it's going to land and I'm not  
23 being the grim reaper. I think we're on the  
24 road to economic recovery right now but there  
25 are some hurdles ahead of us. But in order to

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2 get to that number we took out '20 and '21 to  
3 get us to what the '22 number was.

4 LEGISLATOR NICOLELLO: I  
5 understood that, how you described it. I  
6 guess my question is, so, you were putting  
7 aside the actual history of '20 and '21 and  
8 you were projecting off of 2019 it would  
9 increase three percent in '20 and three  
10 percent in '21, which would bring you a  
11 certain number, a six percent increase over  
12 2019 and where you would expect to be at the  
13 end of this year. What about actually? Are  
14 we going to be at that number, below that  
15 number or over that number?

16 MR. PERSICH: For 2021?

17 LEGISLATOR NICOLELLO: 2021. We  
18 want to know as opposed to your projection a  
19 six percent increase as opposed to where we  
20 are is accurate.

21 MR. PERSICH: Two things I will  
22 say. One is that the projections right now  
23 where we have it, which we're not projecting  
24 because it's not my money. You know what I  
25 mean? I can't use it to spend on operating

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2 budgets. We've already defined that any  
3 excess sale tax will go into your special  
4 revenue fund and we'll deal with it.

5 There's still a lot of things out  
6 there looming that I don't know where that  
7 number is going to land. It's going to be  
8 north of last year I can tell you that much.  
9 That much I do know. Exactly where it's going  
10 to land, it's going to be close to I think the  
11 three percent range that we may have this  
12 year. So I think somewhere in that range.

13 To pin it down, Legislator  
14 Nicoletto, while I understand and I heard the  
15 comments and I know why this concerns about  
16 our projecting the sales tax number, it's not  
17 the easiest number in the world to project. I  
18 have to sit here and make sure that barring  
19 anything else, that we balance the budget and  
20 keep it balanced and that means we have to  
21 make tough decisions. I also have to make  
22 sure that we have enough money in the bank to  
23 make sure that all our hard workers and our  
24 services that we deliver to other people we  
25 can afford to pay them.

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2 We are on the conservative side  
3 which is where we land. Having dealt with  
4 NIFA they don't like us putting high numbers  
5 in for sales tax and we try and work around  
6 some of the parameters that we have with  
7 them. Which is the one and one and a half  
8 gross that they like to see.

9 LEGISLATOR NICOLELLO: I'm going  
10 to move on. Pension liability. How much do  
11 we currently owe?

12 MR. PERSICH: We owe \$195  
13 million. We're paying off 150 of it with this  
14 budget.

15 LEGISLATOR NICOLELLO: Is there  
16 an interest cost to that money?

17 MR. PERSICH: Yes, there is.  
18 It's about a 3.3 percent rate we pay upon  
19 that. The number is 195 in totality of which  
20 156 we are paying back. This was born out  
21 of -- historically this deferral came out of  
22 if you remember it was in 2010, which was  
23 right after the 2007 market collapse which is  
24 when -- that was the liquidity crunch that the  
25 country hit. We, who were all here, that's

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2 what we all fear when we hear about the next  
3 economic downturn. But that's where this was  
4 bred out of we've been carrying that liability  
5 out. It pays future expenses which helps us  
6 in the out years, which helps us again get out  
7 of the control period.

8 LEGISLATOR NICOLELLO: Just one  
9 other area I want to cover. The out years,  
10 you indicated that we're making up the  
11 revenues from the tax cut in this proposed  
12 budget. How are those revenues being made up  
13 in the out years?

14 MR. PERSICH: Some of the things  
15 that we're using to fund them, I mean, part of  
16 it is that the property taxes we're restoring  
17 it slowly over time. That's what we're  
18 doing. We took 70 out this year. It drops by  
19 40, 25, 15. That's the plan that we've set  
20 out. That we'll have to increase that side of  
21 the equation.

22 Part of it is funded through some  
23 of the sales tax growth that we might see in  
24 the out years, which is risky. There are some  
25 fees and other things that make that side of

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2 that equation. But we also have savings on  
3 the other side in certain areas that we might  
4 have on the expense side. It's a bunch of  
5 moving parts. When it's a multyear plan if  
6 you look at, while on a piece of paper it's a  
7 small, thin book, there's so many data points  
8 in there that we have to go through that they  
9 vary it. They're variables. We're trying to  
10 hit a target four years from now which is it's  
11 our best guess. If you look where we were and  
12 where we're at it definitely is an  
13 accomplishment by the administration, this  
14 legislative body to get us to this point that  
15 I think at some point that we can get out of  
16 the control period, and I can happily say that  
17 after 20 some odd years that NIFA is no longer  
18 over my shoulder right now because I sit in  
19 the chair.

20 LEGISLATOR NICOLELLO: They'll  
21 still be around for another 20 years or so in  
22 a control period or not. Let's take 2023 for  
23 example. The tax revenue drops by \$40  
24 million. So what does that equate as an  
25 increase?



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2 MR. PERSICH: It's a \$30 million  
3 increase is what it is.

4 LEGISLATOR NICOLELLO: Then for  
5 2024?

6 MR. PERSICH: It goes from 40  
7 down to 25, so it will be a \$15 million  
8 increase.

9 LEGISLATOR NICOLELLO: And the  
10 last year?

11 MR. PERSICH: It's 15. So it  
12 goes up by ten. I have a chart I will give to  
13 body which shows the actual taxes. They  
14 gradually we go down and start ramping back  
15 up.

16 LEGISLATOR NICOLELLO: Appreciate  
17 it. That's all the questions I have. I'm  
18 sure other legislators will have questions.  
19 Legislator Rhoads.

20 LEGISLATOR RHOADS: How you doing  
21 Mr. Persich? Can you do me a favor and just  
22 explain to me you're saying that the revenues  
23 are going to dip as a result of the tax cuts  
24 but then it's going to be restored over four  
25 years?

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2 MR. PERSICH: Yes.

3 LEGISLATOR RHOADS: Can you dumb  
4 that down for me?

5 MR. PERSICH: Sure. I'll do the  
6 best I can. When you do it on a piece of  
7 paper and I've had this problem, I think it's  
8 best that I can show you it and I will get it  
9 to the body. We are dipping it this year in  
10 2022 and in 2023 we're going back up from 70  
11 to 40. So we will be increasing the levy by  
12 30.

13 LEGISLATOR RHOADS: How? Through  
14 a tax increase?

15 MR. PERSICH: Through a tax  
16 increase, correct.

17 LEGISLATOR RHOADS: So the  
18 proposal from the administration is to provide  
19 to provide a \$70 million tax cut and then  
20 raise taxes the next three years?

21 MR. PERSICH: It's 150 over the  
22 period of a four-year period. I'm not going  
23 above the 825 number.

24 LEGISLATOR RHOADS: So the tax  
25 cut is not designed to be a permanent tax cut,

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2 it's designed to be a temporary tax cut over  
3 four years?

4 MR. PERSICH: That is correct.  
5 Relief to the people during what we consider  
6 these tough economic times that we are handing  
7 it down to them. So, yes, because our bills  
8 in the out years go up.

9 LEGISLATOR RHOADS: Well, the  
10 bills go up in the out years for a number of  
11 factors but one of the factors is the fact  
12 that we refinanced \$1.4 billion in debt and we  
13 put additional debt service in the out years  
14 in order to do that to achieve short term  
15 savings. Let's be honest. That's exactly  
16 what happened here, right?

17 MR. PERSICH: I would disagree  
18 with that because there were additional  
19 savings because the rate was much lower than  
20 what we anticipated. The net MPV on this deal  
21 was much more positive than we originally  
22 thought. So even in the out years we did have  
23 this benefit. While maybe I would say an  
24 unpopular thing, if you asked me to do this  
25 ten times over having been here, I would have

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2 done that deal at the point and time we were  
3 at and I'd probably do it today because it  
4 gives you additional flexibility in the budget  
5 to fund other things.

6 LEGISLATOR RHOADS: I guess my  
7 criticism, Andy, is that you and the  
8 administration had the opportunity to make  
9 that decision. To be perfectly honest, we  
10 didn't have the opportunity to make that  
11 decision. And the reason that I say that is  
12 for much the reason that we spoke about with  
13 the comptroller, is that the numbers that we  
14 were presented with the projection in sales  
15 tax revenue put us in a box where we had  
16 numbers that we believed were wildly  
17 inaccurate from you, from the comptroller. We  
18 had NIFA telling us that if we didn't borrow  
19 \$1.4 billion in debt -- by the way, it's the  
20 same NIFA that wouldn't allow us to bond \$30  
21 million in unexpected termination pay during  
22 the previous administration that is now  
23 telling us that we should borrow \$1.4  
24 billion. Put that to the side.

25 Where we had really no choice but

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2 to do it. NIFA's telling us if they don't do  
3 it all sorts of draconian things are going to  
4 happen. That's the sort of Damocles that they  
5 wield over us every single budget year because  
6 if we change the budget projections, if we  
7 change the sales tax projections, they were  
8 going to claim that it was going to blow a  
9 hole in the budget. They were going to  
10 disallow that.

11 It turns out that the  
12 administration's projection of being 20  
13 percent down 2020 or 2021 over '20 in sales  
14 tax revenue wasn't just bad, I mean, the  
15 comptroller testified we're actually 29.7  
16 percent over 2020. Not 20 down. Almost 30  
17 percent over what our numbers in 2020 were.  
18 That's historically bad. So, we're 13 percent  
19 over 2019 prepandemic. And now in this year's  
20 numbers we're forecasting that we're only  
21 going to be only 3.3 percent over what we were  
22 in 2019.

23 MR. PERSICH: That's correct.

24 LEGISLATOR RHOADS: We expect  
25 that sales tax revenue are -- we're again now

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2 talking about a decline in sales tax revenue.

3 MR. PERSICH: No. I think what  
4 we're saying is -- well --

5 LEGISLATOR RHOADS: Right now  
6 we're 13 percent over, right? We're now  
7 saying that we're only going to be three  
8 percent over 2019 in 2022. In effect, we're  
9 going to be doing worse in sales tax revenue  
10 in 2022 than we are in 2021.

11 MR. PERSICH: Let me just  
12 elaborate a little further. What you have to  
13 realize is that we still have a lot more  
14 checks to collect and 13 may not hold. That's  
15 what I can tell you. I don't think the trend  
16 will continue. I don't know what the fourth  
17 quarter will bring because there's a lot of  
18 checks that are still coming. What I'm not  
19 saying is -- it went up from the 2021 budget,  
20 it went up from the 2019 budget. The sales  
21 tax number in this budget went up. But if you  
22 look back in time where we were and I hate to  
23 go back on an historical perspective but --

24 LEGISLATOR RHOADS: You're  
25 talking about the budget now. When we were

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2 talking about the \$98 million in CARES Act  
3 money that was in December and we got the same  
4 forecast that we were going to be \$245 million  
5 in the hole which is how it was justified that  
6 we were using \$98 million and then 30 days  
7 later the administration is announcing a \$140  
8 million surplus.

9 I find it hard to believe that  
10 being that far off wasn't by design to box us  
11 into making certain decisions that we wouldn't  
12 have made otherwise. The end result is the  
13 amount of money that you see in the special  
14 revenue fund. And thank God we created the  
15 special revenue fund because if we didn't  
16 create the special revenue fund that money  
17 would just be poring into the general fund to  
18 be used for whatever. At least now we have  
19 some control.

20 And the amount in the special  
21 revenue fund, just so you know,  
22 scorecard-wise, is the difference between what  
23 we said the projections were going to be for  
24 the budget and what you said the projections  
25 were going to be in the budget. That's how

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2 much different -- that's how much you were  
3 wrong. There's no other way to say it. So,  
4 we can actually quantify the amount.

5 So when we're looking at the  
6 projections now what exactly goes into this?  
7 Because it just seems as though, I'm sure  
8 there's some sort of analysis, but I mean it  
9 kind of seems as though we're just kind of  
10 throwing a dart at the board and that's what  
11 we think is going to happen.

12 MR. PERSICH: I do have a dart  
13 board in my office. No, legislator, we take a  
14 long hard --

15 LEGISLATOR RHOADS: Are you using  
16 the same things this year that you were using  
17 last year?

18 MR. PERSICH: That's what we  
19 tried to normalize. I think maybe one of the  
20 points that I'm not conveying to you is that  
21 you can't look at '20 and '21 as normal  
22 years. I would have to think that this pent  
23 up demand can't last as long as it is. But if  
24 it does and I'm off so be it. The county owes  
25 a lot of money on the liability side of this.



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2 It's not like we don't have a ton of  
3 outstanding liabilities. I mean, historically  
4 I walked through the door here 2018 Restive  
5 hit us right in the head and we didn't have  
6 the money to pay for it. To your point, NIFA  
7 wouldn't let me borrow for it. I didn't have  
8 the funds to do that. So we were running  
9 around trying to figure out how to make that  
10 payment. One of the factors that helped us  
11 was that the revenue side of the equation came  
12 in a little bit better. We managed our  
13 expenses to bring it down and we ended up  
14 finishing that year with a small surplus.

15 So, there is no exact science. We  
16 do modeling like everybody else does. We try  
17 and share information between a lot of offices  
18 to see if we can come up to a number.

19 This year I think what we did was  
20 strategically look at how we could take out  
21 the anomalies in the number. Because if you  
22 look back even back I think it was 2012 or  
23 right before that the sales tax took a  
24 nosedive there which it does happen. But last  
25 year was significantly the largest we've ever

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2 seen. It could have turned into ten, ten  
3 could have turned into 15. I'm not painting a  
4 picture that -- remember, in September of last  
5 year we were just coming out of reopening. We  
6 were opening and shutting down. The federal  
7 government -- and we didn't know what was  
8 happening in Washington. Everybody was  
9 talking about new additional CARES funding,  
10 ARP funding. That didn't come until after  
11 January. We couldn't even bank on that. I  
12 couldn't do that.

13 To get back to what happened in  
14 '20, there were a couple of transactions.  
15 That CARES money did help us. It helped us  
16 offset a few things. Even though we did  
17 finish with a surplus, the kicking out the  
18 NIFA debt was one thing that saved last year.  
19 There was a \$75 million transaction that  
20 actually saved us from going down the path of  
21 going into a deficit position which not only  
22 do I have to worry about from a budgetary  
23 basis but I also have to worry about rating  
24 agencies too. So we have to manage that  
25 budget.

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2 LEGISLATOR RHOADS: If you had  
3 \$140 million surplus you didn't need the \$98  
4 million in CARES Act, right?

5 MR. PERSICH: I would disagree  
6 with that. I don't think the 198 million -- I  
7 think you still needed to do that. We  
8 finished with a surplus but you have to go  
9 across all the different funds and the buckets  
10 of money that these funds line up into some  
11 are spendable, some are nonspendable. I would  
12 defer to the comptroller on that. What my  
13 ability to spend because they're restricted  
14 assigned that number. I have very limited  
15 money I can spend out of fund balance on an  
16 accounting basis. That's not GAP good, which  
17 puts me in a control period because that's  
18 what happens. If I take money out of fund  
19 balance NIFA uses that against me as a revenue  
20 source and I stay in the control period.  
21 That's the functioning of how the NIFA  
22 transaction works.

23 In order to get to where I think  
24 this body wants to get to, in order to do that  
25 having that fund balance is a nice cushion to

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2 have there because that's something when I  
3 walk through the door, and I've had a previous  
4 life in a small township that I had healthy  
5 fund balance which makes it a little bit more  
6 flexible in your budgets to do that. But you  
7 need that as a cushion in case something  
8 catastrophic happens again.

9 And last year the fact that we were  
10 able to finish the year with a surplus because  
11 of a few good things is accolades to everybody  
12 who's in this organization that we're not  
13 sitting here.

14 Then the fact that we were able to  
15 come out of this and looking at the numbers of  
16 where we're heading I think it's a good story  
17 for everybody here. That's just me. I get  
18 people off my back by not having NIFA on my  
19 back.

20 LEGISLATOR RHOADS: Those few  
21 good things came at a cost, right? One of the  
22 good things, the CARES Act money, which you're  
23 terming as a good thing. One in six small  
24 businesses shut their doors as a result of the  
25 pandemic. We had \$98 million in the bank that

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2 we could have used to help some of those small  
3 businesses pay rent. We could have used them  
4 to help them pay overhead expenses while they  
5 were closed. We could have used it to pay  
6 people who were behind on their rent. People  
7 who were behind on their mortgage and lost  
8 jobs. We're having an argument over \$375  
9 checks right now. Meanwhile there was \$98  
10 million that could have been used all  
11 throughout the year last year that could have  
12 gone to provide the same relief and everybody  
13 is just ignoring that. It came at a  
14 consequence.

15 Even the debt restructuring came at  
16 a consequence in later years. Somebody's got  
17 to pay this \$1.4 billion back. We may have  
18 achieved some sort of short-term benefit in  
19 years one through five but that comes at a  
20 price in those outer years that a different  
21 legislature and maybe a different county  
22 executive and a different budget director are  
23 going to have to figure out how to pay the  
24 debt service on that.

25 Yeah, there are good things that

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2 happened from a budget standpoint but it  
3 created bad things that happened at other  
4 times and to other people. What's good for  
5 the government is not necessarily good for the  
6 taxpayer.

7 When we look at these budget  
8 surpluses, sort of like I said before, when I  
9 see a budget deficit or I see a big budget  
10 surplus that means to me that we did something  
11 wrong. From a financial standpoint I  
12 understand the benefit of having a cushion.  
13 But when you're looking at a difference in  
14 revenue of \$350 million, when you're looking  
15 at a \$140 million budget surplus that to me  
16 says I took \$140 million out of the pockets of  
17 taxpayers that I didn't need to take. A  
18 deficit that means that we failed in managing  
19 to our budget, right? There's got to be a  
20 balance between the two.

21 And when we talk about forecasting  
22 and we talk about the accuracy the point that  
23 I wanted to make to you is the same that I  
24 wanted to make to the comptroller, is that we  
25 are relying upon the accuracy of the

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2 information that we're providing, the  
3 forecasting that you give us and we are making  
4 decisions based upon that forecasting.

5 And because of the poor  
6 forecasting, and I'm not talking about  
7 September, right? What I resent is at the end  
8 of November being told that we are 200,  
9 whatever the number was, million dollars in  
10 the hole for fiscal year 2020 and having to  
11 make decisions based upon that, we're told  
12 that sales tax revenue in late November, a  
13 month before the end of the quarter, in late  
14 November we're being told that sales tax  
15 revenue for the year is expected to be down 20  
16 percent when we all saw the numbers that were  
17 coming in and that it was trending towards  
18 being down by only eight and having to base  
19 numbers off of that because you and the  
20 administration and NIFA and the comptroller  
21 agreed on a set of numbers that common sense  
22 simply told us didn't make sense but we had no  
23 choice. I resent that.

24 So, when I'm looking at these  
25 numbers now I kind of have to question

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2 everything and question the accuracy of  
3 everything, and I don't mean to insinuate that  
4 you're bad at your job, I don't think you  
5 are.

6 MR. PERSICH: Nothing personal  
7 noted here.

8 LEGISLATOR RHOADS: I think that  
9 the numbers that we were given at the end of  
10 last year were given to us and kind of forced  
11 down our throat to achieve a desired result  
12 and that's with the administration and NIFA  
13 and the comptroller.

14 In that context, I find it very  
15 difficult to place a lot of credence in the  
16 numbers that we're being given today. Fool me  
17 once shame on you, fool me twice shame on me.  
18 That's kind of what I'm dealing with.

19 I just have one other question and  
20 that's with respect to suits and damages. I  
21 saw that there was an increase in the suits  
22 and damages account of \$8 million. I saw  
23 there was an increase of outside counsel of \$7  
24 million if I'm not mistaken.

25 MR. PERSICH: The increase in



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2 outside counsel fees I'm not aware of. Maybe  
3 in the line item. It's in the suits and  
4 damage line it was a \$15 million increase. It  
5 was 30 in 2021, it's now 45 next year, and  
6 it's to pay some claims that we anticipate  
7 coming up in 2021 and 2022. That's what that  
8 money is used for. I don't think it's in the  
9 outside counsel line for that. But they are  
10 coverable as claims if we had to pay them.

