

1. Public Notice 10-12-22

Documents:

[10-12-22 SPECIAL BUDGET MEETING.PDF](#)

2. 10-12-2022 Special Meeting Full Budget

Documents:

[FULL BUDGET 10.12.2022 KL.PDF](#)



## **PUBLIC NOTICE**

**PLEASE TAKE NOTICE THAT**

### **THE NASSAU COUNTY LEGISLATURE**

**WILL HOLD A SPECIAL MEETING ON**

**WEDNESDAY, OCTOBER 12, 2022 AT 10:00AM  
IN**

**THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER  
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING  
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501**

**AT WHICH TIME THE LEGISLATURE WILL HOLD A PUBLIC  
HEARING REGARDING THE 2023 NASSAU COUNTY BUDGET  
PERTAINING TO THE DEPARTMENT OF SOCIAL SERVICES,  
DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF  
CONSUMER AFFAIRS, DEPARTMENT OF ASSESSMENT,  
DEPARTMENT OF HEALTH, DEPARTMENT OF PARKS,  
RECREATION & MUSEUMS, DEPARTMENT OF INFORMATION  
TECHNOLOGY, OFFICE OF EMERGENCY MANAGEMENT, THE  
NASSAU COUNTY COMPTROLLER, AND THE DISTRICT  
ATTORNEY'S OFFICE.**

**PLEASE TAKE FURTHER NOTICE THAT**

**THE NASSAU COUNTY LEGISLATURE HAS POSTPONED ITS  
DISCUSSION OF THE 2023 NASSAU COUNTY BUDGET PERTAINING  
TO THE NASSAU COUNTY COMPTROLLER AND THE DISTRICT  
ATTORNEY'S OFFICE FROM OCTOBER 6, 2022, AS PUBLICLY  
NOTICED ON SEPTEMBER 29, 2022, TO OCTOBER 12, 2022, AS  
PUBLICLY NOTICED ON OCTOBER 4, 2022.**

As per the Nassau County Fire Marshal's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 200 people.

Attendees who would like to address the Legislature must submit a slip to the Clerk's office staff. Public comment is limited to three minutes per person. At meetings of the full Legislature, public comment will be heard only during the pre-calendar public comment period and during public hearings that are on the calendar. At meetings of the Legislature's committees, there is no pre-calendar public comment period. Public comment will be heard on agenda items. Public comment on any item may be emailed to the Clerk of the Legislature at [LegPublicComment@nassaucountyny.gov](mailto:LegPublicComment@nassaucountyny.gov) and will be made part of the formal record of this Legislative meeting.

The Nassau County Legislature is committed to making its public meetings accessible to individuals with disabilities every reasonable accommodation will be made so that they can participate. Please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office for the Physically Challenged at 227-7101 or TDD Telephone No. 227-8989 if any assistance is needed. Additionally, those for whom English is not their primary language, or for those who are Deaf or hard-of-hearing, language and communication assistance technology will be available at public meetings.

Every Legislative meeting is streamed live on <http://www.nassaucountyny.gov/agencies/Legis/index.html>

**MICHAEL C. PULITZER**

**Clerk of the Legislature**

**Nassau County, New York**

DATED: October 4, 2022  
Mineola, NY

1  
2 **NASSAU COUNTY LEGISLATURE**

3 **FULL LEGISLATURE MEETING**

4 \*\*\*\*\*

5 RICHARD NICOLELLO, PRESIDING OFFICER

6 \*\*\*\*\*

7 BUDGET

8 \*\*\*

9 DISTRICT ATTORNEY'S OFFICE

10 COMPTROLLER'S OFFICE

11 DEPARTMENT OF HUMAN SERVICES

12 DEPARTMENT OF CONSUMER AFFAIRS

13 DEPARTMENT OF ASSESSMENT

14 DEPARTMENT OF HEALTH

15 DEPARTMENT OF INFORMATION TECHNOLOGY

16 DEPARTMENT OF SOCIAL SERVICES

17 OFFICE OF EMERGENCY MANAGEMENT

18 DEPARTMENT OF PARKS, RECREATION & MUSEUMS

19 \*\*\*\*\*

20 **County Executive and Legislative Building**

21 **1550 Franklin Avenue**

22 **Mineola, New York**

23 \*\*\*\*\*2 of 2\*\*\*\*\*

24 Thursday, October 12, 2022 10:18 a.m.

25 TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

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LEGISLATOR RICHARD J. NICOLELO  
PRESIDING OFFICER  
9TH Legislative District  
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LEGISLATOR HOWARD KOPEL  
Deputy Presiding Officer  
7th Legislative District  
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LEGISLATOR DENISE FORD  
Alternate Presiding Officer  
4th Legislative District  
\*\*\*  
LEGISLATOR KEVAN ABRAHAMS  
Minority Leader  
1st Legislative District  
\*\*\*  
LEGISLATOR SIELA BYNOE  
2nd Legislative District  
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LEGISLATOR CARRIE SOLAGES (ABSENT)  
3rd Legislative District  
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LEGISLATOR DEBRA MULE  
5th Legislative District

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LEGISLATOR C. WILLIAM GAYLOR, III

6th Legislative District

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LEGISLATOR JOHN J. GIUFFRE

8th Legislative District

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LEGISLATOR MAZI MELESA PILIP

10th Legislative District

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LEGISLATOR DELIA DERIGGI-WHITTON

11th Legislative District

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LEGISLATOR JAMES KENNEDY

12th Legislative District

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LEGISLATOR THOMAS MCKEVITT

13th Legislative District

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LEGISLATOR LAURA SCHAEFER

14th Legislative District

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LEGISLATOR JOHN FERRETTI, JR.

15th Legislative District

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LEGISLATOR ARNOLD W. DRUCKER

16th Legislative District

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LEGISLATOR ROSE MARIE WALKER

17th Legislative District

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LEGISLATOR JOSHUA LAFAZAN

18th Legislative District

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LEGISLATOR STEVEN RHOADS

19th Legislative District

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MICHAEL PULITZER

Clerk of the Legislature

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A L S O   A P P E A R E D :

PUBLIC COMMENT:

TOM BRUNO

ELIZABETH SMOLLER

MICHELE BARONE

CASEY FORDHAM

TONILYN HANZICK

ADRIENNE LOPRESTI

CLAUDIA BOYLE

DISTRICT ATTORNEY'S OFFICE, BRIAN LEE

COMPTROLLER'S OFFICE, ELAINE PHILLIPS

DEPARTMENT OF HUMAN SERVICES, JILL NEVIN

DEPARTMENT OF CONSUMER AFFAIRS, JOHN CAPECE

DEPARTMENT OF ASSESSMENT, MATTHEW CRONIN

DEPARTMENT OF HEALTH DR. GELMAN

DEPARTMENT OF INFORMATION TECH, NANCY STANTON

DEPARTMENT OF SOCIAL SERVICES, NANCY NUNZIATA

DEPARTMENT OF EMERGENCY MANAGEMENT, R. CORBETT

DEPARTMENT OF PARKS, REC, MUSEUM, DARCY BELYEA

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PRESIDING OFFICER NICOLELLO: All right, call hearing to order and ask Legislator Colonel Gaylor to lead us in the Pledge.

(Whereupon, the Pledge of Allegiance is recited.)

PRESIDING OFFICER NICOLELLO: We have a number of slips for public comment that we call those slips right now at the beginning of the hearing, starting with Tom Bruno.

MR. BRUNO: Good morning everybody, I'm going to keep it brief because we do have other people who want to speak and I'm sure you're all very tired of seeing my face here every meeting.

Again we're very grateful for the increase that is in the County Executive's budget. We're hoping, through your efforts, that you'll be able to increase that just a bit. Our young people, as you are well aware, have been suffering since the pandemic. The youth



1  
2 programs in Nassau County have been  
3 meeting the needs of these young people  
4 for the past three years and we will  
5 continue to meet those needs, whatever  
6 has to be done. So, please, anything that  
7 you could do to increase that budget  
8 line. The youth of this county will be so  
9 appreciative. This is our future that  
10 we're talking about. These are the people  
11 who one day, hopefully, will be sitting  
12 in your seats. So please, anything that  
13 you can do to put money back into that  
14 budget will be greatly appreciated.

15 PRESIDING OFFICER NICOLELLO: Thank  
16 you for your time. Elizabeth Smoller.

17 MS. SMOLLER: Hi, my name is  
18 Elizabeth Smoller, and I'm a licensed  
19 master of social work. I work as a  
20 therapist at YES Community Counseling  
21 Center in their Youth and Services and  
22 Family Services Division. Thank you to  
23 everyone who is here this morning and  
24 providing us with space to share our  
25 stories.

1  
2 If it's all right with every one,  
3 I'm going to tell you a little bit about  
4 myself. I was born and raised in  
5 Massapequa, graduated, then moved across  
6 the country and travelled the world  
7 during my studies. But when it came time  
8 to settle and choose a career, I chose to  
9 come home. I chose to be a therapist in  
10 the community. That has meant so much to  
11 me, and let me tell you what I mean by  
12 that.

13 When I was 18 I was suffering with  
14 severe depression and for those of you  
15 who don't know, two symptoms of this  
16 include suicidality and self-harm. I was  
17 terrified, my parents were terrified, but  
18 my parents called up YES Community  
19 Counseling Center, a place they knew  
20 intimately and trusted because of the  
21 immense presence this agency has in our  
22 town. They called up and I was  
23 immediately brought in for services. I  
24 was connected with mental healthcare.  
25 That literally saved my life. I was able

1  
2 to get into services so quickly because  
3 the resources were there, accessible and  
4 the affordable treatment were right in my  
5 community.