11 LEGISLATOR RHOADS: It's based  
12 upon the fact that we anticipate there being  
13 some cases that are on the trial calendar that  
14 need to be resolved?

15 MR. PERSICH: I don't want to  
16 rehash the whole point but to get back to the  
17 lot of what ifs that could have occurred from  
18 this year to last year there were a lot of  
19 unknowns and uncertainties and I'll establish  
20 that.

21 But that said, there's one thing  
22 that we don't pay attention to which is the  
23 liability side that this county has -- there's  
24 cases out there since 1997 that are very  
25 costly that are still out there looming. That

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2 we are trying now to actively get rid of so  
3 that we can limit that suits and damages  
4 number down to a manageable number. I'll take  
5 you back to 2018.

6 LEGISLATOR RHOADS: But we've  
7 only used year to date \$5 million out of \$30  
8 million in suits and damages fund?

9 MR. PERSICH: We have structured  
10 settlements that the timing of when we make  
11 the payments are coming through. You'll be  
12 hitting 30 maybe close to 45 this year.

13 LEGISLATOR RHOADS: You think  
14 that the other 25 in suits and damages will be  
15 exhausted by the end of the year.

16 MR. PERSICH: We will be  
17 exhausting that number, yes. I work very  
18 closely with the county attorney's office on  
19 these numbers. I'm telling you we owe a lot  
20 of people a lot of money.

21 To the point of that we need -- if  
22 we can eliminate those liabilities for future  
23 years, which has been hanging around forever  
24 and ever and ever, these cases that we're  
25 talking about, cleaning up the tax cert

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2 backlog which we're making headway in that,  
3 you're putting yourself in a position that I  
4 think it's painful in the front and while it's  
5 unpopular as it may seem in the beginning, the  
6 end result is where you're going to want to be  
7 and that I can tell you.

8 LEGISLATOR RHOADS: Where are we  
9 in terms of paying back tax certiorari debt?

10 MR. PERSICH: The last number I  
11 saw for this year we punched out about \$100  
12 million out the door.

13 LEGISLATOR RHOADS: And we still  
14 have about how much remaining?

15 MR. PERSICH: I don't know what  
16 the liability number was last year. I think  
17 we're whittling it down slowly but surely. I  
18 think the reval and maybe the assessment  
19 fixing the roll a little bit I think we'll  
20 limit the number of what the new liability  
21 is. But we've taken a big hit out at it and I  
22 think we will continue to manage that number  
23 down.

24 LEGISLATOR RHOADS: But, I mean,  
25 I believe that we're still in the hundreds of

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2 millions outstanding.

3 MR. PERSICH: Chris just pointed  
4 it out to me. As of right now it's around a  
5 \$360 million liability. Of that we just took  
6 down a hundred of that. We're making progress  
7 is all I can tell you. This is a slow process  
8 but we are making definite headway in cleaning  
9 up the backlog in cert liability. We have the  
10 funds to do it. The DAF. We have \$30 million  
11 in operating budgets to pay back there. So  
12 it's 70 there. And anything we can use from  
13 the special revenue we might be able to fund  
14 out of that and anything else.

15 LEGISLATOR RHOADS: What's in the  
16 DAF.

17 MR. PERSICH: It's \$40 million  
18 annually. And that's a self-revolving fund  
19 which actually is working out rather well.

20 LEGISLATOR RHOADS: Thank you.

21 LEGISLATOR NICOLELLO: Just one  
22 follow-up on the backlog. Did you indicate  
23 that you're taking it down by \$100 million  
24 this year?

25 MR. PERSICH: We paid out \$100

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2 million.

3 LEGISLATOR NICOLELLO: Where did  
4 that come from?

5 MR. PERSICH: There are many  
6 resources that we use. Old DAF, new DAF.  
7 Operating funds and everything else. There's  
8 a whole different bunch of funding resources  
9 that we did.

10 LEGISLATOR NICOLELLO: By the end  
11 of the year you'll have paid all of the  
12 operating budget for --

13 MR. PERSICH: We'll probably  
14 exhaust the \$30 million in the operating  
15 budget.

16 LEGISLATOR NICOLELLO: Do you  
17 know when the special fund will be usable, the  
18 funds in there will be usable for those  
19 purposes?

20 MR. PERSICH: I would think that  
21 we'll be visiting this in November. I think  
22 it's November 30th. I think that's when we'll  
23 be probably having a different dialogue about  
24 that.

25 LEGISLATOR NICOLELLO: When those

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2 funds become fully usable and projections hold  
3 you're going to have a substantial number.  
4 There are other purposes in there but I think  
5 primarily it's for paying down our refund  
6 liability. So we will be able to make  
7 substantial progress in there.

8 MR. PERSICH: I would think that  
9 that would be a good use of these funds.

10 LEGISLATOR NICOLELLO: Any other  
11 legislators have questions? Legislator Walker  
12 then Legislator Birnbaum.

13 LEGISLATOR WALKER: Just a quick  
14 question. Did we contemplate increasing that  
15 \$30 million to anything higher in the budget?

16 MR. PERSICH: For tax certs?

17 LEGISLATOR WALKER: Yes.

18 MR. PERSICH: No, we did not. I  
19 think based on some of the resources we have  
20 out there, Legislator Walker, I think we have  
21 enough resources to take care of it.

22 LEGISLATOR WALKER: Because you  
23 hope the sooner we can get rid of them because  
24 the interest rate on them is outrageous.

25 MR. PERSICH: It's the three and

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2 nine percent rule with those and I am aware of  
3 that. That's one of the things when you look  
4 at some of these claims --

5 LEGISLATOR WALKER: And everyone  
6 is owed this money should have it.

7 MR. PERSICH: We are actively  
8 working on getting the money out the door.  
9 \$100 million is almost record pace for Nassau  
10 County. I'm just saying. And in the time  
11 frame we did do it in it's pretty good.

12 LEGISLATOR WALKER: Thank you.  
13 My other questions were already answered.

14 LEGISLATOR NICOLELLO: Legislator  
15 Birnbaum and then Legislator Ferretti.

16 LEGISLATOR BIRNBAUM: The \$70  
17 million property tax cut for 2022 is just  
18 really the first of four years? Altogether it  
19 will be 150?

20 MR. PERSICH: Exactly.

21 LEGISLATOR BIRNBAUM: And this  
22 will have an effect on every homeowner in  
23 Nassau County and any property owner?

24 MR. PERSICH: Every class of  
25 property will be receiving -- over the classes

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2 of property \$70 million will be disseminated  
3 to those different four classes of property.  
4 So everybody gets the benefit to answer your  
5 question, yes.

6 LEGISLATOR BIRNBAUM: Thank you.  
7 That's what I wanted to know.

8 LEGISLATOR NICOLELLO: Legislator  
9 Ferretti.

10 LEGISLATOR FERRETTI: Hi. Can  
11 you hear me okay Andy? How are you doing?

12 MR. PERSICH: Good afternoon.

13 LEGISLATOR FERRETTI: The four  
14 year property tax cut, after the four years  
15 what happens? Does it go back up or does it  
16 stay where it is after the \$150 million  
17 reduction?

18 MR. PERSICH: It goes up back to  
19 the 825 level in 2025 I think it is. 2026 it  
20 goes back up.

21 LEGISLATOR FERRETTI: But when  
22 you say it goes back up it goes back up to  
23 what?

24 MR. PERSICH: Where we're at this  
25 year in 2021.



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2 LEGISLATOR FERRETTI: So, this is  
3 really only a recurring cut for four years.  
4 After that it's kind of wiped off the table  
5 and the taxes get increased, correct, under  
6 this plan?

7 MR. PERSICH: Currently, yes.

8 LEGISLATOR FERRETTI: Thank you.

9 LEGISLATOR NICOLELLO: Anyone  
10 else either here or remote? No? I think  
11 we're all set. Thank you Andy. Appreciate  
12 it.

13 MR. PERSICH: Legislators thank  
14 you very much.

15 LEGISLATOR NICOLELLO: We'll be  
16 starting next departments and the first one up  
17 the Department of Consumer Affairs. I think  
18 we're ready to go.

19 MR. MAY: Good afternoon  
20 legislators. I'm Greg May, Nassau County  
21 Consumer Affairs commissioner. I'm here to  
22 speak on the budget. Are there any  
23 questions? Just start with questions.

24 LEGISLATOR NICOLELLO: In terms  
25 of staffing, you recommend 27 staffers and the

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2 proposed budget gives you 26; is that right?

3 MR. MAY: That is correct.

4 LEGISLATOR NICOLELLO: How many  
5 do you have on board now?

6 MR. MAY: 22.

7 LEGISLATOR NICOLELLO: So there's  
8 what four vacancies currently?

9 MR. MAY: I believe there are  
10 four or five vacancies, yes.

11 LEGISLATOR NICOLELLO: Where are  
12 those vacancies? What activities of your  
13 department?

14 MR. MAY: Primarily in licensing  
15 and there's an open vacancy in weights and  
16 measures.

17 LEGISLATOR NICOLELLO: We, the  
18 legislators, have been receiving complaints  
19 about new applications and renewal  
20 applications that have been submitted and  
21 there's been no action for months with the  
22 result that these contractors are not able to  
23 do work. They are expending resources by  
24 getting insurance. Homeowners are not getting  
25 projects done. Tell me about the backlog in

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2 your office. Give us both categories,  
3 renewals and new applications.

4 MR. MAY: There is a significant  
5 backlog in both renewals and new  
6 applications. We are working with the  
7 administration to address both backlogs. For  
8 registrations it's a little bit easier. We  
9 have the authority under the admin code to  
10 issue temporary licenses. What we are doing  
11 now is for any renewal application where we  
12 have satisfactory documentation we are turning  
13 over their license from renewal and progress  
14 to a temporary license that has the same  
15 authorities and benefits of the full license  
16 while we complete review.

17 And as far as the new licenses go,  
18 we are working to get more staff on board to  
19 get through the backlog.

20 LEGISLATOR NICOLELLO: My  
21 understanding is that the some of the  
22 municipalities don't recognize the temporary  
23 licenses.

24 MR. MAY: That is not my  
25 understanding. If you would like to put me in

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2 touch with those municipalities I'd be happy  
3 to speak with them. Particularly with the  
4 temporary license that is authorized under the  
5 administrative code. So that should not be an  
6 issue.

7 LEGISLATOR NICOLELLO: How did  
8 you get so far behind?

9 MR. MAY: There have been  
10 staffing challenges in the department and  
11 again we're working with the administration to  
12 build staff back up and address the backlog in  
13 both renewal and new license applications.

14 LEGISLATOR NICOLELLO: You're  
15 working with the administration but do you  
16 have any applicants for civil servants for  
17 these positions or not?

18 MR. MAY: We do. We are  
19 canvassing a list for an administrative  
20 assistant bilingual now. The plan is to have  
21 two added. We are looking for a senior  
22 staffer and somebody to replace a retirement  
23 in weights and measures.

24 LEGISLATOR NICOLELLO: I mean,  
25 the frustration is, I understand there's a

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2 difficulty but how did we get to the level  
3 where contractors are waiting months to get  
4 their renewals? I understand you have  
5 difficulties in staffing but how did you get  
6 to this point?

7 MR. MAY: Unfortunately there was  
8 unexpected staff shortages in the licensing  
9 department that fortunately were not COVID  
10 related, but did take some people out who are  
11 critical to the operation for a greater than  
12 expected time.

13 LEGISLATOR NICOLELLO: When can  
14 we expect you to become current or relatively  
15 current in terms of issuing these renewals and  
16 new approvals?

17 MR. MAY: I would certainly love  
18 to by the end of the year.

19 LEGISLATOR NICOLELLO: I mean,  
20 there's a ton of questions that we have over  
21 this but I'm going to turn it over. Any of  
22 the legislators have questions on consumer  
23 affairs?

24 LEGISLATOR RHOADS: You gave an  
25 estimate, Commissioner May, of being current

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2 by the end of the year. How exactly do you  
3 plan on achieving that?

4 MR. MAY: Again, we are working  
5 with the administration to increase staff at  
6 the department both on a permanent basis and  
7 temporary basis to get through the backlog. I  
8 think the issuance of the temporary license is  
9 going to greatly speed -- getting contractors  
10 back to work and homeowners to get projects  
11 done at their home. It is one of my top  
12 priorities. I know all of you are getting  
13 complaints from both residents and  
14 contractors. I'm not happy about it. I want  
15 to get this resolved. This is one of the top  
16 priorities for me.

17 LEGISLATOR RHOADS: The issue  
18 that I have is that these are not complaints  
19 that we just start receiving. These are  
20 complaints that we have been receiving for  
21 months. And I'm not talking about an  
22 occasional complaint. I'm talking about every  
23 day getting phone calls from contractors and  
24 from residents that are left twisting in the  
25 wind. I know you're talking with the

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2 administration now about staffing up to be  
3 able to address this problem short term and  
4 long term. Where were these conversations six  
5 months ago? These aren't problems that just  
6 happened, right?

7 MR. MAY: Conversations are  
8 always ongoing with the administration.

9 LEGISLATOR RHOADS: Is anybody  
10 listening on the other end?

11 MR. MAY: Yes.

12 LEGISLATOR RHOADS: How long have  
13 these conversations been going on and why has  
14 it been so difficult to staff up six months  
15 ago? Five months ago? Four months ago? Why  
16 is it that we're looking to do it now trying  
17 to somehow get a resolution for this by the  
18 end of the year?

19 MR. MAY: I don't know that I can  
20 fully answer that question. Some of that  
21 would have to be directed to other people. We  
22 have been working with the administration.  
23 There are different challenges appeared at  
24 different times over the last 18 months. I  
25 think we're at a point where it's very clear

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2 what the primary challenges are and we've  
3 identified ways to address those challenges.  
4 And, as I said, my goal is to have this done  
5 as quickly as possible and I would hope by the  
6 end of the year that I can accomplished that.

7 LEGISLATOR RHOADS: I have  
8 several contractors that have contacted me  
9 that have repeatedly been told that there is  
10 information that they still need to provide.  
11 You and I actually spoke about two particular  
12 cases I would say probably about two months  
13 ago at this point, where you told me that we  
14 were still waiting on information to be  
15 provided by a contractor. I went back to the  
16 contractor. I got copy of emails that were  
17 sent to consumer affairs, long before our  
18 conversation, where the information was  
19 actually provided. Yet that contractor still  
20 doesn't have their license and now we're two  
21 months later after having had that information  
22 for a full two months before we even spoke.

23 Why is there such a -- I can  
24 understand if there's not enough people to  
25 process the applications. But the



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2 applications we have and information that  
3 comes why is there a complete breakdown of  
4 communication within the department because it  
5 seems as though one hand doesn't even know  
6 what the other hand is doing. What  
7 information you have. What information you  
8 don't have. And is there any appreciation on  
9 the part of consumer affairs that while we're  
10 trying to get our stuff together there are  
11 businesses out there that are declining  
12 contracts because they don't have a license to  
13 be able to operate. They're losing business  
14 while they're trying to recover from a  
15 pandemic because we can't get our act  
16 together.

17 MR. MAY: So, I would say that  
18 nothing is lost on me in terms of how this has  
19 impacted both residents and contractors. I  
20 speak to residents fairly frequently who are  
21 having issues. I speak to the contractors who  
22 are having issues. I don't remember off the  
23 top of my head the two particular contractors  
24 that you are referencing. I know that we did  
25 speak of course.

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2 Often times when we're saying  
3 there's missing information now there's  
4 certainly two categories there. There's  
5 missing information that had been submitted  
6 and did not make it to where it needed to go.  
7 There are other instances where the  
8 information is requested and incorrect  
9 information is sent back to us.

10 The goal is to reduce the time lag  
11 between both of those things. We have an  
12 online case management system. There really  
13 should not be instances where information  
14 submitted to us is not matched up with the  
15 electronic file. I will certainly go back to  
16 staff and find out why that might be  
17 happening.

18 LEGISLATOR RHOADS: So, last year  
19 we actually tried to add five people to your  
20 department as part of our budget amendments.  
21 In last year's budget we tried to add five  
22 people to your department. That budget  
23 amendment, like all of our budget amendments,  
24 most of our budget amendments, was actually  
25 vetoed by the administration. Do you have any

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2 idea why it was vetoed? Was there any  
3 discussion with you as to the needs of your  
4 department?

5 MR. MAY: I could not speculate  
6 as to why the veto occurred.

7 LEGISLATOR RHOADS: Would those  
8 five additional people have assisted you in  
9 resolving some of these backlogs that you have  
10 since now we're scrambling to add additional  
11 people after the fact?

12 MR. MAY: As I mentioned before,  
13 the staffing needs are different at different  
14 times. If you're asking me could I use  
15 additional staff the answer is always --

16 LEGISLATOR RHOADS: You had 18  
17 months. You had these problems before October  
18 of 2020, right?

19 MR. MAY: The backlog was not  
20 what it is. It was a relatively, I don't want  
21 to say normal, but I believe the backlog was  
22 more in the neighborhood of about two months  
23 to get something done back in I guess 18  
24 months ago.

25 LEGISLATOR RHOADS: In October of

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2 2020 the backlog was two months? What's the  
3 backlog today?

4 MR. MAY: No, no. I'm sorry.  
5 Before the pandemic the backlog was about two  
6 months.

7 LEGISLATOR RHOADS: In October of  
8 2020 what was that?

9 MR. MAY: In October of 2020 it  
10 was probably four months.

11 LEGISLATOR RHOADS: So we saw as  
12 of October 2020 that the backlog had doubled.  
13 You were offered the opportunity to have  
14 additional staff through our budget  
15 amendments. The administration vetoed it.  
16 You have no idea as to why.

17 MR. MAY: I'm confused on the  
18 timeline here. If I recall the additional  
19 staff was for the 2020 budget. So we were  
20 having that conversation I think in 2019. Am  
21 I misremembering that?

22 LEGISLATOR RHOADS: It was for  
23 the 2020 budget. So it would have been  
24 October of 2019.

25 MR. MAY: Correct. In October of

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2 '19 I believe the backlog was about two  
3 months, which is not great but was more  
4 manageable.

5 LEGISLATOR RHOADS: But certainly  
6 additional staff would have helped you reduce  
7 that backlog from two months and allow  
8 businesses to be able to operate more  
9 quickly. Allow residents to get the permits  
10 they need more quickly, right?

11 MR. MAY: If you're asking me  
12 would more staff be helpful the answer I think  
13 is always going to be yes.

14 LEGISLATOR RHOADS: It certainly  
15 would have helped in the circumstances that  
16 you're in today to have an additional five  
17 bodies?

18 MR. MAY: It would.

19 LEGISLATOR RHOADS: These  
20 conversations that are taking place who are  
21 these conversations taking place with?

22 MR. MAY: I'm speaking to my  
23 counterparts in the administration.

24 LEGISLATOR RHOADS: Who would  
25 they be?

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2 MR. MAY: The individuals in my  
3 vertical I think is the terminology we use.

4 LEGISLATOR RHOADS: Who  
5 ultimately makes the decision as to whether or  
6 not you can hire additional people? How many  
7 you can hire?

8 MR. MAY: I believe that goes to  
9 budget.

10 LEGISLATOR RHOADS: It goes to  
11 budget but somebody ultimately has to  
12 authorize it, right?

13 MR. MAY: Has to authorize the?

14 LEGISLATOR RHOADS: Authorize the  
15 hiring of personnel.

16 MR. MAY: Yes.

17 LEGISLATOR RHOADS: Who?

18 MR. MAY: As far as I know, the  
19 requests go to budget.

20 LEGISLATOR RHOADS: Do you know  
21 who in budget you've been speaking with?

22 MR. MAY: The PRFs are submitted  
23 to budget and I don't know the process in  
24 budget for handling the PRFs.

25 LEGISLATOR RHOADS: You're saying

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2 you've been having conversations, right?