6 Now I am the therapist. I am the one  
7 who is fortunate enough to see people's  
8 lives transformed because of the work  
9 that myself and my colleagues provide,  
10 and I am so incredibly blessed and  
11 grateful to be in this position.

12 But the truth is, our caseloads are  
13 bursting at the seams, our staff is  
14 diminishing, our health is declining  
15 because we are burning out, we are unable  
16 to take care of ourselves and our own  
17 families because we cannot afford to live  
18 in the community that we are so  
19 passionate about serving. I have to sit  
20 on the phone and listen to a parent cry  
21 over their child's mental health, begging  
22 for services. And though, at our agency  
23 we do everything we can to support them,  
24 we ultimately have to turn people away  
25 from our doors because we don't have

1  
2 enough staff to help them. There is no  
3 pain like wanting to help someone,  
4 knowing we can help someone and being  
5 helpless to do anything about it. And  
6 when this happens, I think about my mom.  
7 She would have gone to the ends of the  
8 earth to make sure I got the help I  
9 needed. Luckily, she didn't have to fight  
10 that battle because the services we  
11 needed were accessible to us.

12 My mom died of cancer three years  
13 ago. She was a social worker and a fierce  
14 advocate, and so now I am embodying her  
15 spirit and carrying on her legacy when I  
16 implore you to invest in the mental  
17 healthcare in this community. I know how  
18 much you all care about our community.  
19 And if we want change that will last for  
20 generations, our community needs access  
21 to mental healthcare, but there is no  
22 mental healthcare if there are no mental  
23 healthcare workers. We need to work  
24 together, all of us, but ultimately it is  
25 you, our town and county legislators, who

1  
2 have the most power right now. You have  
3 the power to make change, use that power  
4 and save lives. Thank you.

5 PRESIDING OFFICER NICOLELLO: Thank  
6 you. Michele Barone.

7 MR. BARONE: Hello, my name's  
8 Michele Barone. I'm a licensed clinical  
9 social worker. YES Community Counseling  
10 Center. I've been in the field for five  
11 years and I appreciate this opportunity  
12 to help you all understand what we do is  
13 social workers and why as much as we love  
14 our work, we have to, unfortunately,  
15 question our career choices.

16 I want to start by highlighting how  
17 great the need is for mental health  
18 support services and how we constantly  
19 see how families and children who are not  
20 getting the correct support continue to  
21 have limited functioning with  
22 relationships. They're struggling  
23 academically, emotionally, and physically  
24 due to the untreated mental health  
25 symptoms and how what we do within our

1  
2 field isn't Band-aid work. We incorporate  
3 healing that gets the solutions that will  
4 impact our clients overall functioning,  
5 which, in return, then, these children,  
6 who were once incapable of making it  
7 through a school year, can contribute to  
8 society and adulthood. However, it's been  
9 horrifying how many clinicians we  
10 continue to lose due to not being  
11 accurately compensated for the important  
12 work that we do.

13 Burnout is a real issue, especially  
14 when most of us have to work two jobs, to  
15 even remotely, support ourselves and live  
16 on long island. Meanwhile, all of us have  
17 master degrees and most of us have  
18 additional licenses as well. The work we  
19 do is crucial. We see how strong the need  
20 is when parents call to inquire about  
21 services so desperately for their child  
22 who is not functioning anymore, but we  
23 have to turn them away because we're  
24 short staffed. At times, it is life or  
25 death work and it's devastating for me to

1  
2 have to consider leaving a field I'm so  
3 passionate about.

4 I'm seven months pregnant. Planning  
5 for a growing family now and I have to  
6 consider leaving this amazing nonprofit  
7 that I work for because I have to fear  
8 not being able to support my baby. I may  
9 have to go get a different job and most  
10 likely will only require a bachelor's  
11 degree. Most likely will pay double what  
12 we get compensated for, and I'm not  
13 passionate about just make it affordable  
14 income and stay on Long Island. The  
15 infuriating part is that I would then  
16 feel like I'm not living and fulfilling  
17 life or I wouldn't be contributing my  
18 skills that I was trained in because what  
19 I've put so much money, time, and effort  
20 into, doesn't result in adequate  
21 compensation. It's impossible to live in  
22 Long Island with the salary we make. It's  
23 just not enough. We as social workers and  
24 therapists are not recognized for the  
25 imperative work that we do and that work

1  
2 at times really does save lives.

3 Thank you for giving me this space  
4 to share.

5  
6 PRESIDING OFFICER NICOLELLO: Thank  
7 you, Michele. Casey Fordham.

8 MS. FORDHAM: Good morning. I'm  
9 Fordham. I also work at YES Community  
10 Counseling Center and I'm a licensed  
11 master social worker. I am a therapist  
12 at the agency, but my role also includes  
13 connecting families to resource sorry  
14 resources in the community. However, this  
15 task has become more and more difficult,  
16 even impossible at times. Youth and  
17 families are suffering due to the lack of  
18 resources that are available to them, and  
19 this is a public health crisis.

20 Families are calling us for help to  
21 help their children and we have to tell  
22 them we can't help them and that there  
23 are no solutions for them. Just yesterday  
24 a parent called me distraught in tears,  
25 telling me, my child is severely



1  
2 depressed, she won't get out of bed, I  
3 don't know what to do and I can't find  
4 help for her. Another parent called  
5 saying their child's anxiety is so severe  
6 that they're having panic attacks daily  
7 before going to school. Another parent  
8 has called me saying that their child  
9 told them I don't want to live any more.

10 We are seeing an increase of  
11 anxiety, suicidal ideation and attempts,  
12 self-harm, depression, social anxiety,  
13 school refusal, eating disorders, and  
14 these are from children as young as  
15 elementary school aged. What this is what  
16 I have to hear every day, and I know  
17 there's a long road ahead of them before  
18 they're connected to any form of  
19 counseling. Let me explain how a typical  
20 call goes. A parent will call me begging  
21 for help when their child is making  
22 suicidal statements or attempts, and  
23 often in these situations, the best that  
24 we can do is send them to the for an  
25 evaluation, because we don't have the

1  
2 means to meet their needs, and if we did,  
3 we know we would have the power to help  
4 them. The next day I'll get a call from  
5 the same exact parent, sharing that they  
6 went to the ER and were released with a  
7 list of referrals and our name was on  
8 that list. It's just a revolving door.  
9 These aren't solutions for these  
10 families. It's only creating more  
11 problems and more drama for these  
12 families in our community.

13 The problem is that social workers  
14 and other mental health professionals in  
15 the not for profit sector are not being  
16 compensated for their work, so they're  
17 not staying at our agencies. We have been  
18 on the front lines, serving the community  
19 through the pandemic, but we are  
20 forgotten about. We do not have the  
21 luxury to turn a blind eye to this  
22 program. This is our reality. Every  
23 single day we need more compensation to  
24 be able to serve the community, to serve  
25 our children, who are our future. We are

1  
2 letting our children down, and if this  
3 problem is not resolved, the effects of  
4 this will continue into their adulthood.  
5 You have the power to make meaningful  
6 change in the community. Please support  
7 us so we can continue to support the  
8 youth and family in our community. Thank  
9 you so much for your time.

10 PRESIDING OFFICER NICOLELLO:

11 Tonilyn Hanzick.

12 MS. HANZICK: Good morning and thank  
13 you for giving me this opportunity to  
14 share. My name is Tonilyn Hanzick, and I  
15 too am part of the staff at YES Community  
16 Counseling Center. I've been here for 19  
17 years at the agency. I work as a New  
18 York state licensed social worker. I work  
19 with families individually and in group  
20 and in my office with the whole entire  
21 family unit. I absolutely love what I do.  
22 It is my purpose to see families and  
23 support families through the ups and  
24 downs of this life. The families I work  
25 with are your constituents. They are the

1  
2 ones that vote and put you all in office.  
3 And they are hoping that you will help  
4 them and their communities. I have worked  
5 with hundreds and hundreds of these  
6 families. We are your essential frontline  
7 workers. I have been with the agency  
8 working through 9/11, Super Storm Sandy,  
9 and now COVID, and I have never seen  
10 anything like this. The need is  
11 tremendous. Our children are suffering.  
12 I cannot believe what comes into my  
13 office and the degree of support and help  
14 and psychiatric needs and help. The  
15 medications that are needed for small  
16 young children. I also spent 16 years on  
17 the elementary level in Massapequa  
18 helping families.

19 Our agency is underfunded and  
20 understaffed. In the past two years we  
21 have lost so many young, qualified,  
22 skilled workers to the private sector.  
23 It's impossible to compete. Gone are the  
24 days of endless resumes.

25 Help us to continue to do the work

1  
2 that we do. Recognize the work that we  
3 do and that we are needed to continue to  
4 do for our families.

5 History has shown us what we ignore,  
6 it doesn't go away. It will get worse,  
7 and right now it's as bad as it gets.

8 Thank you for your time and thank  
9 you for this opportunity.

10 PRESIDING OFFICER NICOLELLO: Thank  
11 you, Adrienne Lopresti.

12 MS. LOPRESTI: Thank you very much.  
13 I'm the director at YES Community  
14 Counseling Center and have been working  
15 in the youth service sector for the past  
16 25 years. We know we've been fighting  
17 this fight for ever since I've been  
18 around, but it feels different now. We've  
19 always felt like we can overcome whatever  
20 was thrown at us, but now we're not so  
21 sure. Really not having any significant  
22 or more substantial increases feels like  
23 a cut, essentially. Our organizations  
24 are faced with exorbitant increases, as  
25 you're all aware, in the costs of

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2 healthcare for our staff, liability  
3 insurance, supplies, building  
4 maintenance. All of those things where  
5 we just don't have the bandwidth to  
6 absorb these costs in addition to  
7 absorbing the additional requests for  
8 services at the same time.

9 In the past six months we've taken  
10 in 91 additional families, but we were  
11 not able to help 71 other families that  
12 came through our doors, which is really  
13 heartbreaking. Last year, when the County  
14 asked us to, along with all the other  
15 organizations here, to mobilize  
16 individuals for the food distributions  
17 during the apex of the of the pandemic,  
18 we were asked to come up with 90 people  
19 to go out during the apex of the pandemic  
20 and we did that. All within a week's  
21 time we figured out how to do that. But I  
22 can't ask for my staff to take care of  
23 other people when nobody is taking care  
24 of them, and the community needs us.

25 In the past six months, it's just

1  
2           been horrific. We had a mother call us  
3           the other day and say what happens?  
4           What's going to happen to my daughter?  
5           What happens to these children? And I  
6           assured her that they get the help that  
7           they need. But for the first time ever  
8           when I said that, I wasn't so sure that I  
9           meant that. We are here to help and  
10          we've always told the community that  
11          we're here, but I don't know that we can  
12          anymore. We cannot absorb the amounts of  
13          requests that are coming in with the  
14          funding that we have. And this just  
15          isn't for our organization, it's the  
16          entire system of care for Youth Services.  
17          We are an arm of the health system.

18                 We are of the prevention -- first  
19                 first step in the process to avoid  
20                 hospitalizations, incarcerations,  
21                 violence, all the things that our county  
22                 you know prides itself on.

23                 Please help us do better than we're  
24                 doing right now. Thank you.

25                         PRESIDING OFFICER NICOLELLO: Thank

1  
2           you, Claudia Boyle.

3           MS. BOYLE: Good morning. Thank you  
4           for having me. I'm going to be brief and  
5           short the same way I was last time. I  
6           want to thank you for being here, but I  
7           also want to remind you that everything  
8           that we've spoken about, mental health  
9           issues, substance abuse issues -- You  
10          know the head is the boss of our body. We  
11          don't blink if the head doesn't give you  
12          that command; we don't walk if the head  
13          doesn't give you that command. When your  
14          head is not working right, when you have  
15          issues that are interfering with the way  
16          you feel, with your depression, with your  
17          anxiety, you're not able to function. But  
18          as a youth serving agency, we also have  
19          mental health and we also have substance  
20          abuse. And, yes, there is a limit to what  
21          we can do, but the reality is I want to  
22          tell you what I told you last time. We  
23          can prevent this. There is prevention in  
24          everything. There is prevention in  
25          cancer, there is prevention in diabetes,



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there is prevention in every other aspect of our lives, and if we intervene early, we're able to prevent something from happening and getting worse, right? That's all we're asking for. If you look at our youth, our youth need help and we don't have enough resources to help them, and it only takes one person. It only takes one person to believe in the youth and to be there for them to be able to change their life. But we can't do that if we can't be there for them without the proper funding. So please just consider that. Look at the line.

Thank you for the increase, because I do know that there was a small increase, but we need more. We need your help, we need your support and we need that to be permanent, to be a stream that is permanent for our kids. Please think about your own kids. Thankfully they don't need it right now. But all of our kids out there are the ones that are newly arrived people who have kids, who

1  
2 have nowhere to go. They come to our  
3 centers, they come and receive services  
4 from our centers. So please think about  
5 that when you're thinking about the  
6 budget. It's not only numbers, it's  
7 lives that you're impacting. So thank you  
8 very much.

9 PRESIDING OFFICER NICOLELLO: Thank  
10 you.

11 Thank you to all of our speakers.

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PRESIDING OFFICER NICOLELLO:

We will be going through the departments. I don't now there's an agenda available for the public, but we'll make one available.

The first department we're going to start with is County District Attorney, Brian Lee. Then we have Human Services, followed by Consumer Affairs, Assessment, Health, Social Services, Emergency Management, and Parks, and at some point the Comptroller will be here and we'll have her jump in when the next department.

MR. LEE: Thank you, Presiding Officer. Good morning, legislators. My name is Brian Lee. I'm an Executive ADA for Administration at the Nassau County District Attorney's Office.

Thank you for this opportunity to present the 2023 budget for the District Attorney's Office. The proposed 2023 budget for the DA's Office represents a very nominal increase from the 2022

1  
2 budget. It is required for effective  
3 operation of the office and what we're  
4 proposing is fiscally responsible under  
5 the circumstances.

6 If you break down the proposed  
7 budget, you will see that the difference  
8 is \$1.8 million, 1.4 of which is beyond  
9 the DA's control because they are  
10 attributable to terminal pay from the  
11 resignations that we've had this year, in  
12 addition to funding for labor  
13 negotiations such as retro and current  
14 pay for CSEA and IPBA employees.

15 One thing that may have jumped out  
16 in reviewing the budget is the number of  
17 head count, the increase that we're  
18 asking for. But in looking at the numbers  
19 itself again, it doesn't really represent  
20 a significant increase. Because you'll  
21 see, in 2021 we had a head count of 448.  
22 In 2022, it was 459. What we're  
23 proposing is 468 for 2023. I guess what's  
24 what jumps out is that currently we're at  
25 412. We've had a high number of attrition

1  
2 this year, and we're looking to restore  
3 the manpower that's needed in the office  
4 to effectively prosecute cases and to  
5 ensure public safety.

6 The need for the head count increase  
7 really arose from the last couple of  
8 years coming out of the pandemic, where  
9 we experienced court and grand jury  
10 closures. We've had a lot of inflow of  
11 cases but not the ability for outflow of  
12 cases and we still have unarraigned desk  
13 appearance tickets. During the pandemic,  
14 those numbers were in the thousands. I  
15 understand now that those numbers are in  
16 the hundreds. What they mean is that  
17 these are cases that still have not  
18 entered the criminal justice system. They  
19 received the desk appearance ticket, but  
20 have not entered the courts.

21 What this has done, the backlog and  
22 COVID, has contributed to the increase in  
23 the caseload per ADA, and if you couple  
24 that with the discovery reform of 2020,  
25 it has become very difficult for members

1  
2 of the office, in particular the ADAs, to  
3 do their work effectively.

4 I would like to give you one  
5 illustration of what's been happening in  
6 the office in terms of caseload versus  
7 the head count. I'm not sure you could  
8 see the numbers, but you may have  
9 monitors in front of you that you can  
10 see. The top portion of the chart  
11 represents the head count number of staff  
12 members we've had since 2019. The bottom  
13 chart represents the number of cases that  
14 have come in that particular year, the  
15 new filings.

16 What's significant about this chart  
17 is that in 2019, that is pre discovery.  
18 There were about 35,000 cases, new cases  
19 that came into the system and we had an  
20 office of 399 personnel.

21 In 2020, You can see that the  
22 caseload diminished rather significantly  
23 because of the pandemic in the court  
24 closures and a reduced number of arrests  
25 based upon mandates by the County of

1  
2 people not coming out of their homes and  
3 wearing masks, and all that nature. Yet  
4 we had a head count of 420 personnel. The  
5 number of new cases rose to four, little  
6 over 23,000 in 2021, when we had a head  
7 count of 440.

8 Now this year, 2022, what you see  
9 there is a projection by the courts that  
10 we will have almost 40,000 new filings,  
11 new cases, misdemeanors and felonies in  
12 this county, and yet we only have 412.  
13 So it begs the question: If the caseloads  
14 are increasing at a rate post discovery,  
15 we need to have the manpower with the  
16 personnel to effectively prosecute those  
17 cases. Currently we don't. So when we're  
18 asking for 468, it's in line with what  
19 we're trying to accomplish as an office.  
20 We have to effectively prosecute these  
21 cases, give the victims their due  
22 attention. Otherwise, the criminal  
23 justice system will not work.

24 You may have heard, or you may have  
25 seen reasons why there's attrition in the

1  
2 office. I just want to give some  
3 highlights as to why that's happening.  
4 These are plausible reasons and  
5 explanations for high attrition. We've  
6 had a change of administration  
7 post-election and it's only natural that  
8 when there is a change in administration,  
9 there will be some changes, especially  
10 near the top in the executive staff and  
11 in bureau chief, and we have experienced  
12 that.

13 We also had the discovery reform,  
14 which have and continue to be a big  
15 burden on the ADAs in the office. A case  
16 that typically took two to five hours of  
17 time to prepare for prosecution, we're  
18 now tripling that time in terms of  
19 discovery.

20 I'm sure that my predecessors have  
21 spoken to you about discovery, but it's  
22 very onerous. It's very onerous in the  
23 sense that discovery -- and the  
24 defendants are entitled to discovery.  
25 Full discovery, no question about that.



1  
2 But the timing of discovery when it has  
3 to be turned over to the defense is a  
4 problem here. The timing of it.

5 In the past, before the discovery  
6 reform, discovery had to be disclosed to  
7 the defendant prior to hearing and trial.  
8 Now the discovery has been turned over to  
9 the defense within 20 to 35 days of the  
10 arrest and certainly within the six  
11 months for a felony or 90 days for a  
12 misdemeanor. And the penalty for not  
13 being able to comply with discovery is  
14 draconian, its dismissal of cases.