3 MR. MAY: Correct.

4 LEGISLATOR RHOADS: Who is on the  
5 other end of the conversation?

6 MR. MAY: My direct reports in my  
7 vertical.

8 LEGISLATOR RHOADS: Go to who?

9 MR. MAY: The deputy county  
10 executive for public safety and the special  
11 assistant.

12 LEGISLATOR RHOADS: That would be  
13 Tatum Fox?

14 MR. MAY: Correct.

15 LEGISLATOR RHOADS: So Tatum Fox  
16 is the one ultimately that is responsible for  
17 getting you additional personnel?

18 MR. MAY: I don't know that I  
19 would characterize it that way.

20 LEGISLATOR RHOADS: She's the  
21 deputy county executive.

22 MR. MAY: I'm not on her side of  
23 the conversation.

24 LEGISLATOR RHOADS: The one  
25 person ahead of her would be the county

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2 executive. Theoretically Helena Williams,  
3 right? Chief deputy then county executive?

4 MR. MAY: Yes.

5 LEGISLATOR RHOADS: Because the  
6 one point that I want to emphasize is, I know  
7 you're having conversations. You've been  
8 having conversations apparently for the last  
9 six months or so. This needs to get fixed  
10 now. People are waiting now. Businesses are  
11 being lost now. Businesses are suffering  
12 now. Residents are suffering now. While  
13 we're dallying around it shouldn't be up to us  
14 turn around and try to add additional  
15 personnel in your budget. This is something  
16 that they had the flexibility to be able to  
17 add. They could have come back to us for  
18 additional authorization if they didn't have a  
19 big enough budget to be able to add  
20 personnel. You were dealing with a crisis and  
21 businesses and residents are suffering as a  
22 result.

23 I know that you can only manage the  
24 people that you have and you have to deal with  
25 what you're provided in terms of tools to be



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2 able to do your job. But you and I both  
3 recognize that right now your department's not  
4 doing its job very well at all and it's  
5 because you haven't been put in a position to  
6 be able to succeed by the people up the food  
7 chain in your department.

8 So, while it's great that these  
9 conversations are taking place, the time for  
10 conversation is finished. It's now time for  
11 action and perhaps we can get some answers  
12 from somebody up the food chain as to why this  
13 isn't being addressed right now since you,  
14 Commissioner May, apparently don't have the  
15 answer to that question, right? You don't  
16 know. It's not your decision. You've  
17 requested and right now you don't have an  
18 answer.

19 MR. MAY: I have requested and we  
20 are in the process of hiring staff.

21 LEGISLATOR RHOADS: So now you  
22 have authorization to hire staff and now  
23 you're in the process of hiring? Because  
24 that's different from what you told me five  
25 minutes ago.

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2 MR. MAY: What I said before is I  
3 have a PRF approved for an administrative  
4 assistant bilingual and we are in the process  
5 of the second administrative assistant  
6 bilingual, another supervisory staffer and a  
7 weights and measure inspector. The  
8 administrative assistant one bilingual is  
9 being canvassed.

10 LEGISLATOR RHOADS: Does that  
11 help with the licensing in any way?

12 MR. MAY: Yes, it does.

13 LEGISLATOR RHOADS: How?

14 MR. MAY: That person is going to  
15 be assigned to licensing.

16 LEGISLATOR RHOADS: So the  
17 administrative assistant will be assigned to  
18 licensing?

19 MR. MAY: Correct.

20 LEGISLATOR RHOADS: The weights  
21 and measures individual obviously is doing  
22 inspections in the field I assume.

23 MR. MAY: Correct. And the third  
24 staffer I mentioned, the supervisory staffer,  
25 would be for licensing as well.

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2 LEGISLATOR RHOADS: How many  
3 people do you have on staff right now that are  
4 assigned to licensing?

5 MR. MAY: Four.

6 LEGISLATOR RHOADS: This will  
7 effectively increase your staff by just under  
8 double?

9 MR. MAY: Correct.

10 LEGISLATOR RHOADS: With those  
11 additional three personnel, when do you  
12 anticipate or how do you anticipate them  
13 impacting the backlog? Which right now I know  
14 you said in October 2020 was four months.  
15 Right now the backlog is how much?

16 MR. MAY: It's probably about six  
17 months.

18 LEGISLATOR RHOADS: Only six  
19 months? Because I know I've got people that  
20 are waiting longer than that.

21 MR. MAY: There are certainly  
22 individuals who are waiting longer than that.  
23 I would say that that is case dependent. I  
24 have spoken to contractors who were contacted  
25 by the department several months ago and never

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2 responded. That's certainly not a broad brush  
3 to paint all contractors, but typically if  
4 there's a longer wait period there's some  
5 other issue going on.

6 LEGISLATOR RHOADS: Okay. And  
7 this case management system which may be one  
8 of the issues that are going on, right,  
9 information that's been received into the  
10 office that for some reason nobody knows it  
11 it's been received into the office. It didn't  
12 get to where it's supposed to be. That's the  
13 explanation on some of it. How is that case  
14 management system -- is that operational now?

15 MR. MAY: No, no, the case  
16 management system is operational now. It is  
17 dependent on the user's inputting the  
18 information. So if something goes to one  
19 email address or one staffer's email address  
20 and if they're not available for some reason  
21 there might be a disconnect there. But in  
22 terms of the management of the applications I  
23 can log in and see all of the communications  
24 that have occurred, I can see what documents  
25 have been uploaded. It's a fairly robust

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2 system that we have been able to leverage  
3 during the pandemic pretty well.

4 LEGISLATOR RHOADS: Is it  
5 different people that are responsible for  
6 processing applications and responsible for  
7 inputting information or is it the same?

8 MR. MAY: It's the same. One of  
9 the issues that we would have is contractors  
10 don't upload all of the documents we requested  
11 by email. They email an individual. We had  
12 an individual leave in October. They were  
13 hired back. We had an individual who was  
14 communicating with contractors. They retired  
15 in June. So, there are some of those issues  
16 that are still being ironed where there's  
17 cross communication going on. Contractors are  
18 trying to get people who don't work here  
19 anymore. That gets filtered up to me. I see  
20 what the problem is. I reassign it to the  
21 individual that can assist and unfortunately  
22 those do account for some of the delays.

23 LEGISLATOR RHOADS: Might it not  
24 be a better idea, certainly not to sort of  
25 micromanage what's going on here, might it not

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2 be a better idea to have one designated  
3 individual or a team of individuals that are  
4 responsible solely for intaking and processing  
5 information that's provided so that the people  
6 who are dealing with individual residents and  
7 individual contractors can simply see what  
8 information's been uploaded into the portal  
9 and make decisions based on that?

10 MR. MAY: Yes, legislator, that  
11 would be actually the case here. We had one  
12 individual who has left and in fact came back,  
13 was a point of contact for applications that  
14 were brought into the office or mailed in. We  
15 had another who was responsible for the online  
16 applications. That individual retired. I  
17 take your point.

18 LEGISLATOR RHOADS: Of the three  
19 people that you're hiring, I know you said  
20 they're going to be working on licensing?

21 MR. MAY: Yes.

22 LEGISLATOR RHOADS: Are they  
23 replacing individuals who are inputting  
24 information? Are they replacing individuals  
25 who are actually dealing with the applicant

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2 themselves and making decisions as to whether  
3 or not they're qualified to be licensed? It  
4 sounds like you need more than three.

5 MR. MAY: I think three would be  
6 the number. When we have them on board and  
7 I'm able to fully restructure the licensing  
8 division the issues that you are addressing,  
9 the points you are making are very likely  
10 going to be implemented exactly how you are  
11 describing them.

12 LEGISLATOR RHOADS: Do you also  
13 have the ability to bring on temporary  
14 personnel?

15 MR. MAY: That is part of the  
16 discussions with the administration.

17 LEGISLATOR RHOADS: Where are you  
18 in those discussions?

19 MR. MAY: We are working through  
20 the details.

21 LEGISLATOR RHOADS: What does  
22 that mean?

23 MR. MAY: That means we're not  
24 prepared to say that they're coming on board  
25 in two days but I would expect in the next few

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2 weeks that the temporary personnel will be  
3 available.

4 LEGISLATOR RHOADS: Do you have  
5 authorization for temporary personnel at this  
6 point?

7 MR. MAY: That is part of the  
8 conversations with the administration.

9 LEGISLATOR RHOADS: It's kind of  
10 a yes or no or thing. As you sit here today,  
11 do you have authorization to bring in  
12 temporary personnel or has a decision not even  
13 been made as to whether or not you are going  
14 to able to hire temporary personnel?

15 MR. MAY: I know you're looking  
16 for a binary answer here. I think the answer  
17 is yes in concept. We just need to iron out  
18 the details to get people into the space.  
19 We're talking about adding a fairly large  
20 number of people. We have to have the space  
21 available, computers available. It's not  
22 simply a matter of saying here's ten people  
23 tomorrow. We have to sort out the logistics  
24 of getting them on board.

25 LEGISLATOR RHOADS: Again,



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2 everybody that's waiting, every day that  
3 they're waiting, business is being lost. Time  
4 and inconvenience. They're constituents that  
5 we're supposed to be serving here. This isn't  
6 a new problem. It strikes me that there seems  
7 to be no urgency on the part of the  
8 administration to address this issue until now  
9 that it's gotten so wildly out of control that  
10 you almost have no choice. Can you please try  
11 to, and I don't know that we have an  
12 opportunity, I guess we might when public  
13 safety comes down and we can speak with Tatum  
14 Fox, but I would have some questions for that  
15 level in the administration specifically with  
16 respect to consumer affairs. But I will leave  
17 it at that. Thank you presiding officer.

18 LEGISLATOR NICOLELLO: I think  
19 what we're going to do is have a stand alone  
20 hearing with respect to the Department of  
21 Assessment to answer the questions. I mean  
22 Department of Consumer Affairs. But  
23 Legislator Ford has a questions and then  
24 Legislator Schaefer.

25 LEGISLATOR FORD: Thank you very

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2 much Presiding Officer. Can you hear me?  
3 Thank you Commissioner May on your  
4 presentation. I do have some follow-up  
5 questions. I guess following up on what  
6 Legislator Rhoads was touching upon. But the  
7 employees that you're anticipating hiring, how  
8 long is the process in order -- do they get  
9 hired off of the civil service list or are  
10 these people that are just appointed?

11 MR. MAY: No. These would be  
12 civil service appointees.

13 LEGISLATOR FORD: When the test  
14 was given are they currently people on the  
15 list that you're able to select from?

16 MR. MAY: Yes. The answer is  
17 yes. We are canvassing from the  
18 administrative assistant bilingual list. I  
19 understand there are several individuals on  
20 that list, and I don't anticipate too much of  
21 a time lag of getting them on board.

22 LEGISLATOR FORD: But how long  
23 does it take to hire somebody? If somebody  
24 takes a test, I mean, I'm sure you have to do  
25 certain investigations. If you know, like, if

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2 we knew we were getting these backlogs for  
3 these licenses that it was going from last  
4 year from two months to four months to six  
5 months, and I agree with Steve, I have  
6 somebody who's 15 months waiting. So, how  
7 long does it take to bring somebody on?

8 MR. MAY: I don't know the full  
9 timing of the on boarding process. That's  
10 more of a question for human resources. It's  
11 a few weeks. Canvass letters have to go out  
12 to the list to see who's interested. You have  
13 to get returns on the canvass list. So  
14 there's a little bit of a time lag there. But  
15 the larger time sink I think is developing the  
16 list and having the test go out and that's all  
17 done already.

18 LEGISLATOR FORD: So you gave the  
19 test and we already have a list that has been  
20 established. So say you have 20 people that  
21 may be eligible to take these jobs. Once  
22 human resources gives the okay who then gives  
23 the next permission to be able to hire  
24 somebody? Is it Office of Management and  
25 Budget? Is it somebody in the administration

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2 that works under Laura Curran? Is it Tatum  
3 Fox?

4 MR. MAY: I don't know the full  
5 PRF process. I can tell you that for the  
6 administrative assistant bilingual that we are  
7 in the process of canvassing all of that is  
8 down and we're at the part where the letters  
9 of interest are going out to the individuals  
10 on the list and we have to wait to see who  
11 responds to that list and then we can  
12 interview and once the interviews are  
13 completed we can hire.

14 LEGISLATOR FORD: When you said  
15 that people did retire or leave the  
16 employment, thankfully not because of  
17 COVID-19, when did they leave their jobs?  
18 When did they leave employment in the county?

19 MR. MAY: We've had a handful of  
20 retirees each year for the last three years.

21 LEGISLATOR FORD: Once we knew  
22 those retirees were leaving did we make any  
23 effort to start backfilling for them so that  
24 there would not be -- I mean, I would like  
25 overlaps between people leaving and new hires

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2 but if that can't be accomplished, you know,  
3 to have to like minimize the amount of time,  
4 considering that how important your work is  
5 that we not have where we have gaps of like  
6 maybe two months, three months, six months  
7 where this work is not being accomplished in a  
8 timely fashion. Did we make any plans to hire  
9 these people knowing that -- hiring new  
10 people -- when we knew that people were going  
11 to retire?

12 MR. MAY: So, I think,  
13 unfortunately, and I don't like blaming the  
14 pandemic but the timing of a lot of the  
15 retirees occurred -- not a lot of the  
16 retirees, I want to be careful here. We had a  
17 few retirees in 2018. We had backfilled  
18 those. They were in the weights and measure  
19 division. We had, I believe, two or three  
20 retirees in middle and to late 2019 and then  
21 we slide into the pandemic and that sort of  
22 upends everyone's planning. Now that we're I  
23 think hopefully, primarily through the  
24 pandemic we will be able to on board people as  
25 quickly as possible.

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2 LEGISLATOR FORD: But the county,  
3 and I'm sure like for you you would like to  
4 have people. And I just have -- because  
5 everywhere, no matter which department it  
6 seems that we're talking about and we're just  
7 right now discussing this with you, is that  
8 there is a shortage of employees and we have  
9 these vacant, funded positions and there just  
10 doesn't seem to be any energy on the part of  
11 anyone in the administration to start bringing  
12 people in that we desperately need.

13 As a result of this, we're looking  
14 at businesses, contractors that would like to  
15 get their licenses that are out of work right  
16 now. They're not collecting a salary.  
17 They're possibly maybe if they have any  
18 savings living on their savings. They're not  
19 eligible for unemployment because they're  
20 self-employed. So, it's taking them months if  
21 not in some cases almost a year and we're  
22 hurting them. Which I think is counter then  
23 to the whole message of when we're putting all  
24 these energies and we're getting all this  
25 federal aid for Boost Nassau so that we can

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2 help these businesses stay in businesses. We  
3 can help energize our downtowns. But if  
4 downtown businesses can't have a contractor  
5 come down and get them ready to open it just  
6 seems to me that we're sort of defeating a lot  
7 of the purposes.

8 I'm not blaming this on you. I  
9 think I'm just following Steve sometimes  
10 making some sort of a statement.

11 Aside from the licensing, providing  
12 licensing and I'm interested in the fact that  
13 you said there are four people in licensing  
14 who can sign licenses. But I spoke to a  
15 contractor who said that the person who signs  
16 for the licenses is off for four days and will  
17 not be back until tomorrow. So, like if  
18 there's three other people that can sign for a  
19 license --

20 MR. MAY: I don't know who that  
21 is.

22 LEGISLATOR FORD: -- I mean that  
23 to me is -- what I'm saying is it's not your  
24 fault but this is what's being told to our  
25 people. Which is obviously contrary to what

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2 you're testifying to today.

3 MR. MAY: I don't mean to  
4 interrupt Legislator Ford. I would certainly  
5 like to find out who told you or who told the  
6 contractor that somebody was out today? When  
7 I left the office I saw I believe all four  
8 individuals in the licensing division in the  
9 office. So the idea that somebody's out four  
10 days this week.

11 LEGISLATOR FORD: That's what I'm  
12 saying. When you testified I was like wait a  
13 minute, I wrote that down. I'm saying that is  
14 not what this contractor was told and it's  
15 just really disingenuous then in that sense.

16 When we talk other than the  
17 licensing, I know that consumer affairs is  
18 tasked with a lot of like with the fines and,  
19 forfeitures and everything. I mean, you're  
20 supposed to go around and certify all the  
21 ATMs. Whether or not there's new ATM machine  
22 that is put into Nassau that I think you have  
23 to do an investigation or whatever you do.  
24 Inspection. And then every ATM, from what I  
25 remember, that is in any premises in Nassau



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2 County must have a Nassau County sticker on  
3 it, correct?

4 MR. MAY: Any premises other than  
5 a bank and it is a registration sticker, yes.

6 LEGISLATOR FORD: So I go around  
7 and sometimes I don't see any of the Nassau  
8 County stickers on ATMs. Are we up to date  
9 with all those inspections?

10 MR. MAY: We don't inspect the  
11 ATMs. They have to be registered with us. If  
12 you see an ATM that does not have a sticker on  
13 it if you let us know we will be happy to go  
14 out and investigate and see what the story  
15 is.

16 LEGISLATOR FORD: Then I have a  
17 few more things. Just bear with me. Are we  
18 up to date, like I know that we're tasked with  
19 issuing violations and collecting fines,  
20 correct?

21 MR. MAY: That is correct.

22 LEGISLATOR FORD: Are we up to  
23 date in all our collections of fines or is  
24 there a backlog as well?

25 MR. MAY: There is a backlog in

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2 adjudicating violations.

3 LEGISLATOR FORD: How big of a  
4 backlog is that for that?

5 MR. MAY: The backlog on that is  
6 about a year.

7 LEGISLATOR FORD: Do you know  
8 offhand how much in fines we expect to  
9 collect?

10 MR. MAY: We report the total  
11 value of the violations. We often settle the  
12 violations for less. What we are doing is we  
13 are increasing the budget line in the budget  
14 for contracts. We're going to hire an  
15 additional judicial hearing officer, which  
16 will significantly cut down the backlog in  
17 terms of adjudicating the fines. We have one  
18 judicial hearing officer and one assigned  
19 attorney and there was an increased volume in  
20 violations issued last year due to the  
21 pandemic and the price gouging.

22 LEGISLATOR FORD: But do we know  
23 the dollar amount? Because I know when we  
24 issue the violations you would have like say  
25 basically it's a 1,000 for each violation and

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2 you have ten violations then you know it's  
3 \$10,000. Do we know offhand how much in  
4 arrears the amounts of what those violations  
5 would total?

6 MR. MAY: I don't want to say  
7 that they're in arrears but for 2020 the total  
8 amount of violations issued in terms of dollar  
9 value is about \$3.9 million and that is  
10 typically reduced either at the prehearing  
11 settlement phase or at the administrative  
12 hearing phase.

13 LEGISLATOR FORD: Right because  
14 you may say but if they pay it -- so we might  
15 end up like say getting \$2.5 million,  
16 correct?

17 MR. MAY: Correct.

18 LEGISLATOR FORD: You have in the  
19 schedule with some of the employees, I guess  
20 the salaries, and you're adding, from what I  
21 understand, deputy something commissioner,  
22 deputy commissioner of consumer affairs, I'm  
23 sorry, for a salary of \$115,000. Who is  
24 this? Is this somebody that we have on board  
25 this year or are you planning on hiring this

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2 person?

3 MR. MAY: I don't know that that  
4 can be addressed right now. I believe the  
5 issue of the deputy commissioner spot is a  
6 subject of litigation.

7 LEGISLATOR FORD: That I didn't  
8 know. I'm sorry about that. Didn't mean to  
9 bring up something. Thank you very much  
10 commissioner. I really appreciate your help.

11 LEGISLATOR SCHAEFER: Hi  
12 commissioner. I believe I'm next. You  
13 mentioned something about possibly hiring  
14 temporary workers?

15 MR. MAY: Yes.

16 LEGISLATOR SCHAEFER: Is there an  
17 issue with regard to the union in doing that?

18 MR. MAY: I don't know. I think  
19 that's part of the discussion to get everybody  
20 on board here.

21 LEGISLATOR SCHAEFER: I think  
22 Legislator Ford was asking about the process  
23 for hiring and how long it would take and you  
24 said you didn't know. This went for HR. If  
25 this is your priority shouldn't you know about

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2 how long it's going to take to get people on  
3 board because you need them so badly?