15 The law allows for the judges to  
16 have discretion to impose sanctions upon  
17 the failure to meet the deadlines or file  
18 discovery. But it appears that the only  
19 sanctions that had been imposed on the  
20 district attorney's office on the cases  
21 is that judges are just dismissing these  
22 cases. To combat that, we have tried to  
23 hire discovery expeditors -- you may have  
24 heard that term -- to assist the district  
25 attorneys in preparing for discovery, but

1  
2 it's very difficult. It's very difficult  
3 because the starting salary for discovery  
4 expediter is \$32,000 and requires a  
5 bachelor's degree. It's difficult to find  
6 good employees willing to work hard when  
7 the salaries are not comparable to what  
8 you can be paid for a degree.

9 We are also experiencing not just  
10 attrition in terms of the ADAs, but also  
11 support staff. Mainly discovery  
12 expediters; we've hired them and they're  
13 leaving right away because it pays so  
14 low. Crime victims advocates start at  
15 \$28,000 dollars. They're staying for a  
16 little bit, but they find the work to be  
17 onerous and they're leaving. Crime  
18 victim advocates are crucial to the  
19 function of the prosecutor's office.  
20 They're the ones who are talking to the  
21 victims, giving them what they're  
22 entitled to in terms of their, rights  
23 services they have. They're on the phone  
24 constantly with the victims and  
25 witnesses. They're leaving because the

1  
2 salaries are not commensurate.

3 The ADAs, it is a good market for  
4 them. It is a good market for them in the  
5 private sector, but it's also a better  
6 market for them outside Nassau County.  
7 You may have heard some articles, we have  
8 seen some articles.

9 The issue of attrition in this  
10 county and in the DAs office is not just  
11 isolated to Nassau County. I want to read  
12 to you a couple of the headlines from  
13 newspaper articles:

14 *Daily News*, March 18th: "Overwhelmed  
15 prosecutors quitting in tears amid  
16 staffing crisis."

17 *New York Post*, June 25th, 2022:  
18 "Hundreds of New York City prosecutors  
19 quitting woke bosses and onerous  
20 reforms".

21 CBS News, April 4th, "Great  
22 resignation extends to New York City  
23 District Attorney's Office".

24 And perhaps the most resounding  
25 article is from the *New York Times* which

1  
2 which the headline reads, "Why hundreds  
3 of New York City prosecutors are leaving  
4 their jobs".

5 And in each of those articles you'll  
6 see that discovery reform and the onerous  
7 burden that the discovery reform has put  
8 on the prosecutor is the main reason why  
9 the prosecutors are leaving.

10 Some of our prosecutors are leaving  
11 for the city because recently they've all  
12 gotten raises of \$20,000 and now they  
13 make \$10,000 across the board more than  
14 our office.

15 It is a difficult time for them  
16 continue their work. They joined the DAs  
17 Office just like I did 27 years ago with  
18 the thought of helping victims,  
19 prosecuting cases, doing trials and  
20 hearings. Now they're basically glorified  
21 paralegals doing discovery work. And  
22 it's becoming very, very difficult for  
23 them to keep that sort of energy and  
24 determination to keep fighting on. So  
25 they're leaving. But that's happening

1  
2           everywhere else.

3           So asking for the head count, is  
4           necessary, as I stated before, for the  
5           effective operation of the office.

6           I just want to thank you for this  
7           time. We believe that the budget request  
8           for 2023 is not unreasonable, is fiscally  
9           responsible, and I ask that you approve  
10          the District Attorney's request. I would  
11          welcome any questions that you may have.  
12          Thank you very much.

13                  PRESIDING OFFICER NICOLELLO:  
14          Legislators, questions for Mr Lee.

15                  Legislator Mule, Minority Leader  
16          Abraham and Legislator Drucker.

17                  LEGISLATGOR MULE: I just have a  
18          couple of questions. You talked about the  
19          crime victim advocates and the discovery  
20          expediters and the salaries being what  
21          they are. Yeah, that's shockingly low.  
22          Is there anything that can be done about  
23          that, or is that salaries are mandated  
24          somehow?

25                  MR. LEE: Salaries are mandated

1  
2           pursuant to the CBA Agreement. At times  
3           the salaries make it almost impossible to  
4           hire people. We have gone to the Civil  
5           Service, asked for what's called a waiver  
6           of salary to start higher.

7           But if people are being hired at  
8           that salary, we can't go to the Civil  
9           Service for that particular request.  
10          Only when there is no ability to hire on  
11          that salary. What's been happening is  
12          they start at that salary thinking that's  
13          enough. But once they start making the  
14          wages they realize it's just not enough  
15          money for them to get by. And we're  
16          finding out that discovery expediter,  
17          that term, that position, is being  
18          created throughout the state. We're the  
19          first ones in the DAs office, we're the  
20          first ones to create that title. Now  
21          we're finding out that other DA offices  
22          are using creating that title. NCPD is  
23          creating that position as well. We just  
24          heard that Hempstead PD is creating that  
25          position as well. So it's going to grow.

1  
2           So we're hoping that working with  
3       Civil Service and perhaps the legislators  
4       here can assist us in getting higher  
5       wages for discovery expeditors and crime  
6       victim advocates.

7           LEGISLATGOR MULE: I mean the title  
8       sounds tremendously important, given that  
9       the new laws are. Do you know how it was  
10      determined that that was going to be the  
11      salary, and you might not know the answer  
12      to that?

13          MR. LEE: I wasn't involved with the  
14      negotiation as to how that happened, but  
15      I believe it's submitted to Civil Service  
16      for their assessment as to where they  
17      would start it. It depends on their  
18      qualifications, educational background,  
19      what their job specifications will be,  
20      and there is a determination by Civil  
21      Service as to where the salary grade will  
22      start. It was determined that they would  
23      start at a certain grade and the starting  
24      salary was \$32,000.

25          LEGISLATGOR MULE: And is that with

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a bachelor's degree?

MR. LEE: Yes.

LEGISLATGOR MULE: You have to have a bachelor's degree. And if you have a higher education, you would come in at a higher --

MR. LEE: Not for that position. You may qualify for other positions, but discovery expeditors is our greatest need right now.

LEGISLATGOR MULE: I can understand why.

With regard to the attrition that you're experiencing, you talked about, you gave some headlines from New York City. Do you know what's happening out in Suffolk? Are they experiencing the same type of attrition?

MR. LEE: I'm not sure what's happening in Suffolk.

LEGISLATGOR MULE: I would be interested in knowing what those numbers are. Because, yeah, the attrition that that you are experiencing is very



1  
2           alarming. I think all of the reasons  
3           need to be fared out and addressed to  
4           make sure that your department can run  
5           well. It's obviously critically  
6           important for the safety of our  
7           residents. Thank you.

8           MR. LEE: You're welcome.

9           PRESIDING OFFICER NICOLELLO:  
10          Minority Abrahams.

11          LEGISLATOR ABRAHAMS: How are you?

12          MR. LEE: How are you, sir?

13          LEGISLATOR ABRAHAMS: I apologize, I  
14          couldn't see the screen. My eyes are  
15          fading over the years. I couldn't see the  
16          screen over there and we were having  
17          technical difficulty. Mr. Kopel was  
18          trying to help us raise the screen here,  
19          so I couldn't see a lot of your  
20          presentation. If you do have a paper  
21          format, we would appreciate it. We can  
22          give it to Mr. Pulitzer and make copies  
23          for us. I didn't get a chance to see it,  
24          and if you have a copy, I would love to  
25          see it. So forgive me if some of these

1  
2 questions seemed to be redundant because,  
3 as I said before, I couldn't see it.

4 If you could just go through the  
5 head count versus the actual budget  
6 amount numbers again? You had talked  
7 about, and I jotted this down, that  
8 you're looking for 468 -- is it 468 or  
9 469?

10 MR. LEE: 468.

11 LEGISLATOR ABRAHAMS: Okay, 468.  
12 And you're currently budgeted at -- I  
13 mean you're currently have a head count  
14 of 412?

15 MR. LEE: That's correct.

16 LEGISLATOR ABRAHAMS: And some of  
17 the reasons that you have talked about in  
18 regard to the reason you're at 412, you  
19 know, obviously change in administration,  
20 and obviously there's been changes in the  
21 way cases are being prosecuted and what  
22 ADAs are doing. Of the 412 of the folks  
23 that are actually trying the cases, ADAs,  
24 how many ADAs do you have of that 412?

25 MR. LEE: Out of 412, we have 181

1  
2 ADAs and 25 district attorney law  
3 assistants who are not admitted recent  
4 law student graduates. So they're going  
5 to become ADAs once they pass the bar. So  
6 the total number, if you count them, is  
7 206. We have 206 personnel who are  
8 prosecuting cases.

9 LEGISLATOR ABRAHAMS: And of the  
10 468, that 206 will become what again?

11 MR. LEE: We're hoping to come to  
12 about 230.

13 LEGISLATOR ABRAHAMS: Okay, 230.

14 So I know you identified, obviously,  
15 the headlines and we appreciate that. I  
16 mean I don't know what jurisdictions  
17 those headlines covered. I don't now it  
18 was strictly in New York City, all the  
19 five boroughs, or was it the span over  
20 the entire country? I'm not too sure.

21 MR. LEE: The articles covered  
22 Manhattan, the Bronx, and Brooklyn.

23 LEGISLATOR ABRAHAMS: Okay. So in  
24 terms of the caseload, and apologize to  
25 my colleague, cause, some of the

1  
2 questions I may have may be a little bit  
3 technical nature. In terms of the,  
4 caseload in 2020, when you said that it  
5 was a little bit lower versus where it is  
6 now, can you just go through those  
7 numbers again, sure 2020?

8 MR. LEE: In 2020, the number of new  
9 filings as defined by the courts  
10 representing misdemeanor and felony new  
11 cases was 15,220.