4 MR. MAY: Once the PRF is  
5 approved, as I had mentioned before  
6 legislator, we have to canvass the list. We  
7 have to mail it to everybody who's on the list  
8 if they're interested in the position. We  
9 give them a deadline obviously to get back to  
10 us. Typically it's two weeks to, two weeks  
11 back. So, once we have the list it's about a  
12 month. And as far as that, we interview as  
13 quickly as possible and get people on board.

14 LEGISLATOR SCHAEFER: I know and  
15 you probably already know this, I have had  
16 people reach out to me I'd say over the last  
17 year and a half to two years, even before  
18 COVID, not to say the backlog was the same  
19 then, I hope it wasn't, people that just could  
20 not -- they'd say they sent their paperwork  
21 and they're being told they don't have what  
22 they need and you make the phone call and  
23 eventually it gets resolved. But, as you well  
24 know, it shouldn't really even have to go to  
25 us. It's great for us to be able to help in

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2 that instance but hearing about the backlog is  
3 really disappointing to me because I feel like  
4 there was so much push out during COVID by the  
5 administration and pro-small business and out  
6 there and giving money to businesses and at  
7 the same time people couldn't even get their  
8 license renewed and it's just wrong. It  
9 really is just wrong and it's just, as I said,  
10 very disappointing to me.

11 I hope you do get the people hired  
12 that you need. As I know I think Legislator  
13 Rhoads said, we had that in the budget and  
14 supposedly wasn't needed the last time and it  
15 clearly is needed. There shouldn't be this  
16 backlog at all. Especially during such  
17 difficult time. And to be going out certainly  
18 and fining businesses for price gouging, which  
19 is it? Your pro-business or you're hurting --  
20 I'm not saying that nobody's doing anything  
21 wrong. I'm sure there were people that were.  
22 But was everybody? I just wonder if there's  
23 so many cases are not adjudicating what's with  
24 that as well? Is that just a timing thing or  
25 is it that a lot of them weren't really in the

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2 wrong in that instance?

3 MR. MAY: No. That's a volume  
4 issue. Like I said, we had issued a lot of  
5 violations last year during the pandemic. We  
6 have an attorney assigned to the department.  
7 We have a judicial hearing officer on board.  
8 We've maxed out the schedules for both of  
9 those individuals and that is just a volume  
10 issue and we're addressing that by hiring an  
11 additional judicial hearing officer so we can  
12 do more hearings.

13 LEGISLATOR SCHAEFER: I think  
14 Legislator Birnbaum has questions.

15 LEGISLATOR BIRNBAUM: So, I'm  
16 looking at the revenue end of what comes in as  
17 result of permits and licenses and you  
18 budgeted the same amount for next year as this  
19 year for home improvement, correct?

20 MR. MAY: Yes.

21 LEGISLATOR BIRNBAUM: But we're  
22 talking about a lot of backlog for general  
23 contractors getting licenses. Do they fall  
24 into that category home improvement license?

25 MR. MAY: Yes.

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2 LEGISLATOR BIRNBAUM: Would you  
3 say there are more applications than ever  
4 before? It just seems listening to this  
5 conversation maybe your office is getting so  
6 many more applications. Is that the case?

7 MR. MAY: It's not necessarily  
8 the case of so many more applications. We  
9 have seen an uptick in new applications. We  
10 have a two-year cycle, odd year even year.  
11 2021 matches up with 2019. We're at this  
12 point running about 50 licenses lower this  
13 year than in 2019. But again, I don't want to  
14 blame the pandemic but the realities of  
15 operating during the pandemic with reduced  
16 staffing just during the pandemic obviously  
17 contributed to the backlog. As I had said,  
18 there were unanticipated staffing issues that  
19 are resolving themselves. It was a  
20 significant contributing factor.

21 LEGISLATOR BIRNBAUM: I  
22 understand what you're saying about the  
23 employee end and having less people to process  
24 the applications. But just from my informal  
25 conversations with people who are applying for



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2 licenses it seems like they're switching  
3 careers. Like they may have been doing  
4 something different. They could have been  
5 doing commercial real estate in New York and  
6 that's dried up and now they're living in  
7 Nassau and they want to do local general  
8 contracting residential. I was just wondering  
9 if you were seeing more of that.

10 MR. MAY: I've looked at the  
11 numbers. It's remarkably steady. I was  
12 surprised. I think when we spoke last year at  
13 this time I was concerned that we weren't  
14 going to see a whole lot of people getting  
15 licenses. This was before the vaccines came  
16 out. This was like the height of pandemic and  
17 no one's really sure of what's happening.  
18 Looking at the numbers this year there was  
19 maybe a dip in March 2020, April 2020 and  
20 everything has been rolling since.

21 LEGISLATOR BIRNBAUM: You believe  
22 the numbers are generally constant?

23 MR. MAY: The numbers seem  
24 remarkably constant across the two year  
25 renewal cycle. I'm surprised. I was very

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2 concerned last year that we were going to have  
3 a much more significant issue than we're  
4 having. It certainly appears that most of if  
5 not all of the businesses that we licensed  
6 have successfully weathered the pandemic and  
7 we're seeing new applications come in every  
8 month.

9 LEGISLATOR BIRNBAUM: So it would  
10 be to our benefit to have more people working  
11 on these so we can process them faster and  
12 help these people get employed and bring in  
13 the revenue to Nassau. Thank you.

14 LEGISLATOR NICOLELLO: Legislator  
15 Bynoe.

16 LEGISLATOR BYNOE: Good afternoon  
17 Commissioner May. Good evening. Quick  
18 question. You're talking about hiring so we  
19 can push these applications through the  
20 process. Have we been able to utilize  
21 overtime at all?

22 MR. MAY: Yes.

23 LEGISLATOR BYNOE: How much  
24 overtime have we granted these individuals?

25 MR. MAY: I would have to go back

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2 and get you the numbers. There's only so much  
3 that overtime can do. Two hours here, two  
4 hours there with the same relatively small  
5 group of people. Overtime has been offered.  
6 We're looking at overtime again. Again, it's  
7 being addressed. We're looking at hiring  
8 temporary staffers, hiring permanent staffers,  
9 overtime. Everything is in the mix to get  
10 this fixed.

11 LEGISLATOR BYNOE: You're hiring  
12 those folks. There's a delay in having them  
13 really be able to do the work. They're not  
14 going to hit the ground running. There's  
15 going to be a training period, right?

16 MR. MAY: There is going to be a  
17 training period. We're working on all of the  
18 training materials. I plan on hitting the  
19 ground running.

20 LEGISLATOR BYNOE: How much  
21 training do you think an individual needs to  
22 be able to get up to speed to be effective?

23 MR. MAY: The answer is not  
24 much. That isn't to diminish the work that  
25 anybody's doing. We have a checklist of items

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2 that need to be reviewed. We have senior  
3 staff that has been doing this for 20 years.  
4 I anticipate the process being relatively  
5 quick to get everybody up to speed and get  
6 everything cranked out.

7 LEGISLATOR BYNOE: And the  
8 overtime that we're offering is it only after  
9 work? Or are we offering folks to come in  
10 full days on Saturdays and Sundays?

11 MR. MAY: Typically it is after  
12 work and on Saturdays.

13 LEGISLATOR BYNOE: We've been  
14 offering overtime consistently?

15 MR. MAY: The overtime's been  
16 offered usually between four to eight weeks at  
17 a clip. Then we evaluate and go back. Like I  
18 said, the unanticipated staffing issues that  
19 we've had are unfortunately or fortunately  
20 resolving themselves at this point and will be  
21 a lot smoother moving forward.

22 LEGISLATOR BYNOE: What is the  
23 title of the individuals that do this work?

24 MR. MAY: We have clerk, clerk  
25 typist, consumer affairs investigator. And

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2 when we have the administrative assistants on  
3 board, the administrative assistants and then  
4 we're looking to on board an accountant to  
5 assist.

6 LEGISLATOR BYNOE: And the  
7 consumer affairs investigators are those the  
8 ones that are really scrutinizing the  
9 application?

10 MR. MAY: We have one consumer  
11 affairs investigator assigned to the new  
12 applications and they do a rather thorough  
13 review of the documents that we receive.

14 LEGISLATOR BYNOE: Do we have  
15 consumer affairs investigators that work on  
16 other aspects of the operation within --

17 MR. MAY: The majority of the  
18 other consumer affairs investigators are  
19 working on consumer complaint caseload. The  
20 consumer complaints have not actually slowed  
21 down during the pandemic. I have one other  
22 consumer affairs investigator, excuse me,  
23 consumer protection investigator two splitting  
24 her time between her consumer complaint  
25 caseload and application review.

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2 LEGISLATOR BYNOE: It sounds like  
3 you're really stretched over there with your  
4 resources. So this year's budget you're  
5 looking to increase your staffing. But I  
6 think that only takes care of some of the  
7 issues that you're currently facing, correct?  
8 This doesn't really put you in a face where --

9 MR. MAY: With the implementation  
10 of the temporary license I think that that's  
11 going to relieve a lot of the pressure.  
12 Anybody whose receiving a temporary license  
13 has already been vetted for the license. This  
14 is somebody who's coming back that we're aware  
15 of and that process it is new to the office  
16 but it is relatively quick and we've been able  
17 to turn over a lot of the applications that  
18 have come in to temporary status so that there  
19 is no issue with them continuing they're  
20 work. With the temporary license and the  
21 additional staff I think we will be able to  
22 focus more on the new licenses, get those  
23 caught up, and I think with both of those  
24 things in place there really should not be  
25 much of a backlog going forward.

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2 LEGISLATOR BYNOE: What is the  
3 effective period for the temporary license?

4 MR. MAY: The temporary license  
5 is effective essentially as soon as the  
6 applicant pays for the renewal fees, submits  
7 the paper application or the online  
8 application, proof of general liability  
9 insurance and proof of worker's comp. And  
10 that runs until we complete review of the  
11 application. Once the application is approved  
12 presumably, that just turns over to the full  
13 license at that point. And if the application  
14 is denied then they have to have a fitness  
15 hearing. We go into that whole process.

16 LEGISLATOR BYNOE: So, it's not  
17 like a 30-day window? It's a temporary  
18 license and open ended until they get the full  
19 license?

20 MR. MAY: It is open ended. The  
21 goal is to never have to need the temporary  
22 license. It's to get ahead of the renewal  
23 applications as they come in and only issue a  
24 temporary license on essentially an as-needed  
25 basis. Unfortunately, it's as-needed right

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2 now. But no, it's not like the temporary  
3 license is going to expire in 30 days and the  
4 contractor is in the same spot.

5 LEGISLATOR BYNOE: Thank you.

6 LEGISLATOR NICOLELLO: I don't  
7 know if we have other legislators. We have an  
8 individual who is here for public comment. I  
9 will bring him up now. Mr. Wei Loon Chan.

10 MR. CHAN: Good afternoon  
11 everyone. Thank you for having me. I would  
12 like to state to Commissioner May. You were  
13 told that there was four licensing departments  
14 currently; is that correct?

15 LEGISLATOR NICOLELLO: Mr. Chan,  
16 actually it's not an opportunity to question  
17 the commissioner. Basically tell us what the  
18 issue is. What your perspective is. It's  
19 public comment.

20 MR. CHAN: I have been waiting  
21 for my license to be issued over a year. I  
22 gave every document they need and I personally  
23 went to the office with a buddy of mine,  
24 physically handed in all my stuff. They can't  
25 deny that they never got it. And, in fact,



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2 the minute she has it and she says to me I  
3 have bad news for you. And I say what it is  
4 now? She said the person in licenses has a  
5 death in the family. Will take a three week  
6 leave. I says oh, my bad luck.

7 Seven weeks pass. I call after  
8 three weeks. Every week I called in. No  
9 response. Seven weeks pass and I have asked  
10 more people to help me out with this because I  
11 have friends and people need their work done.  
12 I have employees to employ and I can't get  
13 nothing moving.

14 Truthfully, all the statements that  
15 you're saying that you have four people, they  
16 literally told me in their plain sight words  
17 there's a death in the family that it takes  
18 three week leave. Seven weeks I have no  
19 response.

20 Now, I just went in again. They  
21 said the person in licensing injure her arms.  
22 How much more excuse can I keep taking? This  
23 is ridiculous. In a pandemic I have my  
24 Southampton license issued in three months. I  
25 don't know what kind of excuse this department

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2 keeps giving you. I'm getting fed up. I'm  
3 getting very sick of this. It needs to be  
4 answered. It's ridiculous. I'm wasting my  
5 time today to come here to let everybody  
6 understand this is what I've been going  
7 through in my life. It's not fair. You took  
8 the money then why isn't the license issued?  
9 I have ten years record in Suffolk County and  
10 you've been given and it's still not good  
11 enough? That's all I have to say.

12 LEGISLATOR NICOLELLO: What kind  
13 of a contractor are you?

14 MR. CHAN: Home improvement  
15 license. I have a clean record for ten years  
16 in Suffolk County. And I do work commercially  
17 because I move myself to commercial and I did  
18 a lot of work for Kiss Corporation. Which all  
19 of you know who Kiss Corporation is.

20 LEGISLATOR NICOLELLO: You  
21 submitted an application. Was it a new  
22 license or renewal?

23 MR. CHAN: It's a new license for  
24 home improvement.

25 LEGISLATOR NICOLELLO: You said

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2 you gave them a check?

3 MR. CHAN: Yes. They took the  
4 check.

5 LEGISLATOR NICOLELLO: They took  
6 the check and it's been over a year since  
7 there was no response. Did they cash the  
8 check?

9 MR. CHAN: Yes, they did.

10 LEGISLATOR NICOLELLO: Do you  
11 have employees to pay?

12 MR. CHIN: Yes.

13 LEGISLATOR NICOLELLO: And you  
14 have people who are waiting for work to be  
15 done?

16 MR. CHAN: Yes. Apparently three  
17 right now.

18 LEGISLATOR NICOLELLO: This is an  
19 embarrassment for our entire county and it's  
20 disgraceful to treat individuals such as  
21 yourself that way. Nothing short of that.

22 MR. CHAN: Thank you. I actually  
23 felt that there is a hint of discrimination in  
24 Nassau County.

25 LEGISLATOR NICOLELLO: I don't

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2 think it's discrimination. I think they're  
3 treating everybody this poorly.

4 You had a question Legislator  
5 Walker.

6 LEGISLATOR WALKER: I guess kind  
7 of in reference to what you were saying.  
8 Those are the phone calls I get and I've  
9 reached out to the commissioner. Often times  
10 it's I've sent my paperwork in three times.  
11 They can't find it. Something's lost or I'm  
12 missing something. Did they tell you  
13 something was missing? No. Not until I  
14 called back. This is the third time I've sent  
15 it in. So many times frustration on the parts  
16 of those applying for licenses or whatever.  
17 After a while you don't know what to say or  
18 what to tell them.

19 I do believe that there's a problem  
20 with your staffing. I think that you don't  
21 have the staff to really take care of  
22 everything that needs to be taken care of.  
23 Unfortunately, I feel like with many of the  
24 departments they kind of imply that okay this  
25 is what I need. But then when we call because

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2 residents are calling about an issue, not just  
3 with just consumer affairs but other  
4 departments, the answer is well, you know,  
5 with our staffing we don't have the staff. We  
6 all need to know that information upfront  
7 beforehand.

8 And, you know, maybe you're caught  
9 between a rock and a hard place for your  
10 departments but it affects all our residents  
11 and that's what very, very sad.

12 Here is a gentleman here can't get  
13 his license. Can't get his business going  
14 because it's taking so long. It isn't the  
15 only place you hear that person is not in  
16 today or they're not in tomorrow or not in the  
17 next day or they're going to be gone for this  
18 many weeks.

19 And it is an embarrassment I  
20 think. It's an embarrassment to each and  
21 every one of us and of course the county as a  
22 whole. When residents can say that I've  
23 gotten my license in Suffolk County, I've  
24 gotten it in Brookhaven, I've gotten it in  
25 Babylon. I've gotten this, this and this but

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2 I can't get the county's. What's wrong? It's  
3 very frustrating because what do we say? It  
4 ends up that it falls on the legislators to  
5 answer those question that we kind of don't  
6 have the answers to and kind of can't get the  
7 answers. I don't know if the gentleman was  
8 finished speaking but I did have another  
9 question for Mr. May.

10 LEGISLATOR NICOLELLO: Does  
11 anyone have any questions for Mr. Chin? Mr.  
12 Kennedy.

13 MR. MAY: I'm sorry, Mr.  
14 Presiding Officer, not to take your time  
15 Legislator Kennedy, he didn't mention the name  
16 of his business. I'd like look into the  
17 situation.

18 LEGISLATOR NICOLELLO: What's the  
19 name of your business Mr. Chan?

20 MR. CHAN: PHICON, Inc.

21 LEGISLATOR NICOLELLO: Thank  
22 you. Go ahead.

23 LEGISLATOR KENNEDY: All the  
24 stories I've been hearing from everyone is  
25 basically what I am hearing in my office.

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2 Everybody is calling with basically the same  
3 stories. Just one particular gentleman who I  
4 spoke with it's been over 90 days, it's  
5 between three and four months. He paid his  
6 \$2,000 for his annual policy. Over \$700 in  
7 application fees. There's a lot of people  
8 like this and they want to work very badly.  
9 Which a lot of people don't. A lot of people  
10 are calling my office and it sounds like  
11 they're calling everyone's office.

12 My question is, 22 people is the  
13 actually on board. 26 is what is being  
14 requested. Do you think that's enough?

15 MR. MAY: I think the addition of  
16 the administrative assistants and the  
17 accountant in addition to the temporary  
18 license, yes, I think that's enough.

19 LEGISLATOR KENNEDY: I don't. I  
20 think those additional people could work on  
21 the calls that I'm getting in my office. So I  
22 do feel that there is more that's needed  
23 there. Thank you.

24 LEGISLATOR NICOLELLO: Legislator  
25 Rhoads.

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2 LEGISLATOR RHOADS: Thank you Mr.  
3 Presiding Officer. Mr. Chan, just to close  
4 the loop, can you estimate for me how many  
5 jobs you've lost and how much business you've  
6 lost, if any, as a result of the year delay  
7 that you've experienced?

8 MR. CHAN: About four.

9 LEGISLATOR RHOADS: About four  
10 jobs?

11 MR. CHAN: Yup.

12 LEGISLATOR RHOADS: With a total  
13 value of what?

14 MR. CHAN: With a total value of  
15 \$450,000.

16 LEGISLATOR RHOADS: That's pretty  
17 shocking. Thank you Mr. Chan.

18 MR. CHAN: Thank you for having  
19 me.

20 LEGISLATOR NICOLELLO: Thank you  
21 for being here and thank you for your patience  
22 for waiting. You can rest assure that this  
23 body is going to follow up on this and we're  
24 going to stay on top of this until this  
25 situation is resolved. Yours in particular



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2 and in general.

3 MR. CHAN: Thank you very much.

4 You have a wonderful evening.

5 LEGISLATOR NICOLELLO: You too.

6 Thank you again. Legislator Walker.

7 LEGISLATOR WALKER: Can you just  
8 tell me what the difference between a  
9 temporary permit is and a permanent permit? I  
10 kind of get the idea that you give it  
11 temporarily and then the paperwork all has to  
12 be gone through making sure every T is crossed  
13 every I is dotted and they have all the  
14 correct information?

15 MR. MAY: Yes. For all intents  
16 and purposes the temporary license is the same  
17 as the full license. It's just we haven't  
18 done the complete review of the license. This  
19 is not for new licensees. This is for  
20 renewals. This is for people or companies  
21 that have already been vetted by the  
22 department and the process is we just need to  
23 have the application fee on file, the paper or  
24 the electronic application submitted and proof  
25 of general liability and worker's comp and the

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2 temporary license is issued and they can  
3 continue working as if they had the full  
4 license.

5 LEGISLATOR WALKER: And you said  
6 how long does it take about between the  
7 temporary and permanent license?

8 MR. MAY: Whatever the time  
9 period is to review the application.

10 LEGISLATOR WALKER: Like kind of  
11 a ballpark figure is how long?

12 MR. MAY: It's not like it's 30  
13 days, 90 days. The ideal is to never to have  
14 the temporary license. It was to get ahead of  
15 the renewal applications.