12 LEGISLATOR ABRAHAMS: That was in  
13 2020.

14 MR. LEE: Yes. In 2021, it was  
15 22,251, and this year is projected to be  
16 39,964, and this is the court's data.

17 LEGISLATOR ABRAHAMS: By my  
18 calculations, it's it's increasing  
19 tremendously by by well over 100%.

20 MR. LEE: It is. Keep in mind that  
21 every year -- in 2019, we had 35,558 new  
22 cases. They don't all get resolved in one  
23 year, they carried over to the next. I  
24 would say that one third of the cases  
25 from any given year is carried over to

1  
2 the next. And that's how backlogs are  
3 created, because you're carrying cases.

4 But in 2020, the 10,000 and so cases  
5 that carried over from 2019, we couldn't  
6 dispose of because of the pandemic. And  
7 we had 15,000 cases come into the system,  
8 coupled with the 10,000 or so from the  
9 previous year, and then you have this  
10 domino effect that keeps rolling and  
11 snowballs into a higher number.

12 LEGISLATOR ABRAHAMS: So what was  
13 the head count in 2020?

14 MR. LEE: Head count in 2020 was 420.

15 LEGISLATOR ABRAHAMS: No. Not the  
16 budget. What was the actual, what was  
17 the actual people on staff?

18 MR. LEE: 420.

19 LEGISLATOR ABRAHAMS: So the number  
20 went from 420 to 206?

21 MR. LEE: ADAs or --

22 LEGISLATOR ABRAHAMS: Talking about  
23 or personnel?

24 LEGISLATOR ABRAHAMS: I'm sorry.  
25 ADAs.

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MR. LEE: The ADAs have always hovered around 200 to 220.

LEGISLATOR ABRAHAMS: 200 to 220. In 2020, they were able to handle the 15,220 cases. In 2021, it might have been a bit of reach, a stretch to handle the 22,251 cases, but now that that number is going up by more than 100% -- are you sure that 230 is adequate?

MR. LEE: If you're asking me if it's adequate, this is -- we're trying to be fiscally responsible.

LEGISLATOR ABRAHAMS: By my math, you should be asking for 100% more, unless I'm miscalculating something.

MR. LEE: Maybe I should be, but I just also wanted to be reasonable. We understand that we're trying -- this new DA, she's committed to be responsible not just to the community but to the taxpayers as well. So we're at about 206, 230 plus discovery expeditors that we need. We're trying to get to about 30 to 35 discovery expediters this year. We're

1  
2 also trying to hire more support staff  
3 members like attorney assistance  
4 paralegals to help out with discovery  
5 expeditors and the ADAs. So there's more  
6 numbers that were looking at beyond ADAs  
7 to assist in the discovery reform.

8 LEGISLATOR ABRAHAMS: We will go  
9 based off the numbers that you are  
10 presenting.

11 I do have some questions in regard  
12 to the level of experience, because  
13 obviously when you have attrition I mean  
14 it's not just a head account that's lost.  
15 Gentlemen like yourselves, you've been in  
16 the district attorney's office for  
17 decades. How many ADAs have three or less  
18 years? I mean obviously we're on bringing  
19 on more. Probably some people you are  
20 bringing on are probably right out of law  
21 school. How is the staff currently  
22 configured in terms of experience?

23 MR. LEE: About one third of the  
24 ADAs have less than three years.

25 LEGISLATOR ABRAHAMS: What would

1  
2 that be in comparison to the industry  
3 standard in terms of other offices? That  
4 seems like a lot to me.

5 MR. LEE: That's comparable.

6 LEGISLATOR ABRAHAMS: It is? So  
7 other offices, everyone's managing with  
8 about a third of people of less than  
9 three years?

10 MR. LEE: M-hmm.

11 LEGISLATOR ABRAHAMS: And how is the  
12 office designed in terms of its bureaus?  
13 How many bureaus are there? How many  
14 bureau chiefs are there? Has that number  
15 been reduced in change in administrations  
16 over the years? Going back to I guess  
17 when I first started here, it would be  
18 District Attorney Dillon and then went to  
19 Rice and then to Singas and then now with  
20 Ms. Donnelly.

21 MR. LEE: The number of bureaus have  
22 not changed over the years, all that  
23 much. When DA Donnelly came in, she  
24 created one additional bureau, and that's  
25 about it. So we have 16 all together.



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LEGISLATOR ABRAHAMS: Comparable to the ADA issue, a third have less than three years of experience. The bureau chiefs, what does the average bureau chief have in terms of their experience? And have we seen a drop-off in chief's experience?

MR. LEE: No, we have not. We have not. The chiefs that we currently have, most of them have more than 15 years of experience. Since January of this year, we have brought on about six new bureau chiefs from outside the office, all with more than 25 years of service. So the experienced level of bureau chiefs have not declined.

LEGISLATOR ABRAHAMS: Okay. In regard to some of the office, have you had to endure or implement any reduction in salary or reductions in overtime to be able to try to compensate the backlog?

MR. LEE: Reductions in overtime?

LEGISLATOR ABRAHAMS: Yes.

MR. LEE: The reduction in overtime

1  
2 was attributable to a bureau that we had  
3 called Early Case Assessment Bureau.

4 LEGISLATOR ABRAHAMS: Early Case  
5 Assessment Bureau.

6 MR. LEE: It was a 24 hour  
7 operation, so to staff that bureau we  
8 needed to expend overtime. DA Donnelly  
9 has now transformed that bureau into an  
10 operation that does not work 24 hours  
11 anymore. So we're able to save money in  
12 terms of not having to staff it.

13 LEGISLATOR ABRAHAMS: So that  
14 particular bureau saw a reduction in  
15 overtime?

16 MR. LEE: Reduction in overtime.  
17 Because you did the reconfiguration?

18 MR. LEE: Yes.

19 LEGISLATOR ABRAHAMS: Has any other  
20 bureau seen a reduction in financial  
21 resources or overtime or any other types  
22 of compensation?

23 MR. LEE: No.

24 LEGISLATOR ABRAHAMS: And in regard  
25 to the attrition, I know you had

1  
2 mentioned before that, I mean obviously  
3 this legislative body wants to be able to  
4 give the district attorney what she feels  
5 she needs to be able to, not just be  
6 financially responsible, but at the same  
7 time being able to protect Nassau County  
8 residents, public safety is our utmost  
9 priority. If residents don't feel safe,  
10 then we're all doing this for the wrong  
11 reasons. So from that standpoint, we just  
12 want to make sure that if we're able to  
13 approve a budget that gives the District  
14 Attorney the resources she needs, while  
15 at the same time we want to make sure  
16 that she's able to retain the employees  
17 that she has. And obviously, yes, like  
18 you, we read the stories, maybe not the  
19 ones that headlined part of your  
20 presentation, but we did read the stories  
21 more recently: *Newsday* that talked about  
22 the attrition. I do concur with  
23 Legislative Mule. I would like to see  
24 numbers that compare us to district  
25 attorney offices based off the caseload

1  
2 and obviously the backlog that are more  
3 comparable to Nassau. When I hear City, I  
4 mean it's just a whole different -- I  
5 mean maybe there's some boroughs that are  
6 very similar to Nassau, but ultimately I  
7 would like to see numbers that are based  
8 off of, maybe, potentially, what's going  
9 on in Suffolk versus what's going on in  
10 Westchester to ensure that we're able to  
11 compare apples to apples. Do you think  
12 you should be able to provide that to us  
13 by the time we vote on the budget,  
14 hopefully by the end of the month?

15 MR. LEE: I'll try.

16 LEGISLATOR ABRAHAMS: I have nothing  
17 further at this time.

18 PRESIDING OFFICER NICOLELLO:  
19 Legislator Drucker.

20 LEGISLATOR DRUCKER: Thank you,  
21 Presiding Officer. Minority Leader asked  
22 a couple of questions I was going to ask.

23 Thank you, Mr. Lee, for your  
24 presentation. Appreciate your service to  
25 our county and to the DAs Office.

1  
2           You paint a rather bleak picture,  
3           though, of what the future holds in your  
4           office, and I'm concerned that we're not  
5           going to suffer any sort of adverse  
6           effect in prosecution. After all, Nassau  
7           County has been voted the safest county  
8           in America for a couple of years in a  
9           row. So we need to make sure that we can  
10          keep that going. And even with your rate  
11          of attrition, which you seem and we all  
12          seem to hear about it, it's concerning.

13           You know, you talk about the anxiety  
14          or the frustration, perhaps, that certain  
15          ADAs and members of the office felt when  
16          they resigned because of, or other  
17          members of the office, because of  
18          discovery reform. The discovery reform  
19          started in 2019. That was three years  
20          ago. Since 2019, has the attrition rate  
21          grown consistently or was there a level  
22          of attrition after the new administration  
23          came in in January?

24           MR. LEE: The discovery reform  
25          started in January of 2020, that's when

1  
2 officially became law. In 2019, we were  
3 preparing for the discovery reform.

4 The attrition levels over the last  
5 three years have been increasing, not to  
6 the level that it's now, but keep in mind  
7 again, in 2020, most of us were working  
8 remotely because the courts shut down.