16 LEGISLATOR WALKER: Maybe someone  
17 may have lapsed and they didn't get it in  
18 time.

19 MR. MAY: Correct. Right now  
20 it's going to cover the period of when they  
21 submit their renewal application until the  
22 application is reviewed.

23 LEGISLATOR WALKER: I know you  
24 said it doesn't expired. But about how long  
25 does it take you to do that?

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2 MR. MAY: It depends on the  
3 application and it depends on the backlog.  
4 Right now we're looking at a significant  
5 backlog. The goal, one of the goals with  
6 bringing the additional folks on board is to  
7 clear out everything having to do with the  
8 renewal application, get everybody turned over  
9 to temporary license or completely reviewed.  
10 When that's done it's easier to move forward  
11 and address some of these.

12 LEGISLATOR WALKER: Do you have  
13 any kind of idea like right now, today, what  
14 is kind of the time frame?

15 MR. MAY: I think I can get all  
16 of the temporary licenses issued by the end of  
17 the year with the additional staff and  
18 probably most of them converted to full  
19 licenses.

20 LEGISLATOR WALKER: And you are  
21 aware that some places will not accept a  
22 temporary license. You're saying it's just as  
23 good but some places won't --

24 MR. MAY: I have not heard  
25 anybody who is not accepting the temporary

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2 license. The temporary license is provided  
3 for under the admin code. I'd be happy to  
4 speak to whoever and which ever municipality  
5 to discuss any issues they might have with the  
6 temporary license.

7 LEGISLATOR WALKER: I just said  
8 the price gouging. I know that your office  
9 was very good at the height of the pandemic.  
10 We had people selling individual masks that  
11 they took out of a package and selling them  
12 for \$10 a piece and they weren't great with  
13 going out there. Do you have any idea how  
14 many businesses you had to deal with with  
15 price gouging and how many were adjudicated  
16 already and what did we benefit from them?  
17 The amount of money, the fines we received  
18 from them so far?

19 MR. MAY: I'll would have get  
20 those numbers for you. It wasn't a lot of  
21 businesses. There were a lot of repeat  
22 offenders that we had to visit multiple times  
23 who I guess felt the profit motive there  
24 exceeded the value of the violations that they  
25 were receiving.

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2 The goal wasn't really to slam any  
3 businesses. But if in particular taking  
4 advantage of people or putting people's health  
5 at risk selling -- I mean, we had people  
6 selling these individual N-95 masks that  
7 they're wrapping in Saran Wrap. I don't know  
8 if they're sneezing on them before they wrap  
9 them up and selling them to somebody for a  
10 couple of bucks.

11 LEGISLATOR WALKER: Those are the  
12 ones I had reached out to you about. It was  
13 outrageous. Aside from the fact that they  
14 were now basically unsanitary masks you're  
15 letting people purchase for an outrageous  
16 amount of money.

17 MR. MAY: Yes. But I will get  
18 back to you with the full set of numbers on  
19 those, absolutely.

20 LEGISLATOR NICOLELLO: Any other  
21 questions? Anyone on remote? Okay. Thank  
22 you. We will be following up. Next  
23 department is the Department of Human Services  
24 with Commissioner Carolyn McCummings.  
25 Commissioner we're ready to go when you are.

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2 MS. MCCUMMINGS: So, I'm pretty  
3 happy with my budget. I'm just here for  
4 questions if you have any.

5 LEGISLATOR NICOLELLO: I think  
6 that basically answers it. We're obviously  
7 all interested to make sure you're fully staff  
8 and obviously you're satisfied your staffing  
9 levels and you can operate the department and  
10 provide the services you need to do with the  
11 staffing?

12 MS. MCCUMMINGS: We have in the  
13 budget for staffing. The problem actually is  
14 that, and the state just put something out  
15 today, there's a shortage in mental health  
16 workers, social workers, folks that are in  
17 those job descriptions. And so it's not our  
18 fault. I have even gotten a waiver for the  
19 starting salary to be bumped up. There's just  
20 not a lot of takers out there.

21 LEGISLATOR SCHAEFER: Just  
22 wondering if you know why? Did they say why  
23 there was a shortage?

24 MS. MCCUMMINGS: I think even  
25 with the bump up with the salary, the waiver,

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2 it's only still 52,000 starting salary.  
3 That's not a lot. A lot of people are leaving  
4 their nonprofit and going into private  
5 practice and making more money because there's  
6 such an explosion in the need for mental  
7 health. They may be going elsewhere that are  
8 paying more. We have slots available. We  
9 have four psychiatric social worker slots  
10 available. Nobody.

11 LEGISLATOR SCHAEFER: How long  
12 have you been looking?

13 MS. MCCUMMINGS: It started with  
14 the police reform. So, once that was put  
15 through. So maybe six months ago. Maybe a  
16 little bit longer. We're always looking. We  
17 have people retiring as well. Even to  
18 backfill, we're struggling right now.

19 LEGISLATOR SCHAEFER: I hope you  
20 advertise or something.

21 LEGISLATOR NICOLELLO: Legislator  
22 Walker.

23 LEGISLATOR WALKER: Do you think  
24 if the salary was increased it would be any  
25 better?

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2 MS. MCCUMMINGS: I think a fair  
3 starting salary for someone who's gone through  
4 all that schooling and coming out with all  
5 these loans at least would be \$75,000. So  
6 yes, the answer is yes. If the salary was  
7 higher, yes.

8 LEGISLATOR WALKER: Perhaps, I  
9 don't know where we take that from here, but  
10 perhaps that's something we need to look at if  
11 we cannot fill these positions. Do you also  
12 think that anything to do with the vaccine as  
13 an issue? Like being mandatory. We don't  
14 mandate it but someone who may be in a  
15 health-related field who might be able to look  
16 into some of these jobs.

17 MS. MCCUMMINGS: I don't think  
18 that's an issue.

19 LEGISLATOR WALKER: I don't know  
20 if the mandates stay the same for them if they  
21 went to a different --?

22 MS. MCCUMMINGS: I think we've  
23 done a really good job in Nassau County with  
24 vaccinating our people. I don't think that's  
25 an issue. At least I haven't heard that that



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2 would be part of it.

3 LEGISLATOR WALKER: But you do  
4 think if the salary was more that would help  
5 the situation?

6 MS. MCCUMMINGS: I think it  
7 might.

8 LEGISLATOR WALKER: Thank you.

9 LEGISLATOR NICOLELLO: Legislator  
10 Bynoe, Birnbaum and Mule.

11 LEGISLATOR BYNOE: Hi  
12 commissioner. What is the current salary  
13 suggested for the psychiatric?

14 MS. MCCUMMINGS: It is I believe  
15 \$43,000. But we asked for the waiver. So now  
16 it's 52. It starts at step one instead of the  
17 other lower steps. So it would be \$52,000.

18 LEGISLATOR BYNOE: That's a big  
19 gap from 52 to 75 to really be able to  
20 attract. Individuals in that roll do exactly  
21 what?

22 MS. MCCUMMINGS: So right now we  
23 need those individuals --

24 LEGISLATOR BYNOE: Or how are  
25 they used?

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2 MS. MCCUMMINGS: Like the mobile  
3 crisis team. People who are staffing our 24  
4 hour hotline. People are in the courts who  
5 are servicing some of the AOT clients.

6 LEGISLATOR BYNOE: Is this  
7 something that -- we just went through a  
8 lengthy hearing with consumer affairs where  
9 they're looking at some alternative solutions  
10 to staffing. Has there been consideration for  
11 alternative solutions in terms of maybe  
12 contracting some nurses to do the work? I  
13 know that CSEA wouldn't like to hear that.

14 MS. MCCUMMINGS: We have a lot of  
15 agencies that are contracted and do the work  
16 for us. But even they're having issues  
17 because we give them X amount of dollars for  
18 the contract and so they have to build in  
19 whatever it is for the salary. They have to,  
20 in order to keep the contract, they have to  
21 hire at a certain salary. Which is not that  
22 much higher than us. It might be 55. It's  
23 not that high. They're having problems too.

24 LEGISLATOR BYNOE: It's all  
25 around.

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2 MS. MCCUMMINGS: It's not only  
3 due to the salary. It's due to just people in  
4 the industry for some reason are not trying to  
5 work for government or the agencies,  
6 nonprofits. They're doing private stuff.

7 LEGISLATOR BYNOE: I was just  
8 speaking with a gentleman and he told me that  
9 his daughter, who is working in the health  
10 care field in a hospital setting, is now doing  
11 work remotely, telemedicine, and making  
12 extraordinarily more money than she was in the  
13 hospital setting. So, I think with the shift  
14 of this telemedicine and opportunities for  
15 people to work at home, even if it was the  
16 same money, people are probably opting in for  
17 those types of situations.

18 All right. Keep us posted. And as  
19 Legislator Schaefer said, if you have to the  
20 posting we can start to distribute it and see  
21 if we can help. Thanks.

22 LEGISLATOR BIRNBAUM: I  
23 completely understand this problem because it  
24 seems that people are shifting careers and  
25 going towards jobs that pay more money and

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2 allow them more flexibility. But I was  
3 wondering if you run any kind of internship  
4 programs with local colleges?

5 MS. MCCUMMINGS: We do. I just  
6 sent over an agreement for an internship  
7 relationship with Molloy. Also with Adelphi.  
8 We have a relationship with Hofstra all the  
9 time. So, yes, we do.

10 LEGISLATOR BIRNBAUM: Do you find  
11 that helps filter in good candidates?

12 MS. MCCUMMINGS: It does. They  
13 learn from us of course. And it's good if we  
14 then after we have them as an intern if they  
15 come on board would be really helpful. But  
16 that doesn't always happen. But yes, we do do  
17 the internships.

18 LEGISLATOR BIRNBAUM: How is  
19 Nassau's salaries competitive with Suffolk  
20 County interns? Are you familiar with the  
21 neighboring --

22 MS. MCCUMMINGS: I'm not sure.  
23 It's probably similar. I've always heard that  
24 Nassau pays more. But it's probably similar  
25 for that industry.

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2 LEGISLATOR BIRNBAUM: Thank you.

3 LEGISLATOR MULE: Hello  
4 commissioner. For the positions that you were  
5 talking about, the psychiatric social workers,  
6 that requires an MSW, correct?

7 MS. MCCUMMINGS: Correct.

8 LEGISLATOR MULE: Does it require  
9 state licensing as well?

10 MS. MCCUMMINGS: For some jobs,  
11 yes.

12 LEGISLATOR MULE: My second  
13 question was going to be similar to Legislator  
14 Birnbaum. I was wondering how the salary  
15 compares to other localities, Suffolk, Queens,  
16 Manhattan for instance. I'm wondering if it  
17 would be helpful to do a comparison like that  
18 and see how other localities are doing with  
19 the same issues.

20 MS. MCCUMMINGS: The state is  
21 also looking into ways to have retention,  
22 trainings and talking to the counties about  
23 raising the salaries. So, yeah. But I think  
24 it's similar. But again, someone, the way  
25 things are now have shifted, you can still

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2 come out and do private practice. Especially  
3 if you have a license and you're just going to  
4 exceed that amount. Even if you have to pay  
5 for your insurance you're just going to make  
6 more money.

7 LEGISLATOR MULE: Things have  
8 changed since I got my degree. Thank you.

9 LEGISLATOR NICOLELLO: Any other  
10 questions? Anyone on remote? Thank you very  
11 much Dr. McCummings.

12 MS. MCCUMMINGS: I promised my  
13 colleagues I would be quick. Thank you.

14 LEGISLATOR NICOLELLO: Next up is  
15 social services. Commissioner Nunziata.

16 MS. NUNZIATA: Just to let you  
17 know, in addition to myself I have my Deputy  
18 Commissioner Lorraine Baum here as well as our  
19 county director Brendan Roach.

20 So, our budget we actually are very  
21 happy with the budget that's been submitted.  
22 We've worked really closely with OMB and we  
23 feel that everything we needed is put in  
24 here. So we don't know if you have any  
25 questions but that's where we're at right

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2 now.

3 LEGISLATOR NICOLELLO: Just one  
4 question from me. In the hearing in February  
5 you indicated that you were going to bring on  
6 I think 11 more full time case workers. Did  
7 you actually accomplish that?

8 MS. NUNZIATA: We did and we have  
9 more coming on board.

10 LEGISLATOR NICOLELLO: Great.  
11 Any questions? Legislator McKevitt.

12 LEGISLATOR MCKEVITT:  
13 Commissioner, regarding services, I'm just  
14 wondering what the average caseload is for  
15 each of the case workers knowing we're working  
16 very hard to bring those numbers down. I'm  
17 just curious where we're at right now are.

18 MS. NUNZIATA: I knew somebody  
19 was going to ask that. I'm ready. It's  
20 absolutely fine. Actually, what we've done  
21 over the past year is keep very close tabs.  
22 We have a way now monthly where we're keeping  
23 tabs on those numbers. Right as of today the  
24 average caseload is 12 for our investigative  
25 units. Which is a far cry from where it was

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2 over a year ago or so when it was 30 or 25.

3 So we're running an average caseload for the  
4 CPS investigative units at 12. Which is  
5 within the state regulations.

6 LEGISLATOR MCKEVITT: What is the  
7 state regulation again regarding caseload?

8 MS. NUNZIATA: They want you to  
9 have somewhere between 10 and 15. No more  
10 than that per case worker.

11 LEGISLATOR MCKEVITT: Thank you.

12 LEGISLATOR NICOLELLO: Legislator  
13 Walker.

14 LEGISLATOR WALKER: Just a quick  
15 question. And I know your caseload has gone  
16 down for each case worker which is wonderful.  
17 Since now we're back to somewhat more normal  
18 situation and our children are back in school,  
19 there was a big worry to me and when I shared  
20 this during the real difficult pandemic times  
21 that I worried about those children who were  
22 in situations where they were home and perhaps  
23 in a bad situation but they're not in school  
24 so no one is seeing -- because often it's our  
25 schools, our teachers, those in our schools



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2 that are referring cases to you. Have you  
3 seen an uptick and will that affect certainly  
4 our caseloads?

5 MS. NUNZIATA: Since school has  
6 been back we are beginning to see a slow  
7 uptick in the numbers because of course it's  
8 the schools that serve as a major source of  
9 reporting. It hasn't affected our numbers  
10 yet. But the good thing is that we are also  
11 going to be bringing on 17 case workers in  
12 services within the next couple of weeks.

13 LEGISLATOR WALKER: 17  
14 additional?

15 MS. NUNZIATA: Yeah. We've been  
16 working feverishly on a staffing plan that  
17 helps us keep up with caseload as they  
18 increase.

19 LEGISLATOR WALKER: That's  
20 great. I wish we didn't have to have so  
21 many. I wish the situation was different but  
22 thank you.

23 LEGISLATOR NICOLELLO: Legislator  
24 Schaefer.

25 LEGISLATOR SCHAEFER: Hi

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2 commissioner. How are you? I just had a  
3 question. Have you seen any increase in the  
4 homeless population?

5 MS. NUNZIATA: I can't say that  
6 we've seen an increase. I'm going to pass  
7 this over to Lorraine because she oversees all  
8 of our homeless housing programs.

9 MS. BAUM: We had a dip  
10 definitely during COVID especially in our  
11 families. We had a little rise in our single  
12 adults. Now we've had some families come back  
13 but we're still lower than in 2019, 2020.  
14 What we're concerned about is the moratorium.  
15 It's been extended in New York until January  
16 15th and we're going to see -- we're really  
17 looking at next year to know the fallout and  
18 how many people after ARP is gone, after all  
19 the federal rental assistance is gone, who is  
20 going to keep their housing and who is not.  
21 That's what we're looking at.

22 LEGISLATOR SCHAEFER: Do you  
23 think the dip was attributable to getting some  
24 assistance from the federal government?

25 LEGISLATOR BIRNBAUM: No. The

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2 dip was fear of I think families opening their  
3 doors and probably overcrowded. And people  
4 might have left. A lot of people have family  
5 connections outside of the state and that's  
6 what we think happened.

7 LEGISLATOR SCHAEFER: Are you  
8 still receiving the reimbursement that you  
9 expect from the federal government? Has  
10 everything been as it was in any respect in  
11 any of the services that you provide?

12 MR. ROACH: The reimbursement for  
13 TANIFF clients or family we receive 100  
14 percent federal money back. The safety net,  
15 the singles, is only 29 percent state  
16 reimbursement.

17 LEGISLATOR SCHAEFER: That's all  
18 I have.

19 LEGISLATOR NICOLELLO: Any other  
20 questions? Thank you very much. Next up  
21 Department of Public Works. Commissioner Ken  
22 Arnold.

23 LEGISLATOR WALKER: Mr. Arnold do  
24 you want to say anything first or do you want  
25 to start with questions? Any of the

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2 legislators have any particular questions for  
3 Mr. Arnold? Maybe I'll just start quick.

4 First, I just want to thank you.  
5 Any time that we have reached out with a  
6 problem that I can certainly say and I hope  
7 that goes for everybody that you've been more  
8 than responsive and tried to help with any of  
9 the problems that we might have had.

10 But I do know that there are times  
11 that, again, it's staffing, that we need more  
12 staff, that you need more employees, need more  
13 people out on the roads be it for road  
14 repairs, snow plowing.

15 Obviously a big issue in my  
16 district is the sumps. Constantly we hear  
17 about that. Often times, not necessarily a  
18 departmental issue because if the wind blows  
19 and garbage goes in front of the street they  
20 think that you or I should go make sure we go  
21 clean it up right away. But the overall  
22 cleaning up of the sumps, it seems that most  
23 of the time that they're not addressed. I  
24 know you said there's a schedule, that's what  
25 we were told, but often times, especially

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2 certain times of the year they're so  
3 overgrown, hanging over the fence and it  
4 really becomes an issue.

5 So, is there any way we are trying  
6 to address that staffing issue?

7 MR. ARNOLD: This budget under  
8 the storm water and waste water budget there's  
9 an increase of 10 EOs for that purpose.

10 LEGISLATOR WALKER: That's  
11 great. Thank you. That was the big question  
12 I had.

13 LEGISLATOR DRUCKER: I have a  
14 question.

15 LEGISLATOR WALKER: Sure  
16 Legislator Drucker. Go ahead.

17 LEGISLATOR DRUCKER: Commissioner  
18 Arnold, how are you? So, I notice in your  
19 budget you have a line item for the repair of  
20 sidewalks and I know you and I have spoken  
21 numerous times and there is an issue,  
22 certainly in my district and I'm sure in other  
23 districts, and I filed a bill over a year ago,  
24 year and change, to really shift the  
25 obligation to repair defective sidewalks from

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2 homeowners whose backyards face sidewalks that  
3 are adjacent to county roads. And you have  
4 met with us and met with other legislators on  
5 both sides of the aisle and have indicated  
6 that your office is prepared and poised to  
7 deal with that but you need legislation passed  
8 to legally shift that obligation. Is that  
9 correct commissioner?

10 MR. ARNOLD: I believe this goes  
11 a while back and I've looked at this a number  
12 of times. I don't know off the top of my head  
13 if the current head count could take on the  
14 liability of all the sidewalks without  
15 subcontracting out work. Sidewalks is a great  
16 deal of work for the department. But if  
17 required to do the work the department would  
18 work on staffing to achieve that goal. But  
19 right now without having that as an obligation  
20 it's something we do not do. We look to the  
21 adjacent property owner to do the work.

22 LEGISLATOR DRUCKER: Right now  
23 the current budget by the administration  
24 includes I believe a half million dollars to  
25 your office, to your department, for

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2 sidewalks. You had also indicated before this  
3 budget came out that you did have some money  
4 in your budget to do sidewalks. Obviously not  
5 to do every single sidewalk but you did have  
6 some money. Correct me if I'm wrong, but your  
7 office, because of this pending legislation,  
8 you're not sending out notice of defects to  
9 homeowners because you're hoping and  
10 anticipating that perhaps the county can  
11 undertake this task. Which is unfair to have  
12 homeowners who have nothing to do with these  
13 sidewalks to have to repair them when the  
14 county goes through millions of dollars in  
15 subcontracting and contracting work to repave  
16 county roads and yet they don't touch the  
17 sidewalks sometimes. And you have sidewalks  
18 that are in immediate dangerous hazardous  
19 conditions to pedestrians, to people on  
20 bicycles to just people who are walking.

21 It's something we've talked about  
22 and I know you indicated you don't disagree  
23 with me but there, of course, has to be money  
24 for it and that's where this legislation was  
25 created and birthed and filed and it's been

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2 sitting in limbo now for a year and change.

3 Can you comment on that commissioner?

4 MR. ARNOLD: The replacement of  
5 sidewalks is not an operational expense it's a  
6 capital expense. So it would be coming out of  
7 the capital budget. The maintenance part of  
8 our sidewalks is probably for minor work and  
9 not replacements. Again, I can't go ahead and  
10 do work that I'm not obligated to do under the  
11 and the county admin code or charter or  
12 whatever dictates this replacement of a  
13 sidewalk. Right now my office doing that work  
14 would be public funds for a private benefit.

15 LEGISLATOR DRUCKER: But this  
16 legislation would certainly clear up that  
17 confusion, wouldn't it?

18 MR. ARNOLD: Yes.

19 LEGISLATOR DRUCKER: Thank you  
20 commissioner. I have nothing further.

21 LEGISLATOR WALKER: Thank you  
22 Legislator Drucker. Legislator Schaefer.

23 LEGISLATOR SCHAEFER: First, I  
24 wanted to thank you because I know you are  
25 very responsive as well. My office, as I'm



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2 sure most of us have many things going on with  
3 regard to public works and even if it takes  
4 some time you get back to us and I really  
5 appreciate that.

6 MR. ARNOLD: We do our best to  
7 try to answer every question that's posed not  
8 just by the legislators, by mayors,  
9 supervisors, whoever may be asking.

10 LEGISLATOR SCHAEFER: I realize  
11 we should maybe all realize a little more that  
12 all the time you have to spend answering  
13 questions is time you're not doing other  
14 things.

15 MR. ARNOLD: Good point.

16 LEGISLATOR SCHAEFER: I like to  
17 tell constituents sometimes in a very nice  
18 way.

19 MR. ARNOLD: But I do try to put  
20 staff to it so we keep answers coming.

21 LEGISLATOR SCHAEFER: Thank you  
22 very much. Other than that, I guess I just  
23 wanted to ask you about staffing and if you  
24 had any concerns with regard to that. I know  
25 you had some difference in the numbers. The

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2   full time staff is about 18 people less than  
3   the on board four year average for 2017  
4   through 2020.

5                   MR. ARNOLD:     Our on board is  
6   below our budget. Even with that said,  
7   working with OMB we've increased our head  
8   count in this budget by 14 in general and 12  
9   in SSW. The challenge like every other  
10  department head has mentioned is hiring  
11  staff. Just today you look at the signs on  
12  the expressway the state is advertising for  
13  plow operators on their VMS signs. It's a  
14  hard undertaking to find these people.

15                  I've sat down with civil service  
16  and we're working through a title change to  
17  allow us to hire equipment operators without a  
18  license and give them I think it's a year to  
19  get their license. Otherwise they would be  
20  terminated. And try to start an in-house  
21  training program to do that. Because looking  
22  for people with experience with today's market  
23  is very problematic even with increased  
24  steps. I think we went up to step four. We  
25  went as high as step four which impacted even

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2 our existing staff to give them salaries so  
3 they would stay.

4 Even with all that said, it's very  
5 difficult, which is why we're looking to  
6 change and bring people in, train them and  
7 then keep them. In the past we would hire EO  
8 ones without licenses but we need to give them  
9 impetus to get the license, otherwise they  
10 can't drive snow plows and I can't have 20 EO  
11 ones that can't drive a plow on my head  
12 count. So I got to make sure that they get  
13 CDLs.

14 LEGISLATOR SCHAEFER: On that  
15 same topic. Was the county over or under for  
16 its snow removal budget for 2021?

17 MR. ARNOLD: I'm going to take a  
18 little bit of guess because I don't have it in  
19 front of me but I think we're pretty much  
20 right at it. We had enough snow and I know we  
21 had to refill our domes and spend some good  
22 salt money this year. Maybe we were a touch  
23 under but it was not too far off. OMB is  
24 always is good in working with us if we do go  
25 over our budget finding the appropriate board

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2 transfers to make sure that we're never in a  
3 disadvantage of covering snow.

4 LEGISLATOR SCHAEFER: That's all  
5 I have. Thank you.

6 LEGISLATOR NICOLELLO: Legislator  
7 Ferretti.

8 LEGISLATOR FERRETTI: Hi Ken.  
9 How are you? So, thank you for the job you're  
10 doing. I join with Legislator Schaefer and a  
11 lot of the colleagues who have commented. I  
12 think you do a great job. And I know you are  
13 very responsive and I appreciate that. So  
14 thank you.

15 MR. ARNOLD: My pleasure.

16 LEGISLATOR FERRETTI: I know  
17 Legislator Drucker was just speaking a little  
18 bit before about the sidewalks and I haven't  
19 had the opportunity to review his specific  
20 legislation, so I'm not commenting  
21 specifically on his legislation. But I agree  
22 with him in terms of what he's saying. I  
23 think we can all agree that it's kind of  
24 ridiculous that we expect residents to walk  
25 around the block and maintain their sidewalks

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2 that they don't even have any idea it's their  
3 responsibility to maintain.

4 I understand right now the law  
5 doesn't allow you to repair or replace those  
6 sidewalks but let me ask you in terms of  
7 staffing, do you think you have any ability  
8 when it comes to snow removal, do you have any  
9 ability to remove snow on those sidewalks  
10 let's say in the areas where there are schools  
11 on county roads?

12 MR. ARNOLD: Based on the  
13 proposed ordinance we've been looking at that  
14 and the answer would be no, not without  
15 bringing significant staff on. We've done  
16 some sampling and we're talking probably two  
17 miles of sidewalk within 1,000 foot of the  
18 school. And the amount of effort to do that  
19 work, and I owe this report to legislative  
20 budget review, we're finalizing now, we're  
21 talking of a seasonal staff of about 200  
22 people to address sidewalks within a 12 hour  
23 of a storm assuming about a six to eight inch  
24 snowfall event. The quick answer is no and  
25 we're still working through the details on

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2 this.

3 LEGISLATOR FERRETTI: When you  
4 did your analysis, how many schools are there  
5 on county roadways?

6 MR. ARNOLD: What we did was we  
7 did a GIS query on how many multifacing  
8 properties are on county roads and then from  
9 that we dug deeper how many of those  
10 properties are within 1,000 feet of a school  
11 and that's where we came up with our numbers.  
12 It was quite a bit more than I anticipated and  
13 we're still drilling down. But even if I take  
14 a percentage of what we found we're talking a  
15 significant number of seasonal employees to do  
16 that type of operation. I'm trying to get my  
17 hands around how do you manage that effort in  
18 such a short period of time for an event  
19 that's really not scheduled that much in  
20 advance to prepare for.

21 LEGISLATOR FERRETTI: Maybe in  
22 the future we can work through some of those  
23 details. But I agree with the sentiments of  
24 Legislator Drucker. We got to do something  
25 about these sidewalks. They are in complete

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2 disrepair. They get overgrown. The snow  
3 piles on top of them. We have kids walking in  
4 the street on main roads to get to school.  
5 And what's worst is, the very few people that  
6 actually do remove the snow from those  
7 sidewalks the county plows come and plow them  
8 back in. So, we're going to have to figure  
9 something out because we're asking for a  
10 disaster here with these sidewalks.

11 Let me ask, you currently have 373  
12 employees on board right now; is that  
13 correct?

14 MR. ARNOLD: That sounds about  
15 correct, yes.

16 LEGISLATOR FERRETTI: The budget  
17 calls for 405, which if my notes here are  
18 correct is the same exact amount that was  
19 requested last year.

20 MR. ARNOLD: Yes. But also  
21 recognize that we are adding ten equipment  
22 operators in the SSW budget that will work for  
23 road maintenance doing storm water type  
24 activities.

25 LEGISLATOR FERRETTI: But the 405

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2 positions that are requested this year is the  
3 same number as last year, correct?

4 MR. ARNOLD: Sounds correct.

5 LEGISLATOR FERRETTI: So what  
6 positions right now are unfilled out of those  
7 32 positions? What are the titles?

8 MR. ARNOLD: Equipment  
9 operators. We continually work to fill  
10 positions. People leave as quickly as we hire  
11 them. We are currently working on our traffic  
12 safety, Chris Miston's retirement, we're still  
13 looking for the proper candidate for that. We  
14 need people in our admin areas. We've lost a  
15 number of clerks that we're working towards  
16 replacing. We've done interviews. We're in  
17 the process of getting that work completed.

18 We're always looking for project  
19 managers and engineers and inspectors. Those  
20 are more complicated to get because of the  
21 qualifications of these people. It's a mixed  
22 bag. My department, unlike a lot of  
23 departments, I have probably 40 distinct types  
24 of work activities. So it's very difficult to  
25 manage the hiring of people that are so



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2 different. But we put a lot of effort into  
3 keeping communications open with schools and  
4 other such entities to look for possible  
5 employment opportunities.

6 LEGISLATOR FERRETTI: But you  
7 have 32 positions that are currently vacant,  
8 correct?

9 MR. ARNOLD: Yes.

10 LEGISLATOR FERRETTI: Are those  
11 specific titles? I know you just went through  
12 a bunch of titles that you would like to have  
13 filled. But is everything that you just  
14 described part of the 32 that are currently  
15 open just?

16 MR. ARNOLD: Yes. Just this past  
17 month and a half we've hired, and I'm not  
18 sure -- one of these I think still shows as  
19 vacant, we hired two licensed engineers just  
20 recently. We are in the process of bringing  
21 on three facility maintenance mechanic type  
22 staff members. Fleet. Every area has a  
23 handful of needs and it adds up to the larger  
24 number of the 30 something.

25 LEGISLATOR FERRETTI: I guess it

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2 seems like and I've only been here for I guess  
3 this is my fourth budget and it seems like  
4 this is a recurring project where essentially  
5 the same amount of positions are requested  
6 from not just DPW but a bunch of different  
7 departments, and every year we're asking the  
8 same questions about why 30 something  
9 positions are still remaining open.  
10 Meanwhile, you do a great job. When we call  
11 if you and ask you if you could take care of  
12 Loring Road, it's overgrown, you get people  
13 there right away.

14 But meanwhile we're dealing with a  
15 lot of roadways that we need to call in to get  
16 addressed. So, it's a recurring problem that  
17 every year we're having the same conversation  
18 and it doesn't seem like we're able to fill  
19 these positions for whatever reason.

20 So, what is the reason that we are  
21 not able to get, for example, you said  
22 equipment machine operator was the title?  
23 What do they do? What do equipment machine  
24 operators do?

25 MR. ARNOLD: Equipment

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2 operators -- I want to hire only staff that  
3 has the commercial driver's license because I  
4 need them ultimately to drive a plow. And the  
5 equipment operator that can only push a lawn  
6 mower is not something I'm looking to do  
7 because I tie myself down. Then I don't have  
8 plow operators.

9 So, our equipment operators have  
10 CDLs that allow them to run any piece of  
11 machinery from a plow, which requires a CDL,  
12 to lawn mowers and excavators. Even our  
13 pavement marking shop. These gentlemen and  
14 ladies are very hard to find right now because  
15 of the overall shortage of CDL drivers and the  
16 great demand that's been put on in the private  
17 industry from Amazon or UPS or whoever.  
18 Everybody is looking for truck drivers.

19 That's why we've shifted and we've  
20 had conversations just as early as last week  
21 we just wrapped up conversations with civil  
22 service to modify this series to add a trainee  
23 position where I can get somebody out of high  
24 school. As long as they have a driver's  
25 license and 18, bring them into my program and

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2 work with them to get a CDL and become a  
3 permanent member of the department.

4 COVID has not helped also. In some  
5 cases, especially this year, we were not able  
6 to get the seasonal employment that we wanted  
7 because of the unemployment. Most people did  
8 not want to come to work. We typically use  
9 that over the summer to help us with the grass  
10 cutting. Those people are not CDLs but they  
11 help supplement our regular equipment operator  
12 staff. So this past year that was very  
13 difficult to find any employees who do that  
14 type of work.

15 LEGISLATOR FERRETTI: So, the  
16 people who, the employees that plow snow are  
17 the same employees that maintain the lawns and  
18 the landscaping on county roadways?

19 MR. ARNOLD: Yes.

20 LEGISLATOR FERRETTI: Isn't there  
21 a title for people to do that landscaping work  
22 that does not require them to have a CDL? You  
23 don't need a CDL to push a lawn mower, right?

24 MR. ARNOLD: Whether it's an  
25 equipment operator one that doesn't have a CDL

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2 or a laborer that is a true statement.  
3 However, we're talking overall head count for  
4 the department. So, when I look for overall  
5 head count I need the flexibility of making  
6 sure my most critical need is filled which is  
7 making sure the roads are clear of snow.

8 LEGISLATOR FERRETTI: I  
9 understand but I think you have some  
10 flexibility. There's always 30 something  
11 openings every year that go unfilled. So,  
12 it's not like, like you said, it's hard to get  
13 these CDL people right now. Maybe your  
14 department can focus on getting laborers who  
15 can do other tasks. It's not like you don't  
16 have 32 positions open anyway. I'm throwing  
17 that out there. Is that something you can  
18 consider?

19 MR. ARNOLD: I'd like to run  
20 through the trainee program that we're looking  
21 to put in place for these ten positions that I  
22 need to hire. If that still becomes  
23 problematic I can look at your suggestion.

24 LEGISLATOR FERRETTI: Let's  
25 assume for a second that 32 CDL licensed

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2 employees signed on tomorrow and you had a  
3 full head count of 405 positions filled.  
4 Would that be sufficient to have regular  
5 maintenance of our county roadways routinely,  
6 without us having to call and bug you, would  
7 that be enough?

8 MR. ARNOLD: No.

9 LEGISLATOR FERRETTI: Then why  
10 are you requesting 400 --

11 MR. ARNOLD: Because I've been  
12 doing this job for 25 plus years in this area  
13 and the department has never been able to keep  
14 up with the sheer volume of grass areas we  
15 need to cut. The department has always done  
16 its best to address areas on a regular basis.  
17 Which I think our frequency right now is four  
18 to six weeks and that's what we look to strive  
19 towards. But the county has miles and miles  
20 of grass cutting obligations. We have a daily  
21 attrition of people calling in of 20 to 25  
22 percent. There's all kinds of challenges to  
23 say we can stay on a regular schedule with all  
24 the limitations of staffing coming in, weather  
25 and other issues that come up.

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2 A good example is just recently  
3 with tropical storm Ida I moved people to many  
4 other different issues to address during the  
5 last three week period to deal with washouts  
6 and other issues and grass cutting has taken  
7 the hit because of that.

8 LEGISLATOR FERRETTI: I  
9 understand that there are natural disasters  
10 and hurricanes and other things that can throw  
11 off a regular schedule. But I just disagree  
12 with the idea that we shouldn't strive to have  
13 adequate staffing where the county maintains  
14 its own property properly. I think that  
15 that's an obligation we should have.

16 We have sumps that are overgrown.  
17 And by the way, I want to stress that when my  
18 office calls you get it done and I appreciate  
19 that. You do a great job with the resources  
20 you have. But it really isn't or shouldn't be  
21 the responsibility of county lawmakers to  
22 monitor sumps quite frankly. I'll happily do  
23 it because if we don't we've got constituents  
24 with rats running in their yards. But we  
25 should do better.

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2 We should seek or try to have the  
3 staffing required to maintain our property. I  
4 think that's something that residents expect  
5 and deserve. So maybe we can talk about this  
6 off line in the future. I think that going  
7 forward we should seek to have the staff that  
8 we need. Not staff that we can plug holes but  
9 staff that we can actually maintain our  
10 property.

11 MR. ARNOLD: Understood.

12 LEGISLATOR FERRETTI: Thank you  
13 commissioner and thank you for all your work  
14 throughout the year.

15 MR. ARNOLD: Thank you.

16 LEGISLATOR NICOLELLO: Any other  
17 questions? Legislator Rhoads.

18 LEGISLATOR RHOADS: Hey  
19 commissioner. How are you? Sort of along the  
20 same lines as Legislator Ferretti. I get  
21 quite a few calls. Again, you're fantastic  
22 when there's a direct complaint that comes in  
23 and I make the complaint to you you're  
24 fantastic in getting it taken care of.  
25 Clearing of storm drains, street sweeping, we



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2 no longer have -- we kind of switched to an on  
3 demand system.

4 MR. ARNOLD: No. This year we  
5 changed.

6 LEGISLATOR RHOADS: You did go  
7 back to a street sweeping schedule?

8 MR. ARNOLD: About mid-May,  
9 working with the budget office, we increased  
10 our program twofold. We hired ten operators  
11 and we doubled our capacity for street  
12 sweeping this past year.

13 LEGISLATOR RHOADS: But you're  
14 still down in terms of overall head count?

15 MR. ARNOLD: My head count moves  
16 so quickly over time. It's hard for me to say  
17 what point -- but we made a commitment because  
18 of what I was hearing in this chamber from the  
19 residents and also from you all that we double  
20 the number of street sweepers we put out on a  
21 regular basis to sweep every road and try to  
22 double the frequency. I don't know if we  
23 achieved -- I haven't looked at numbers what  
24 we actually achieved, it's on my to-do list  
25 but typically what we were doing every five or

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2 six weeks I hope we got to three to four weeks  
3 to get every road swept. That was a goal of  
4 mine this year and the administration and OMB  
5 both gave me the resources to do that both in  
6 rental of sweepers and in personnel.

7 LEGISLATOR RHOADS: It does  
8 establish that we do have the ability with  
9 additional money and additional manpower and  
10 additional equipment to be able to take what's  
11 a routine and chronic constituent complaint  
12 and address it on a regular and ongoing  
13 basis.

14 I think to Legislator Ferretti's  
15 point, there is an appetite certainly from  
16 this legislature to try and do that in other  
17 areas as well as far as maintenance of county  
18 property. And I mentioned specifically storm  
19 drains because I'll go on Bellmore Avenue for  
20 example in response to a constituent's  
21 complaint you'll see a storm drain that's  
22 filled with litter or debris or it's got caked  
23 on mud, grass clippings and stuff that  
24 basically nothing can pass through and you'll  
25 wind up with flooding. And I know that when

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2 we call people will go out and flush it and  
3 try and clear the drains themselves. But  
4 that's probably something that we should be  
5 doing.

6 MR. ARNOLD: For Ida and Henry  
7 when we had those notices for those storms  
8 that was a three-day task to clean those storm  
9 drains. Understand, a wind and a rain event  
10 of that magnitude within 30 seconds the debris  
11 is back. But we do do a full department  
12 effort to clean all our catch basins prior to  
13 any tropical event or major rain event that we  
14 have notice that we have to do.

15 LEGISLATOR RHOADS: But on a  
16 regular routine basis --

17 MR. ARNOLD: The street sweeper  
18 will take care of that on a regular basis.

19 LEGISLATOR RHOADS: I guess what  
20 we're trying to say is that we know that  
21 you're down in terms of head count and it's  
22 hard to maintain head count but it sounds as  
23 though we could be doing a better job at  
24 routine maintenance in a number of areas.  
25 Even if you talk about street maintenance,

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2 roadway maintenance, roadway paving, perhaps  
3 we wouldn't have to use outside contractors.  
4 We can do a little more work in-house if we  
5 had more staff, if we had bigger crews, if we  
6 had more supplies.

7 MR. ARNOLD: I would disagree.  
8 The department's never done paving in-house  
9 other than a short couple of occasions.  
10 Repaving has always been a contracted  
11 function. I go back and forth with CSEA all  
12 the time on this. Historically we spend \$100  
13 million contracting and if I spend half a  
14 million or a million dollars in-house that's  
15 what you're comparing the two things to.