9 LEGISLATOR DRUCKER: What do you  
10 attribute this current spike in the  
11 levels of attrition?

12 MR. LEE: What's happened is that  
13 we've had a growing backlog of cases from  
14 2019. What happened during the pandemic  
15 was that once you went remote, the courts  
16 went to remote access. The defendants  
17 themselves were not appearing before the  
18 remote court session. If defendants don't  
19 appear before the court session, there is  
20 no ability to resolve the case because in  
21 order for there to be a plea, the  
22 defendant has an absolute right to be  
23 present during the proceedings. So it was  
24 just an ongoing thing of cases being  
25 adjourned time after time. Sometimes

1  
2 being administratively adjourned, meaning  
3 there was not even a court day. We're  
4 just being notified. This case is being  
5 adjourned down road three months from  
6 now. So without the ability to resolve  
7 cases -- and that's what I talked about  
8 before: Inflow of cases, yet no  
9 outflow -- it started to snow ball. And  
10 once started snowballing in 2020 because  
11 of the pandemic and then once we were  
12 coming out of the pandemic, we were faced  
13 with a backlog. And now the discovery  
14 obligations, because they were told by  
15 the governor for almost seven months  
16 discovery and once it kicked back in, we  
17 started having to do discovery again and  
18 the electronic discovery that we're  
19 trying to do through our database system,  
20 we have something called Justware it was  
21 onerous. It was onerous because the  
22 system itself required a lot of manpower.  
23 When we discussed with the ADAs,  
24 misdemeanor ADAs who have caseload of  
25 300-400 cases, we're spending three or

1  
2 four hours on every case. There's not  
3 enough time in a day for them to do that.

4 So once that started to happen and  
5 people realize, the ADAs realized, this  
6 is just not bearable. And what happened  
7 was they didn't want a situation where a  
8 case would get dismissed and have to have  
9 bared their name on it. So it became more  
10 and more difficult for them to do their  
11 job. And once ADAs started to leave, it  
12 just got worse. Because when one ADA  
13 leaves a bureau, his or her cases get  
14 distributed to other ADAs in the bureau.  
15 Now the person has 20 or 30 more cases  
16 that they got to do discovery on.

17 So it's a domino effect to the point  
18 now where it's becoming -- The DA has  
19 done an incredible job of trying to  
20 stabilize. She's hired almost 40 ADAs  
21 this year alone to stabilize the bureau.  
22 But the efforts that we're making right  
23 now, it's going to take some time, it's  
24 going to take some time. We're hoping by  
25 the end of the year we could hire more.



1  
2 Every year going forward will probably  
3 have to hire at least 30 new ADAs to make  
4 this work. So this is why we're asking  
5 for a higher head count so that we can  
6 stabilize the office and make it more  
7 worthwhile for the ADAs who are here to  
8 stay, so that it's not as onerous to  
9 them.

10 LEGISLATOR DRUCKER: You mentioned  
11 that judges are dismissing cases. Do you  
12 have any date how many cases have been  
13 dismissed because of inability to comply  
14 with the discovery demands?

15 MR. LEE: I will get you that.

16 LEGISLATOR DRUCKER: I'd like to  
17 hear that, because that directly impacts  
18 on the problem.

19 Why is the budgeted head count for  
20 ADAs decreasing, though? It looks like  
21 in 2021 full-time, 204; 2022, 179.  
22 Shouldn't the goal be adding more, not  
23 less, to reduce the caseload and try to  
24 retain them?

25 MR. LEE: I'm sorry. What are you

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looking at?

LEGISLATOR DRUCKER: So 204 was the actual number in 2021 and in 2022, the actual number is 179.

MR. LEE: Are you referring to the Office of Legislative Budget Review numbers?

LEGISLATOR DRUCKER: The full-time, yes.

MR. LEE: I'm looking at those numbers too. I just don't see where those numbers are because they don't seem accurate to me. In 2021, you're saying that we had 179 ADAs?

LEGISLATOR DRUCKER: 204.

MR. LEE: And in 2021 we had a 179.

LEGISLATOR DRUCKER: As of October 6, 2022, it's 179.

MR. LEE: These numbers I presented, are off the payroll as of last week. We're at 216. For ADAs we're at 186 plus 25 DALAs.

LEGISLATOR DRUCKER: So let's move on.

1  
2 Okay, so let's I think my colleague,  
3 Legislator Mule and our Minority Leader  
4 asked about, based on *Newsday's* report,  
5 61 prosecutors, 27% have resigned since  
6 January. Suffolk County had a change in  
7 administration as well, a change in party  
8 leadership. I would like to hear what  
9 their comparable numbers are as well,  
10 because that's indicative sometimes too.

11 Now you talk about the fact that  
12 you're able to retain some of the higher  
13 levels: The bureau chiefs, the deputy  
14 bureau chief. You have four bureau chiefs  
15 and five deputy bureau chief, so that's  
16 nine. The number of ADAs who have  
17 resigned, those weren't your bureau  
18 chiefs or deputy chiefs, correct?

19 MR. LEE: That's correct.

20 LEGISLATOR DRUCKER: There's a  
21 tremendous drop-off and salary from that  
22 level of ADA to the ones who resigned;  
23 would you agree?

24 MR. LEE: That's correct.

25 LEGISLATOR DRUCKER: For example, do

1  
2 you know of the 61 prosecutors or ADAs  
3 who resigned since January, do you know  
4 what the average number of years of  
5 service they had?

6 MR. LEE: What I can say is that,  
7 out of the 61 or so ADAs who have left, I  
8 would say a vast majority of them left  
9 from County Court Bureau and District  
10 Court Bureau, and those ADAs typically  
11 have years of experience of one to five  
12 years.

13 LEGISLATOR DRUCKER: Is there a  
14 commitment to do three years, though?

15 MR. LEE: Yes, some broke their  
16 commitment.

17 LEGISLATOR DRUCKER: But it's fair  
18 to say, though, that the ADAs you're  
19 replacing the ones who have resigned,  
20 many of them are fresh out of law school,  
21 so they do lack the experience of the  
22 ones who have resigned.

23 MR. LEE: That is true to some  
24 degree, but we also have hired lateral  
25 ADAs from the Bronx, from Queens, from

1  
2 Brooklyn. So we have been successful in  
3 bringing other, Suffolk County as well.

4 I would like to make one note of the  
5 Suffolk County DAs office. Because of  
6 geography and where Suffolk County is  
7 compared to where Nassau County is, it's  
8 easier for Nassau County resident to work  
9 in Queens and Brooklyn, which is where  
10 they're going, as opposed to Suffolk DA  
11 Office member who may be limited where  
12 they're they can go, because in terms of  
13 geography they would have to travel more  
14 from Suffolk County.

15 LEGISLATOR DRUCKER: Is this your  
16 opinion or you have facts to back this  
17 up?

18 MR. LEE: My opinion.

19 LEGISLATOR DRUCKER: So I'm just  
20 concerned that with the head count being  
21 lower and the pressure on these discovery  
22 expeditors, are you feeling the need  
23 overall in your office to plea out a lot  
24 more cases than you have in the past?

25 MR. LEE: Not necessarily. We are

1  
2 committed to looking at each case. This  
3 is probably another reason why the ADAs  
4 are not that happy, because we're  
5 requiring them to look at every case.  
6 There is no fire sale, there is no giving  
7 away the store. Each case has to be  
8 looked at individually. Case-by-case.  
9 Victims have to be spoken to. It's an  
10 onerous process.

11 LEGISLATOR DRUCKER: Head count has  
12 no bearing on whether or not someone's  
13 getting a plea offer or you take it to  
14 trial. It has no bearing.

15 MR. LEE: No. We are dedicated to  
16 prosecuting each case uniquely.

17 LEGISLATOR DRUCKER: It's good to  
18 hear. Thank you very much, Mr. Lee. I  
19 appreciate it.

20 PRESIDING OFFICER NICOLELLO: Mr.  
21 Lee, I several questions.

22 MR. LEE: Sure.

23 PRESIDING OFFICER NICOLELLO: How  
24 long did you say you've been with the  
25 DA's office?

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MR. LEE: I started out in Queen's DA office, spent 13 years there. I've been here in Nassau County for 14 years.

PRESIDING OFFICER NICOLELLO: Were there when DA Rice came in and DA Dillon went out?

MR. LEE: I was not. I came in 2008.

PRESIDING OFFICER NICOLELLO: It's my recollection, and I know a number of these individuals, that when DA Rice came in, many of the more experienced attorneys left the office.

MR. LEE: I had heard that.

PRESIDING OFFICER NICOLELLO: And actually a number of them went out in criminal defense work and a number of them doing very, very well. But I think inherent in the nature of when the district attorney changes from one party to another and when you have a new DA coming in with a different philosophy, there's going to be turnover; would you agree to that?

MR. LEE: Absolutely.

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2                   PRESIDING OFFICER NICOLELLO:   Now  
3                   traditionally, the DA's office for law  
4                   students was attractive because you'd go  
5                   there and you'd be put into trial work.  
6                   You'd get your trial experience rather  
7                   than going to a civil law firm and  
8                   sitting in a library and passing papers  
9                   back and forth, pouring over documents  
10                  for hours on end. So in terms of the  
11                  turnover, I guess, new attorneys looking  
12                  for that trial experience are instead  
13                  getting the experience of having to work  
14                  on discovery, making sure the paperwork  
15                  was all done. Is that increasing the  
16                  turnover in your opinion? These new  
17                  attorneys are not getting the trial  
18                  experience they want. Instead they're  
19                  becoming clerical staff in many ways  
20                  because of these new discovery laws.

21                 MR. LEE: That's true. Prior to my  
22                 position as executive ADA for  
23                 administration, I was the deputy  
24                 executive for litigation and interact  
25                 with district court ADAs quite



1  
2 frequently. I even kept office hours in  
3 district court as an executive. And a  
4 lot of them came into my office saying I  
5 was sent out for trial and the defense  
6 filed a motion because I didn't hand over  
7 one piece of document and now this case  
8 got adjourned for six weeks for a judge  
9 to entertain that motion. And it was  
10 just lying in wait, the defense would  
11 just lie in wait until the case would go  
12 to trial and file this motion to say that  
13 we were lacking in one-page of discovery  
14 and it would just delay. There was just  
15 growing frustration among the young ADAs  
16 not being able to do what they thought  
17 they were going to do when they entered  
18 the office, which was litigation doing  
19 trials and hearings. So absolutely,  
20 you're correct.

21 PRESIDING OFFICER NICOLELLO: And  
22 that's due to the discovery requirements  
23 imposed by the State?

24 MR. LEE: That's correct.

25 PRESIDING OFFICER NICOLELLO: Now

1  
2 the discovery expeditors and additional  
3 paralegals, the expense of that is really  
4 related to that same thing, the discovery  
5 requirements, right?

6 MR. LEE: Yes.

7 PRESIDING OFFICER NICOLELLO: Now,  
8 did New York State provide additional  
9 funding to the District Attorney's office  
10 when they imposed these onerous discovery  
11 requirements?

12 MR. LEE: This year -- actually last  
13 year is when it started. DCJS provided  
14 funding for hiring and making available  
15 resources for discovery and bail reform  
16 reasons, and then we applied for that  
17 grant. Actually, it wasn't a grant to  
18 the office, it was grant to the County.  
19 And it was monitored through the police  
20 department and we were partners with the  
21 Police Department, Department of  
22 Probation and the Department of Sheriffs  
23 that we're supposed to share the money  
24 for bail reform and discovery reform  
25 purposes. So there is some funding coming

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in coming through DCJS.

PRESIDING OFFICER NICOLELLO: Do you know how much that is?

MR. LEE: For our office, I believe it was \$1.3 million.

PRESIDING OFFICER NICOLELLO: By the way, is that a recurring funding stream?

MR. LEE: Yes.

PRESIDING OFFICER NICOLELLO: Has those additional monies compensated for the additional work in total?

MR. LEE: Yes to some degree.

PRESIDING OFFICER NICOLELLO: To some degree. I guess my question was: Has it paid for all of the additional work?

MR. LEE: No, no, absolutely not.

PRESIDING OFFICER NICOLELLO: Just in terms of the discovery reform, you indicated, I think, correctly, as it was in January 2020 when it took effect, had the pandemic two months later and people were not out. Crime dropped precipitously, correct?

MR. LEE: That's correct.

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PRESIDING OFFICER NICOLELLO: So to some extent 2021, though not as bad as 2020, there was limitations on activity as well. So the real effects of the discovery reforms and the bail reforms are now being felt.

MR. LEE: That's correct.

PRESIDING OFFICER NICOLELLO: The world has gotten back to normal and those full effects are in place. We're seeing, as the commissioner testified last week, that the County is experiencing a spike in certain major crimes: Burglaries, larcenies, were also very concerned, obviously, with the theft of catalytic converters. Are you experiencing more cases coming through the system with that?

MR. LEE: Sure we are. In addition to guns, possessions.

PRESIDING OFFICER NICOLELLO: Possessions are up?

MR. LEE: Illegal guns, yes.

PRESIDING OFFICER NICOLELLO: Thank you. Legislator Bynoe.

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LEGISLATOR BYNOE: Thank you,  
Presiding Officer. Good day.

MR. LEE: How are you?

LEGISLATOR BYNOE: I wanted to  
Follow up first on Legislator Drucker's  
question regarding the number of cases  
that are being dismissed, and you said  
you'd get us the number of cases. I'm  
asking if you could break down those  
cases relative to the type of cases as  
well.

And then you mentioned earlier that  
ADA (sic) Donnelly created a new bureau.

MR. LEE: Yes.

LEGISLATOR BYNOE: Could you tell me  
what that new bureau is?

MR. LEE: The acronym is RAIL. I  
believe it's revenue, automobile labor,  
and I forget what the "I" is. It deals  
with automobile theft, deals with  
insurance, insurance labor and revenue  
revenue theft.

LEGISLATOR BYNOE: And that's because  
at some point we did have an uptick in

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automobile crime?

MR. LEE: Sure.

LEGISLATOR BYNOE: A large majority  
of those crimes are people living there  
fobs in the car?

MR. LEE: Yes, leaving the doors  
open, not sure why they do that, but.

LEGISLATOR BYNOE: And so I wanted  
to talk a little bit and forgive me,  
because I know that the name of this,  
this program, changed at some point, but  
the only name that I can find is CODA. Do  
you know what I'm referring to?

MR. LEE: Yes.

LEGISLATOR BYNOE: What was the more  
current name for that program?

MR. LEE: CPP: Community  
Partnership Program.

LEGISLATOR BYNOE: That's right.  
And it was based out of Hempstead,  
correct?

MR. LEE: That's correct.

LEGISLATOR BYNOE: And that program  
provided individuals who were recently

1  
2 released from prison an opportunity to  
3 engage in programming, inclusive peer  
4 mentoring, job readiness, and all those  
5 types of programs that would keep them  
6 from re-entering cycle, the system.

7 MR. LEE: Yes.

8 LEGISLATOR BYNOE: I think the ADA  
9 was renting some space in Hempstead and  
10 people were coming from all throughout  
11 the county to participate in this  
12 program, and many of them were court  
13 mandated, if I'm not mistaken. Am I  
14 correct?

15 MR. LEE: That's correct.

16 LEGISLATOR BYNOE: Does that program  
17 still exist?

18 MR. LEE: No, it does not.

19 LEGISLATOR BYNOE: And what was the  
20 reason for disbanding the program?

21 MR. LEE: The reason for disbanding  
22 that program was because the way it was  
23 structured. Our DA office was involved in  
24 creating that program, but we weren't  
25 necessarily overseeing the program. It

1  
2 was overseen by Family Children's  
3 Association (FCA), and when we met with  
4 the FCA representatives about continuing  
5 the program, they highlighted certain  
6 issues about the program itself that was  
7 concerning in terms of how it was  
8 structured financially. Because it was  
9 money that was being taken out of the  
10 Forfeiture Fund and the Forfeiture Fund  
11 in the DA's office varies every year  
12 greatly. There are years where forfeiture  
13 could be in the excess of millions and in  
14 2021 it was \$161,000. To operate CPP  
15 annually, I think it was about \$600,000  
16 just on employees and an additional rent  
17 which was in excess of \$70,000 a year. So  
18 it was about \$600-700,000 a year for us  
19 to operate out of our Forfeiture Funds,  
20 except our Forfeiture Funds weren't  
21 there. So this wasn't a program that we  
22 can continue. In the golden years.  
23 Forfeiture assets, seized, drugs and  
24 money from dealers, if that was  
25 plentiful. Certainly we could run



1  
2 programs. But in waning years, such as  
3 we've had during the pandemic and 2021,  
4 when the resources during the forfeiture  
5 fund was very low, we could not sustain  
6 it. It was unpredictable. The District  
7 Attorney decided that if it's not  
8 something that we could sustain, moving  
9 floor with the Forfeiture Funds, we could  
10 not go forward with it.

11 LEGISLATOR BYNOE: So I also  
12 recollect that there are other grant  
13 funds that come into the DA's Office for  
14 the specific purpose of reducing  
15 recidivism; am I correct?

16 MR. LEE: The initial purpose of it?

17 LEGISLATOR BYNOE: That there are  
18 grant funds, that specifically sent to  
19 your office for the purpose of reducing  
20 recidivism; is that correct?

21 MR. LEE: I believe there is, yes.

22 LEGISLATOR BYNOE: Could you tell me  
23 how much money will receive for that  
24 express purpose?

25 MR. LEE: I'll have to look into

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that. I don't know the top of my head.

LEGISLATOR BYNOE: I would be very interested to learn how we're using that money.

So my second question would be, and I've only learned it, this program was discontinued this weekend. I'd like to know what notice was provided to those individuals who were voluntarily participating in that program and then those that were mandated to participate by way of the Court. How were they notified that the services would no longer be provided?

MR. LEE: Through the Court.

LEGISLATOR BYNOE: And what type of time-frame was provided to them to seek other supportive services?

MR. LEE: They were given at least two months leeway through the courts. Those who were mandated were given leeway through the courts. Those who were coming there voluntarily, the director of CPP had been in communication throughout.

1  
2 I made sure that he contacted anyone who  
3 was a regular client of CPP to give them  
4 notice. There was notice put on the door  
5 of at least a month ahead of time,  
6 announcing that it will be closing down.

7 I work with employees at CPP to make  
8 sure that they would land well on their  
9 feet. And the, the director, Rodney,  
10 assured me that at the time that we were  
11 shutting down, everyone who had worked  
12 there had found another job, so they were  
13 taking care of.

14 LEGISLATOR BYNOE: These folks that  
15 were notified, was any technical  
16 assistance provided to them so that they  
17 could find additional supportive  
18 services? Did someone provide them some  
19 level of counseling or advise them where  
20 they might be able to find this type of  
21 support of services elsewhere?

22 MR. LEE: That was done through the  
23 director. I personally wrote  
24 recommendations for each of those  
25 employees.

1  
2           LEGISLATOR BYNOE: I'm not talking  
3 about the employees. I'm talking about  
4 the people who were mandated to receive  
5 services from that program. Were they  
6 given some level of technical assistance  
7 in order for them to find services  
8 elsewhere?

9           MR. LEE: If they were mandated by  
10 the courts, yes. Because there is a  
11 social worker that worked with the  
12 courts.