16 LEGISLATOR RHOADS: I know our  
17 guys did Merrick Road for example. That  
18 section in my district it was our people,  
19 right?

20 MR. ARNOLD: No. That was  
21 contracted. The concrete panels?

22 LEGISLATOR RHOADS: No, not the  
23 concrete panels. I'm talking about the  
24 asphalt from Newbridge to Meadowbrook Parkway  
25 I thought that was ours.

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2 MR. ARNOLD: That was contracted.

3 LEGISLATOR RHOADS: So we were  
4 just supervising that?

5 MR. ARNOLD: Yes.

6 LEGISLATOR RHOADS: All right.  
7 But if there's additional personnel that you  
8 need that you think will enable us to do more  
9 routine --

10 MR. ARNOLD: I think where we  
11 differ is how many people to get to you to a  
12 routine schedule. There's so much work that  
13 my people work very hard in achieving that the  
14 routine schedule I don't want to give false  
15 hope that if you gave me 50 people it's still  
16 going to be challenge. There's just so much  
17 work out there that needs to get done. We do  
18 the best we can and we stay on a rotation  
19 schedule where we try to keep everything in  
20 order.

21 Even when the legislators, you guys  
22 call, I don't pull people off projects because  
23 that's not fair either to be bouncing crews  
24 only because I'm getting phone calls. It's  
25 the rotation of the work. Only if it's an

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2    emergency or a safety concern that I will pull  
3    crews off of something and take care of it.  
4    Like Legislator Ferretti calls and says  
5    there's a sight line blocking then we will  
6    take care of that off our regular rotation.  
7    But typically we try to stay on rotation with  
8    our work.

9                   LEGISLATOR RHOADS:     I know you do  
10   the best you can with what you have  
11   obviously. I would assume that if you had  
12   more you would do more. It is what it is. If  
13   you could prioritize where you could use, if  
14   you were to receive additional personnel,  
15   where they would be most needed, what would  
16   you think?

17                  MR. ARNOLD:     I would probably go  
18   to my operating units. Facilities, roads,  
19   fleet. Engineering I have vacancies that I'm  
20   working towards filling. That's just finding  
21   the right people. It would be roads,  
22   facilities and fleet.

23                  LEGISLATOR RHOADS:     What would  
24   you think your head count would need to be for  
25   you to be comfortable that you would be able

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2 to timely deliver the services that are  
3 required from operating?

4 MR. ARNOLD: It's hard to put a  
5 number on. The problem is I have not had the  
6 chance to get to the head count I wanted to  
7 because as I hire I lose continuously. For  
8 road maintenance if -- I think we're at like  
9 101 CDL drivers total, I think I'm trying to  
10 get 110 and I'd like to see what I end up  
11 doing at that level. But with attrition and  
12 the delay in finding qualified candidates I  
13 haven't gotten to that number.

14 You have to hire a candidate that  
15 can get through probation. The way civil  
16 service works, not civil service, the union  
17 works, it's very hard to get rid of an  
18 employee once he gets past the six months  
19 probation. We spend a great deal of time to  
20 get the right candidate. So even if we have  
21 resumes and interviews, we're not going to  
22 pick somebody that we know we can't keep. It  
23 makes it that much more difficult because to  
24 bring people on and not be able to achieve  
25 what we need to achieve and then I get stuck

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2 with somebody for life that's not what I want  
3 either.

4 LEGISLATOR RHOADS: Sure. I  
5 understand that there are areas that have  
6 specific requirements that make it more  
7 difficult to fill and you're just trying to  
8 catch up at this point as opposed to trying to  
9 add additional head count.

10 MR. ARNOLD: And that's why  
11 working with the civil service I'm hoping I  
12 can get a direct connection to work with  
13 people at a lot younger age, get them in the  
14 system, let them appreciate the system, get  
15 their CDL and stay. That's something that we  
16 have not been able to do because when we  
17 changed the spec under the last administration  
18 we required the CDL for the equipment operator  
19 and getting people to get that test. I mean,  
20 drug testing is a big problem here too. A lot  
21 of people will not get a CDL because of drug  
22 testing. You have to pass a drug test.

23 LEGISLATOR RHOADS: Okay. So  
24 we've kind of narrowed it down with respect to  
25 issues with respect to equipment operator.



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2 Would you be able, I don't want you to do it  
3 here because you may not actually have the  
4 answer here, would you be able to get back to  
5 us with an analysis of your department's, I  
6 know what it says here on paper, but it really  
7 does sound as though there are opportunities  
8 there for us to be able to provide a better  
9 service to taxpayers if you had additional  
10 personnel. Would you be able to get us that  
11 answer of where you can use additional people  
12 and where there's an opportunity for you to  
13 hire additional people?

14 MR. ARNOLD: We can look at  
15 that. I can do what I did with the street  
16 sweeping. We can look at the program we have  
17 and what could change to modify the level of  
18 service.

19 LEGISLATOR RHOADS: Like I said,  
20 you do the best you can with what you have but  
21 I think that we all want to try to do better.  
22 I know you do to. We want to put you in a  
23 position to succeed.

24 LEGISLATOR NICOLELLO: Don't you  
25 have 32 new positions coming in?

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2 MR. ARNOLD: We have 32 vacant  
3 positions. 14 are new on top of last year's  
4 budget.

5 LEGISLATOR NICOLELLO: So you  
6 have 32 --

7 MR. ARNOLD: Like I mentioned  
8 earlier is unlike many departments my  
9 department has 40 different specific types of  
10 functions. That's across all these areas. Of  
11 the 32 vacancies ten or 11 are slated for EOs,  
12 CDL drivers.

13 LEGISLATOR NICOLELLO: With  
14 what's budgeted can you operate the Department  
15 of Public Works?

16 MR. ARNOLD: Yes.

17 LEGISLATOR NICOLELLO: We have  
18 questions from Legislators Ford and Solages.  
19 Jump in Denise and then Carrie you're next.

20 LEGISLATOR FORD: Thank you very  
21 much. I really just have one question.  
22 Commissioner Arnold, I too commend you for the  
23 fine job that you are doing and very happy to  
24 hear about your request to civil service in  
25 regard to perhaps hiring younger people to

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2 come into DPW and then be able to work while  
3 they take a class to get their CDL license  
4 because I know those licenses tend to be  
5 rather expensive. I think it would give  
6 better opportunities for younger people to  
7 find work.

8 But normally when you make changes,  
9 like when you go to civil service and you  
10 request to have a job title changed or  
11 whatever or amended or maybe a new job title,  
12 about how long -- is there like a normal  
13 turnaround time you get from them or dependent  
14 upon the position you're seeking?

15 MR. ARNOLD: It depends on how  
16 complicated what I'm asking to do. They  
17 themselves have a very large work load. We  
18 talked about a number of things I wanted to  
19 do. Knowing that the equipment operators is  
20 essential to the department they have  
21 committed to me they are going to deal with  
22 that right away. I'm hopeful within a month  
23 to have an answer on that. I think they need  
24 a civil service commission meeting. I just  
25 don't know that schedule to finalize what

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2 we're asking. But we've gone back and forth a  
3 couple of times since last week on what we  
4 want to modify. So I'm hopeful within a  
5 month's time I can get an answer to act on  
6 utilizing that title change.

7 LEGISLATOR FORD: Perfect. Then  
8 once they're hired they would then -- I'm  
9 following up on Legislators Drucker and  
10 Ferretti -- in regard to the sidewalks that  
11 perhaps we may be able to have an additional  
12 workforce that may be able to at least help us  
13 with sidewalks that like are on county roads  
14 but that are close to schools. The sidewalk  
15 square I'm thinking like Lido Boulevard near  
16 me.

17 MR. ARNOLD: Unfortunately that  
18 can't happen. Here's the rub on the sidewalk  
19 snow plowing. We have a snow event. My guys  
20 work continuously during that whole snow event  
21 and then the snow event will keep them on the  
22 road for 12 to 15 hours depending on how big  
23 the storm is. I need a separate group of  
24 people to deal with the sidewalks because the  
25 equipment operators at that point have to go

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2 home.

3 Now, a day or two later they might  
4 be ready to help with the sidewalks and that's  
5 what we typically do with overpasses and  
6 certain other areas that we have to clear.  
7 But the way the law is written that I have  
8 within 12 hours, within that 12 hours of that  
9 storm ending or the emergency ending if that's  
10 what the storm becomes, I don't believe it's  
11 achievable using the same group of people that  
12 are plowing the streets.

13 LEGISLATOR FORD: Thank you very  
14 much sir.

15 LEGISLATOR NICOLELLO: Legislator  
16 Solages.

17 LEGISLATOR SOLAGES: Also want to  
18 thank the commissioner and the department for  
19 their hard work and their dedication to our  
20 county and services for our residents. You  
21 have done a fine job on each and every  
22 assignment in the Third District.

23 Just real quickly, any improvements  
24 on the jail? I know Mr. Sullivan from the  
25 sheriff's association reached out to us before

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2 and he would come here and talk about the  
3 conditions of these buildings and how it put  
4 in jeopardy the safety of his officers who  
5 work very hard. Is there any update on that  
6 please?

7 MR. ARNOLD: I plan on meeting  
8 with my staff this week and next. Right now I  
9 know we've done the temporary repairs to the  
10 roof of the A-32 building. My understanding  
11 is that the leakage has subsided from that  
12 area. I know the master plan we have carved  
13 out A-32 as a special entity like I've been  
14 saying. We are not waiting to deal with a  
15 master plan before we fix that building. We  
16 have Liro that is designing those  
17 improvements. I don't have the timing in  
18 front of me today.

19 Then also B building is a carve  
20 out. My staff is putting together that  
21 contract package. I have my chief deputy  
22 solely focused as one of our projects to watch  
23 this on a daily basis. So we're doing all the  
24 effort we can to keep this on track and not  
25 have it languish any further than it already

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2 has. Because we know the importance to the  
3 correction facility staff and sheriff to get  
4 this thing addressed.

5 LEGISLATOR SOLAGES: Thank you.

6 LEGISLATOR NICOLELLO: Are there  
7 any other questions? All set. Thank you  
8 Ken. Next is Minority Affairs with Executive  
9 Director Lionel Chitty.

10 Before you start thanks for your  
11 patience. Every year I say to myself I'm  
12 going to flip this script and have Minority  
13 Affairs go first, Department of Health,  
14 Department of Social Services and every year I  
15 forget. Please call us on that and I'm sure  
16 we all would be in favor of doing that because  
17 your presentations tend to be shorter so it's  
18 not really fair for you to have to sit here  
19 this long. Next year you're number one,  
20 Department of Health number two.

21 MR. CHITTY: Thank you very much  
22 we appreciate the opportunity to sit before  
23 you today. We too love our budget and we're  
24 here to take any questions.

25 LEGISLATOR RHOADS: How are you?

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2 Good to see you Lionel. A quick question. I  
3 know last year we spoke about and we've spoken  
4 about it a couple of times there being a  
5 pretty significant backlog in terms of MWB  
6 analysis and certification. I know we added a  
7 couple of individuals and I know that the  
8 budget I believe here calls for three  
9 additional?

10 MR. CHITTY: Yes.

11 LEGISLATOR RHOADS: Where are we  
12 in terms of the backlog and how will the  
13 additional staff be helping?

14 MR. CHITTY: We are definitely  
15 moving through the ones that are constantly  
16 out there. We do have Michelle Crossley, our  
17 certification analysis, slash, program  
18 coordinator. We're averaging about 150  
19 certifications per year and that's why we're  
20 looking for that additional staff to increase  
21 that. We are expecting that that continue to  
22 be a steady stream. So we're going to be  
23 diligently working to continue that and do  
24 some additional cross training.

25 LEGISLATOR RHOADS: Will the



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2 three be enough?

3 MR. CHITTY: Taking a look at  
4 what we have in front of for the 2022 budget  
5 we feel very comfortable that we will have  
6 enough resources to meet the needs of our  
7 constituents.

8 LEGISLATOR RHOADS: I know that  
9 your department has taken on some additional  
10 responsibilities and some personnel have been  
11 taken away from you to help with the Boost  
12 Nassau program.

13 MR. CHITTY: Yes. Dr. Regina  
14 Williams is managing the Boost Nassau resource  
15 center. She was our deputy director. But it  
16 has actually worked out pretty good. We now  
17 have one central location where all the  
18 questions regarding any additional grant that  
19 are out there, whether they're county funded,  
20 state funded or federally funded we have one  
21 central depository where she has a dedicated  
22 team of individuals that can answer all those  
23 questions and point people in the right  
24 direction.

25 So instead of us plowing through

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2   different programs and trying to understand  
3   them and wrapping our hands around them we  
4   have four of those individuals right now over  
5   at the Boost Nassau Center. That includes  
6   Asian Affairs, Hispanic Affairs and our  
7   department. So it's working out pretty good  
8   for us.

9                   LEGISLATOR RHOADS:     What are we  
10   doing specifically with respect to MWBEs in  
11   terms of outreach to let them know about the  
12   Boost Nassau program, the recovery grant  
13   program, the loan program and other  
14   opportunities that may be available to them?

15                  MR. CHITTY:     Before that we've  
16   been doing a lot of emails. We've been  
17   utilizing social media a lot. It's a great  
18   thing that things started opening up again.  
19   We've been out and about every weekend for  
20   like the past six or eight weeks talking to  
21   people, dropping off flyers, having tables.  
22   Whether it's street fairs, community events.  
23   We've been running around a lot. We've been  
24   giving them out to a lot of the meetings with  
25   the clergy and other organizations. Going to

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2 our chamber of commerce meetings and trying  
3 our best to push that information out so that  
4 people are aware of it.

5 LEGISLATOR RHOADS: I know we  
6 just had the Bellmore street fair over the  
7 weekend. We had probably they're estimating  
8 somewhere between 130.

9 MR. CHITTY: I don't have that  
10 many flyers.

11 LEGISLATOR RHOADS: When we  
12 select the street fairs that we're attending,  
13 the events we're attending, do you want input  
14 from legislators?

15 MR. CHITTY: Absolutely. We are  
16 here and we are here to service our  
17 communities and we're looking for as much  
18 input as we can get. The more input the  
19 better because, again, we can't see  
20 everything. We go where we can. Either that  
21 we already know about it or we reach out. But  
22 absolutely, we definitely seek input.

23 LEGISLATOR RHOADS: Are there  
24 information packets that you are providing  
25 because I would love to obtain a copy of that

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2 so I can do some outreach in my own area?

3 MR. CHITTY: What we have right  
4 now is a basic flyer for that Boost Nassau  
5 resource center. Everything is digital. You  
6 go to the website. Any programs that are  
7 currently available are listed there. If  
8 something is in the works it will say coming  
9 soon. If something is closed it will also  
10 dictate that.

11 We are again happy that they're  
12 there because even some of the I believe it's  
13 the rental assistance programs are run by  
14 individual towns. So they're able to keep up  
15 on that. For example, one specific town only  
16 ran their program for three weeks and then it  
17 shut down, but then it kicked back up again  
18 dependent on the nonprofit organization that  
19 was helping them manage it. So, again,  
20 they've got a firm grasp on what's been going  
21 on. So, again, they're the central  
22 depository. It works out very well for us to  
23 send everybody to that Boost Nassau center  
24 because they know exactly what's available,  
25 what's going to be coming down the pike and be

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2 able to service our constituents.

3 LEGISLATOR RHOADS: Excellent.

4 As you know, last year we attempted to provide  
5 additional staff to Minority Affairs which  
6 wound up I believe being vetoed, if I'm not  
7 mistaken. So I'm glad to see that we're  
8 finally trying to catch up and the  
9 administration is catching up on that. I  
10 appreciate your answers.

11 LEGISLATOR NICOLELLO: I just a  
12 quick question also. What's the status of the  
13 disparity study?

14 MR. CHITTY: The disparity study,  
15 our director of special projects, Rhonda Mako,  
16 is currently managing that. We are very  
17 thankful, working with the administration, the  
18 comptroller's office, IT and procurement, they  
19 were able to give them the required data that  
20 they needed. And actually they've also gone  
21 through the process of trying to reconstruct  
22 some of that data. So they're still filtering  
23 through that and also making recommendations  
24 as far as policy changes. How we can do a  
25 better job as far as best practices that are

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2 done out there nationally. But again, it's  
3 going to be an ongoing process. Again, we're  
4 doing it with Suffolk. It is definitely  
5 underway but it's going to be a process and we  
6 want to make sure it's done correctly.

7 LEGISLATOR NICOLELLO: Thank you  
8 very much. Any other questions? Again, thank  
9 you for your patience. Next year you're  
10 number one.

11 LEGISLATOR SOLAGES: I have a  
12 question. Thank you Presiding Officer and  
13 thank you to Legislator Rhoads. You took the  
14 questions I had but I thank you Executive  
15 Director Chitty for all your hard work and I  
16 thank also Regina Williams and your staff.  
17 You've been out and about throughout the  
18 pandemic. I thank you. Again, your mandate  
19 is vast. Many obligations. Any update on the  
20 affirmative action responsibilities of your  
21 office?

22 MR. CHITTY: We have been working  
23 collaboratively with the civil service  
24 department to try our best to promote  
25 opportunities within Nassau County for the

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2 minority community to participate and actually  
3 seek and take advantage of opportunities with  
4 county positions. We've had numerous events  
5 with them. Also doing it in different  
6 languages. We've done it in Spanish and also  
7 with the Office of Asian American Affairs to  
8 help promote those positions out there.

9 Those forms are virtual. We go  
10 through the workings of their website, how to  
11 navigate it. They talk about the positions  
12 that are available. How to prepare yourself  
13 for the test and also all the qualifications  
14 that are needed.

15 LEGISLATOR SOLAGES: Just any  
16 outside date for the disparity study?

17 MR. CHITTY: Did you say an  
18 outside date for the disparity study?

19 LEGISLATOR SOLAGES: Yes.

20 MR. CHITTY: Contract date is  
21 January 15, 2023.

22 LEGISLATOR SOLAGES: Lastly, I  
23 know that we advocated for more resources,  
24 specifically for an attorney to help with many  
25 of the regulatory obligations of your office.

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2 Is there a backlog? Where are we now with  
3 that sir?

4 MR. CHITTY: One of the hires we  
5 had was Rhonda Mako, our director of special  
6 projects. She is currently legal counsel for  
7 our department. She is also working with the  
8 county attorney's office for Title Six  
9 compliance and also language access and other  
10 items that are out there that need that direct  
11 attention.

12 She's also working directly with  
13 the chief procurement officer, slash,  
14 compliance officer, their team, to also make  
15 sure that we're moving in the right  
16 direction. And again, she's also managing  
17 that disparity study.

18 There are a lot of different  
19 parts. She's more than qualified and we're  
20 looking to slowly move forward. Again, doing  
21 it right, not haphazardly, but we're  
22 definitely moving in the right direction.

23 LEGISLATOR SOLAGES: Thank you  
24 very much for your time. Thank you.

25 LEGISLATOR NICOLELLO: Anyone



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2 else? Last but not least the Department of  
3 Health. Before you start I want to thank you  
4 and your staff again for your outstanding  
5 leadership during the pandemic. Your  
6 levelheaded information based, reasonable,  
7 rational response information as well as the  
8 incredibly successful efforts in getting the  
9 county vaccinated you really deserve  
10 tremendous praise. We are very thankful for  
11 all you've done and your staff.

12 DR. EISENSTEIN: Thank you so  
13 much. I hope my wife was watching.

14 Presiding Officer, members of the  
15 legislature, I've been the commissioner for  
16 ten years. I believe this is the 11th year  
17 I've presented the budget to you. And I've  
18 known many of you over the years. But there  
19 hasn't been a year where I've spent so much  
20 time speaking with everybody over so many  
21 different issues. I feel very comfortable and  
22 at home and I'm glad that something good came  
23 out of COVID which is we have a great line of  
24 communication between the legislature and the  
25 health department. It was always good but I

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2 think it's never been better than it is now.  
3 I think everybody's comfortable speaking with  
4 me and I feel the same. And there's a great  
5 respect that our department receives from the  
6 legislature. So I want to say thank you and  
7 we feel it's mutual.

8 I've been very lucky. I have an  
9 incredible staff. I came with a large group  
10 today because I get to come up and all hear  
11 the great praise but it's a lot of work being  
12 done by a lot of people as to why our  
13 department has been so successful. I have  
14 Debbie Conigliaro, who is our deputy  
15 commissioner of administration and takes care  
16 of all the HR matters. That is not an easy  
17 job. She's wonderful.

18 Next to her is Dr. Andrew Kineck,  
19 our deputy commissioner, who's been a vital  
20 hire during this time. And he came to us as a  
21 navy veteran having served as a medical  
22 officer on a ship full of marines. So he can  
23 tell lots of fun stories.

24 Dineen Jacobs is our fiscal  
25 director. And you all know Mary Ellen, who is

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2 a great representative here and every time I  
3 see members of the legislature always tell me  
4 how wonderful Mary Ellen is. Thank you.

5 So getting to the budget. We were  
6 given what we asked for so I'm happy. We  
7 asked for a head count we got that head  
8 count. I absolutely, and I haven't always  
9 come and said this to you, but I absolutely am  
10 comfortable that I can operate the department  
11 with the budget that we've been granted. So,  
12 I'll just take whatever questions you have at  
13 that point.

14 LEGISLATOR NICOLELLO: I know  
15 that Legislator Walker has questions.  
16 Legislator Bynoe, Birnbaum and Mule.

17 LEGISLATOR WALKER: First, I too  
18 want to thank you all so much for everything  
19 you did during the height of the pandemic and  
20 continue to do because we're not through  
21 things yet. Then for doing everything else  
22 that you had to keep up with during that time,  
23 which isn't easy and especially during the  
24 summer months when you had to deal with beach  
25 closings and this year camps that were opening

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2 up and all the things you had to do. From  
3 restaurants and everything. Every aspect of  
4 your job. And for always answering our  
5 questions because often times residents would  
6 reach out to us. When we really didn't know  
7 we'd send a quick text to you and you were  
8 always as quick with a response as you could  
9 possibly be.

10 I just did get a message that the  
11 governor hired a new head of the health  
12 department in New York State. I'm certainly  
13 glad that you're staying here with us but  
14 obviously she missed the boat because I really  
15 do think you are the best. And things would  
16 have been a lot different in the state if you  
17 were the one making a lot of the decisions.

18 DR. EISENSTEIN: Thank you but I  
19 love it here. I have no need to leave.

20 LEGISLATOR WALKER: Thank you  
21 very much. I know that -- you certainly made  
22 due with all the staff you have. I do feel  
23 your staff was put under tremendous stress.  
24 They gave of themselves 24-7. Certainly if  
25 you had had some additional staff that would

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2 have maybe lessened the burden on the staff  
3 that you have. You do feel content with the  
4 number of staff that's there? Or could you  
5 use additional staff that possibly isn't in  
6 your budget?

7 DR. EISENSTEIN: No. I'm very  
8 comfortable with what we have and I really  
9 feel that we're in a position where every  
10 staff member is productive and that's what we  
11 want. We want people who are contributing to  
12 their max and with that we're able to achieve  
13 the job. I think that's where we are.

14 Last year we asked for more bodies  
15 and the administration granted more bodies and  
16 we got all of them including Dr. Kineck. That  
17 increase has helped us dramatically.

18 The health department staff was  
19 remarkable in that as difficult as it was, and  
20 I'm going back to spring of last year, where  
21 people were working seven days a week and  
22 around the clock and many people were pulled  
23 out of their comfort zones and were given jobs  
24 that were very difficult like answering the  
25 COVID hotline. I had many people from across

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2 the health department whether they were  
3 sanitarians, inspectors or engineers or early  
4 intervention coordinators whatever taking  
5 shifts on answering the COVID call center.  
6 And the people that are calling the COVID call  
7 center are scared or angry or unsure. It's  
8 not an easy job to take those calls all day  
9 around the clock. They were remarkable and I  
10 really didn't hear complaining.

11 I think the health department  
12 understood that while a pandemic is something  
13 that we dread, we prepare for it, we train for  
14 it. It's why you have a public health  
15 department. If we couldn't stand up and be  
16 excellent then you shouldn't have a public  
17 health department.

18 I can't say enough about the staff  
19 who came through it. Even as the  
20 commissioner, you worry about the mental  
21 health of your team and all of us and our  
22 leadership, I mean, this is a very stressful  
23 time. Everybody's done well. And I think  
24 we're really tried to keep an atmosphere of if  
25 people need help they should come get it. And

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2 the collegiality and the collaboration of the  
3 staff was just incredible.

4 Some of you came and saw the pods.  
5 The staff loved it. They almost miss it. I'm  
6 glad we don't need to do it anymore but that's  
7 life saving work and they had the opportunity  
8 to participate in something that's historic.  
9 And I really feel most of the staff, if you  
10 ask them about it, as horrible as this has  
11 been, all the deaths and all the suffering, as  
12 public health employees this is why we're  
13 here. I think there was a sense of  
14 satisfaction that I felt across the whole  
15 staff. I think we have the right number of  
16 people.

17 LEGISLATOR WALKER: Excellent.  
18 Again, your staff was all out there working.  
19 When many of our workers could be at home, and  
20 I'm not saying they weren't working, but be in  
21 a much more relaxed atmosphere and yet you  
22 were thrown into the thick and thin of things  
23 and you were out there 24-7.

24 And we do certainly understand  
25 those phone calls because we received many of

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2 those phone calls too. And then of course  
3 what did we do? We turned them over to you  
4 because we didn't have the answers to them.  
5 Again, thank you very, very much. We're here  
6 for you if you need us.

7 LEGISLATOR NICOLELLO: Legislator  
8 Bynoe.

9 LEGISLATOR BYNOE: Thank you. I  
10 think Legislator Walker said it best and so  
11 I'll just say a heartfelt thank you for all  
12 you did. All of you. And I was one of those  
13 legislators who was able to visit the pods  
14 somewhat frequently. And I think I had a  
15 missed opportunity earlier because when I went  
16 out to those pods, through your leadership, I  
17 was able to see other departments actually be  
18 a part of the pod and be employed in the  
19 process. So, that speaks volumes of your  
20 leadership that you were able to not only  
21 manage your own team but incorporate others.

22 So, the commissioner of human  
23 services, Carol McCummings, and her team were  
24 on the front lines along with the office of  
25 emergency management and I think that they



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2 also did a great job alongside all of you.

3 DR. EISENSTEIN: And if I can  
4 also thank Homeland Security and the police  
5 department. We were doing this in the coldest  
6 days of the winter with lines and people were  
7 desperate in the beginning. They were so  
8 great in helping us stay safe and in order.  
9 Thank you for that.

10 LEGISLATOR BYNOE: That and you  
11 had people that were lining up hoping that  
12 they could get extra vials, they could get  
13 extra shots if there were extra vials and they  
14 were able to manage all of the crowd control  
15 without incident. It was really something to  
16 witness. So thank you.

17 So, I want to talk a little bit --  
18 you know I'm always calling the department for  
19 a variety of different things. Mary Ellen is  
20 awesome. I'm always able to get her.  
21 Sometimes I bother you and I always feel bad  
22 because it's usually on the weekends or early  
23 morning.

24 Today I want to move away from the  
25 maybe the discussion of COVID and talk about

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2 the early child intervention. And we've had a  
3 really great meeting, again, collaboratively  
4 with the Department of Social Services who sat  
5 in and the administration, talking about a  
6 public awareness campaign that we can kick off  
7 around and making sure that from all facets,  
8 all stakeholders are informed about the  
9 programs that are available. Parents,  
10 doctors, dentists. Found out they play a  
11 significant roll in this. Care givers. And  
12 really making sure that all of the parents  
13 across Nassau County understand what we  
14 provide here and how we might be able to  
15 assist their young people.

16 So, I say all that to say two  
17 things. One, I see that you requested \$3  
18 million additional for that program but it was  
19 removed. And given the fact that we already  
20 know that there are some individuals, some  
21 parents who really aren't aware of some of the  
22 indicators that might evidence that their  
23 children are delayed. And then you have  
24 others that may know but are finding it hard  
25 to navigate the process on their own. Given

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2 that we have confirmed that we believe that's  
3 a reality, the reduction of \$3 million from  
4 the budget I think is concerning to me. So,  
5 can you speak a little bit to why this  
6 reduction even occurred?

7 DR. EISENSTEIN: Sure. The  
8 budget office and we had this discussion last  
9 year with Andy from the budget office as  
10 well. The budget office makes projections and  
11 we come up with a projection. And the health  
12 department has always come up with the  
13 projection of what we think is the maximum  
14 number of cases, because I'd rather not have  
15 to come back later and ask for more money  
16 later in the year or ask the budget office for  
17 a transfer.

18 Even with this projection we  
19 projected a higher number for the upcoming  
20 year. Sometimes the projections are accurate,  
21 sometimes they're off. But this is a very  
22 expensive program. So even projecting 50 or  
23 100 kids more puts you in the millions of  
24 dollars.

25 So we projected a little bit higher

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2 than the budget office did. I think that's  
3 where you get one of the differences. We tend  
4 to project on the higher end to make sure  
5 we're asking for enough money to cover  
6 everything. This is an entitlement and they  
7 know they have to cover it. If it's many more  
8 it has to be covered and it always has been to  
9 be fair.

10 But something changed in state law  
11 recently that I think makes me not concerned  
12 about this because we didn't really account  
13 for it which is a state law was recently  
14 passed by the state legislature called the  
15 Covered Lives Assessment, which is going to  
16 dramatically change the amount of money that  
17 insurance companies have to reimburse for the  
18 early intervention and preschool services.

19 I don't have final numbers. It was  
20 just in the process of being passed recently.  
21 But I anticipate that we take the burden of  
22 monies in the early intervention and preschool  
23 programs that are not picked up by insurance  
24 companies. This is going to provide relief  
25 for us that I'm comfortable with the

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2 difference in the three million. I think  
3 actually we're probably in a very good  
4 position because of that covered lives law.

5 When we get from the state kind of  
6 a better -- because this is a state program,  
7 the early intervention and preschool -- when  
8 we get kind of a better how many millions it's  
9 going to change I think it will dramatically  
10 cover the \$3 million. And of the \$3 million  
11 yes, we have to lay the money out, but 59  
12 percent of the preschool program is  
13 reimbursed. So the liability isn't three  
14 million, it's a little under half of that.  
15 But I think with the Covered Lives assessment  
16 and our projections I think we're right on and  
17 we'll be okay with it this year.

18 LEGISLATOR BYNOE: The covered  
19 lives do you have an estimate on how much you  
20 think that might bring in or is there a cap?

21 DR. EISENSTEIN: I don't think  
22 there's a cap. I haven't seen the final  
23 bill. But I think it's going to be more  
24 impactful for us than on some other  
25 jurisdictions because so much of our

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2    population is insured. Essentially what it's  
3    doing is holding the insurance companies  
4    accountable for money that they should be  
5    paying towards this. It basically is  
6    mandating them to participate in this  
7    program.

8                   So, I think we'll be in the  
9    millions I'll say that. I don't know if it's  
10   one or two or four million but I do think  
11   we're looking at seven figures from that. And  
12   that's just a projection based on having read  
13   the legislation. So, we're going to get  
14   formal numbers but I think we're going to be  
15   fine with that number.

16                  LEGISLATOR BYNOE:     Have you been  
17   able to determine the percentage of families  
18   that are currently engaging in that program  
19   that are insured versus being uninsured?

20                  DR. EISENSTEIN:     I can get you  
21   that number. I don't have it with me now.  
22   But we do know that information. And then  
23   Medicaid is also an insurer. So we will get  
24   you those numbers. We do have it we just  
25   didn't bring it.

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2 LEGISLATOR BYNOE: Were you able  
3 to build into your budget for some of this --  
4 we talked about an extensive plan. A lot it  
5 didn't seem like it would be very costly but  
6 we did realize there would be some expense to  
7 doing this public awareness campaign. Were  
8 you able to build some of that money into your  
9 budget?

10 DR. EISENSTEIN: We had submitted  
11 the budget before we had our meeting. But we  
12 have been able to do outreach of that kind.  
13 For example, placing an early intervention  
14 service coordinator at our WIC sites. And by  
15 definition for somebody to be a WIC eligible  
16 person they have to be at a certain low income  
17 level. And that won a national award for us.  
18 Our early intervention service coordinators,  
19 the WIC, parents, moms, the babies are usually  
20 not born yet, but very often they bring older  
21 siblings along and they didn't even know that  
22 was a service available.

23 So, we're using the resources we  
24 have and the partnerships we have. For  
25 example, we have a great relationship with our

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2   federally qualified health center partners,  
3   etcetera. We are going to be able to  
4   incorporate the work. So, the budget doesn't  
5   reflect -- the meeting came after we put in  
6   the budget. I think we will be able to  
7   incorporate it within our work within a  
8   reasonable enough amount of money that the  
9   budget should cover it, yes.

10                   LEGISLATOR BYNOE:     What we talked  
11   about was maybe utilizing social media a  
12   little bit more, getting some sponsored ads,  
13   putting out collateral in partnership with  
14   some retailers and maybe doing some  
15   informational meetings with some of the  
16   doctors and dentist offices and making sure  
17   that there was training at the child care  
18   centers. Maybe utilizing Nassau County's  
19   childcare counsel. So some of that does have  
20   some expense that will go with it. I just  
21   wanted to make sure that we will be able to  
22   achieve many of the initiatives that we  
23   discussed.

24                   DR. EISENSTEIN:     I haven't shared  
25   this with them yet, so if they're watching



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2 this is breaking news but one of the ideas I  
3 have to bring up as a result of COVID one of  
4 the things that came out of it was a health  
5 equity task force was created Long Island-wide  
6 but during COVID it was Nassau based. That's  
7 being housed at Northwell but all the  
8 hospitals and a lot of social agencies were  
9 invited to play.

10 We made the decision, and this  
11 requires no financial effort on our part other  
12 than participating in meetings and whatever  
13 comes out, we decided to continue this beyond  
14 COVID. We found a great success that there's  
15 a need for a health equity task force. And  
16 this is the exact kind of initiative that I  
17 plan to bring to them and say look, just  
18 getting the word out on the early intervention  
19 for children with delays and preschool when  
20 they're three to five years old, a lot of the  
21 agencies that are in touch with moms who have  
22 those kids that don't know about this  
23 participate in this.

24 So, we're going to use our  
25 partnerships which have worked great. We have

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2 great hospital partners. Health equity task  
3 force did a great job reaching underserved  
4 communities with COVID in setting up pods  
5 where we asked and where we needed. That's an  
6 example of how I'm thinking about doing the  
7 work but also engaging our partners and  
8 helping us with this.

9 LEGISLATOR BYNOE: It's going to  
10 be great. I know we talked about it was your  
11 idea to maybe create some level of a directory  
12 of collecting information from the different  
13 birthing hospitals so that then we can start  
14 texting and saying your child is 16 months  
15 old. If they're not doing this, that or this  
16 you might need to see a provider. I think all  
17 of that is key for making sure that new  
18 parents have an understanding of those  
19 benchmarks and are mindful of those  
20 indicators. As long as the money is in the  
21 budget to do some of that stuff I'm happy.

22 That's all that I have in the very  
23 moment. Thank you. I appreciate you.

24 LEGISLATOR WALKER: Legislator  
25 Birnbaum.

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2 LEGISLATOR BIRNBAUM: I do want  
3 to thank you for everything you and your  
4 department have done this year. It was crazy  
5 but you did it with the pods, you did it with  
6 communicating with everybody. Everybody in  
7 the office was very professional. I've only  
8 heard only good things from people who had  
9 their vaccines.

10 But that's what I'm wondering about  
11 now. Have you heard from the state whether  
12 the county will again be providers for the  
13 newly recommended booster shots of Pfizer?

14 DR. EISENSTEIN: So, right now  
15 the answer is yes. The state has asked us for  
16 our plan to participate in boosters. Right  
17 now -- we've never been a Pfizer provider. As  
18 you know, we've always done Moderna. Right  
19 now the only vaccine that is approved is  
20 Pfizer. We can be a Pfizer provider but  
21 nobody who had the Pfizer first and second  
22 doses has ever come to us before. So we are  
23 waiting for Moderna.

24 But I want to be clear, I was  
25 having coffee with a friend two nights ago, it

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2 was seven o'clock at night, he's a doctor and  
3 said do you think I should get the booster? I  
4 had the Pfizer doses nine months ago. I said  
5 yes. You're an occupational health risk. Go  
6 get the booster. He pulled out his phone,  
7 pulled up the local pharmacy and got an  
8 appointment in 15 minutes.

9 So when we did this back in the  
10 spring we were the only show in town. We had  
11 the only supply and the hospitals and there  
12 was not enough vaccine. So they had to use  
13 health department pods in order to maintain --  
14 there was a triage process of who was  
15 eligible. We turned a lot of people away and  
16 there were a lot of angry people we turned  
17 away but we were given specific instructions.

18 Right now there is no shortage of  
19 access to vaccine. So we are going to  
20 participate actively. We still have our pods  
21 every Wednesday night for anybody. It's open  
22 right now two blocks away. Anybody can walk  
23 in and get a Moderna shot and a Johnson and  
24 Johnson shot. We got another supply.

25 So we have people come in for first

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2 doses, second doses. We still get like a  
3 dozen or two dozen people each week. We're  
4 still in the business. When we get Moderna,  
5 if, assuming Moderna's booster gets approved,  
6 which is a different dose than the original  
7 Moderna, Pfizer is the same, we absolutely  
8 plan to have a presence doing booster pods.

9 But there's absolutely vaccine in  
10 every doctor's office and pharmacy. So there  
11 isn't the need for us to do the 1,000 person a  
12 day every single day type of pod which took  
13 the whole department's effort.

14 So, we will have a presence. We  
15 will be able to help people get their doses.  
16 But it's going to be in a different format.  
17 And the places that we did it, like the gym at  
18 Nassau Community college, the school is open  
19 now. Yes, We Can was a wonderful host but  
20 they are a vital community operation and we  
21 took away a lot of their social space for a  
22 long amount of time. So the setting will be  
23 different, the appearance will be different,  
24 the scope will be different because there  
25 isn't the shortage that there was. But by all

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2 means we will be part of the booster process.

3 LEGISLATOR WALKER: Legislator  
4 Mule.

5 LEGISLATOR MULE: Thank you. I  
6 have no questions but I just would be remiss  
7 if I didn't add on to what everyone else has  
8 said about the wonderful job that your  
9 department did during this whole crisis. I  
10 know we all appreciated our weekly updates  
11 when we were in the thick of things. Helped  
12 us to get a handle on what was happening.

13 And the one thing that I wanted to  
14 add is that I think it's given all of us a  
15 greater appreciation of the importance of  
16 public health. Certainly I can say I didn't  
17 understand why it was so important. But as  
18 legislators that's something that we, I hope  
19 we all take that away about the importance and  
20 that we will never ever let your department  
21 not have what it needs because you have to be  
22 ready to go at a moment's notice. So, we  
23 can't allow that to ever not be possible.  
24 It's too critically important. And we know  
25 that your department has received national

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2 recognition and you deserve any and all  
3 accolades.

4 DR. EISENSTEIN: Thank you. And  
5 if that comes out of this, I know for public  
6 health that's an important thought. Hey, now  
7 you've seen how valuable all the employees in  
8 public health are. Thank you for that.

9 LEGISLATOR WALKER: Anyone  
10 remotely want to say anything? Any  
11 questions? I guess all is quiet. I know you  
12 are the finale and again apologize that you  
13 had to wait so long. We will remember that  
14 you're number two next year.

15 DR. EISENSTEIN: I will leave you  
16 with this. Last week finally we had a nice  
17 drop in the daily case count for the first  
18 time in two months. So maybe we're heading in  
19 the right direction. Thank you.

20 LEGISLATOR WALKER: Excellent.  
21 Thank you so much and we're wrapped up  
22 everyone.

23 (Hearing concluded at 5:50 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 fifth day of  
October 2021.

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FRANK GRAY