13           LEGISLATOR BYNOE: But not the  
14 voluntary people.

15           MR. LEE: Yes, not the voluntary  
16 people.

17           LEGISLATOR BYNOE: I'd love to look  
18 at what the rate of recidivism was for  
19 those that were mandated by the Court to  
20 participate in, and those that were  
21 voluntarily going to the that program.

22           I visited that program with a few of  
23 my colleagues up here, and it really  
24 seemed like a lifeline to those folks.  
25 That if not for CPP they really wouldn't

1  
2 have known how to navigate. It was peer  
3 services, job readiness, they were able  
4 to find housing. It was really a one stop  
5 shop for those that would be looking to  
6 get their life on the right track and be  
7 able to sustain out here in the  
8 community.

9 And that program existed -- well,  
10 let me not say how long it existed,  
11 because I'm not sure I know Risco Louis  
12 (phonetic) mentioned or Louis -- I'm not  
13 sure which way it goes, but she was the  
14 first director that program, if I'm not  
15 mistaken.

16 MR. LEE: That's correct.

17 LEGISLATOR BYNOE: What year did  
18 that program start?

19 MR. LEE: I believe it was 2016.

20 LEGISLATOR BYNOE: No. Much earlier.

21 MR. LEE: You're talking about CODA  
22 or CPP?

23 LEGISLATOR BYNOE: When it was CODA.  
24 They changed for whatever reason, but  
25 it's the same --

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MR. LEE: I remember so, yes.

LEGISLATOR BYNOE: That program has  
to go back --

MR. LEE: 2006, maybe?

LEGISLATOR BYNOE: Yeah, I was going  
to say actually mid to to early two  
thousands. And it really had significant  
benefits that we were actually able to  
hear about every year when they came and  
talked about the budget. I know this  
program is alive and well in Suffolk. I  
just really would have like to see a way  
that this program could have been  
sustained. You say it was at a cost of  
\$600,000 a year?

MR. LEE: Six to \$700,000 a year.  
It was a funding issue.

LEGISLATOR BYNOE: The total asset  
forfeiture available was how much?

MR. LEE: Last year I was told it  
was \$167,000.

LEGISLATOR BYNOE: That was how much  
we generated in asset forfeiture for  
2021?

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MR. LEE: M-hmm.

LEGISLATOR BYNOE: And we had no reserves?

MR. LEE: No. There are other programs that we fund through Forfeiture Funds, not just this one CPP. We have to take into consideration how much of the Forfeiture Funds we could use to allocate for CPP versus other funding that we have to provide.

LEGISLATOR BYNOE: I know you have other funding because I know the Peace Program that's run out of Terrace also wasn't funded because of a lack of asset forfeiture money.

How much have we received in Asset Forfeiture to this part of the year in 2022?

MR. LEE: I'm not sure. I can find that out as well. But the Asset Forfeiture Law changed a couple of years ago. Now the money or assets that we seize now have to be separated and the Federal government takes about a third of

1  
2 it, the State takes about a third of it  
3 and the County takes about a third of it.  
4 So what used to be a large portion that  
5 comes to the DA's Office is no longer the  
6 case. So that coupled with the  
7 uncertainty, COVID, with less of these --

8 LEGISLATOR BYNOE: Okay. Final  
9 question in the moment: What other type  
10 of program like CODA exists here in the  
11 county that we provide out of the DA's  
12 Office? Because other programs are  
13 funded. Was there was there anything  
14 comparable or similar in any way. So in  
15 other words, what I'm asking is if we're  
16 providing here in Nassau County, any  
17 opportunity to assist those that are  
18 recently released from jail from  
19 re-entering the system, helping them to  
20 be able to build coping skills, gain  
21 employment, find housing?

22 MR. LEE: By the DA's Office,  
23 currently there is none.

24 LEGISLATOR BYNOE: Do you know of  
25 any being provided by any other



1  
2 department in Nassau County?

3 MR. LEE: The Department of  
4 Probation, Department of Parole, if they  
5 are on parole.

6 LEGISLATOR BYNOE: Programs separate  
7 from being monitored by a probation  
8 officer or a parole officer.

9 MR. LEE: I'm not aware.

10 LEGISLATOR BYNOE: That's totally  
11 not the direction I think we need to be  
12 going as County. We must invest in those  
13 that are coming out of jail. We're only  
14 as safe, as you know, as those that were  
15 safely returning to the community from  
16 jail. If we're not giving them any  
17 opportunity, desperate people do  
18 desperate things. So I think that we have  
19 to rethink where we are today. We need  
20 to make a significant adjustment in our  
21 policy in order to make sure that people  
22 have a chance, a fighting chance to  
23 resume some semblance of life, and that  
24 we, the community, we feel safe when they  
25 return to our respective communities.

1  
2 And I don't think not having any type of  
3 supportive services in place we're going  
4 in the right direction. I think that's  
5 totally unacceptable. Thank you.

6 PRESIDING OFFICER NICOLELLO:  
7 Legislator Rhoads.

8 LEGISLATOR RHOADS: Thank you,  
9 Presiding Officer. Thank you for your  
10 presentation Executive ADA Lee, we  
11 appreciate that.

12 MR. LEE: You're welcome.

13 LEGISLATOR RHOADS: I've noticed and  
14 we did have the commissioner do a  
15 presentation on Thursday on behalf of the  
16 Police Department. He did reference what  
17 appears to be a 53% increase in major  
18 crimes in Nassau County just over the  
19 course of the last year, and that seems  
20 to be reflected in the increasing numbers  
21 that you're seeing in new cases coming  
22 into your office, new filings coming into  
23 your office. I believe that the numbers  
24 that you gave are a number of 15,000 in  
25 2020 and 22,000, roughly in 2021, and

1  
2 then a jump of almost double 39,000 and  
3 change almost 40,000 new cases in 2022,  
4 so far. We're not even through the  
5 through the entirety of the year. We  
6 still have another two and a half months  
7 to go. What do you attribute the  
8 explosion in new filings to being?

9 MR. LEE: The new filings, I  
10 believe, we're just going back to where  
11 it was: The levels were pre pandemic: In  
12 2019 they were 36,000, and now we're at  
13 that level again. So typically, since  
14 I've been in Nassau County, 30,000  
15 misdemeanors, about 5-6,000 felonies.  
16 That was a typical year. And that's what  
17 it was until 2019. In 2020, you had the  
18 pandemic. In 2021, the effects of  
19 pandemics were still being felt. Now  
20 we're going back to those rates.

21 There's a spike because once we're  
22 coming out of the pandemic I think  
23 there's been, and this is just my  
24 opinion, there has been more of a driving  
25 force -- and I see this, I don't have the

1  
2 numbers to back it up, but we're seeing  
3 more and more out of county individuals  
4 coming into Nassau County to commit  
5 crimes. Whether it's larcenies,  
6 burglaries -- you've heard about the  
7 Chilean burglary team that was coming  
8 into Nassau County from New York City,  
9 targeting affluent neighborhoods in  
10 Nassau County. Things like that. A lot  
11 of illegal gun possession cases were  
12 coming in from the city into Nassau  
13 County. A lot of the larcenies at the  
14 malls were beginning to spike up again  
15 post-pandemic. So those those are the  
16 things that we're seeing in terms of as  
17 to why the numbers are growing once again  
18 to the pre-pandemic levels.

19 LEGISLATOR RHOADS: Well, actually,  
20 we're talking about significantly more  
21 than pre-pandemic levels once we reach  
22 the end of the year. You're talking about  
23 being the equivalent now, roughly, you  
24 said 36,000 to 2019 to about 39,000 and  
25 change today with --

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MR. LEE: Let me just --

LEGISLATOR RHOADS: Two and a half months to go. You're probably looking at number approaching 50,000.

MR. LEE: Yeah, let me just clarify that. The projections that I gave are 39,000. That was the Court's year end projection. So I got these numbers last month and they projected it. Based upon what we had for the first nine months, it would project to about 39,000.

LEGISLATOR RHOADS: So you're still, you're still planning that projecting, there being an increase of somewhere around 3-4,000 and filings.

MR. LEE: Correct.

LEGISLATOR RHOADS: Just out of curiosity, I know you mentioned the groups from outside the state that are actually coming into the state, and we have this asked this question of the police commissioner, who seems to attribute this to our new lax bail laws as a result of bail reform, that

1  
2 individuals are coming into the state  
3 committing these these crimes, knowing  
4 that there are no consequences ultimately  
5 for those actions. Are you seeing the  
6 same thing?

7 MR. LEE: Yes, I am. We're seeing  
8 that at that level, out-of-state. But  
9 also individuals in the past who bail  
10 would have been set on are not  
11 misdemeanors, particularly. We've had  
12 individuals and we discussed this not too  
13 long ago in the office, someone being  
14 arrested 10 times this year alone for  
15 petit larcenies at stores, and we see  
16 that a lot. And there is nothing the law  
17 provides for us to ask for bail because  
18 unless they hurt an individual, there is  
19 no remedy under the law to ask for bail.  
20 So we see this revolving door of  
21 individuals coming into the system,  
22 getting arrested, come into court, being  
23 arraigned, no bail being set and then,  
24 weeks later or days later, coming back  
25 into the system again.

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LEGISLATOR RHOADS: I mean we had one individual that was referenced during during the commissioner's testimony, that was actually arrested five times in the same week.

MR. LEE: Yes, I think I'm aware of that case. So they would go into the filings, because every time that person comes into the system -- filings are defined as new cases, new accusatory instrument to the courts. So if that person got arrested five times in a week, that's five new filings. So that's why you see the numbers being up where they are. That's a great point.

LEGISLATOR RHOADS: So when we're talking about recidivism, and were ultimately that's what it is, that's that's contributing to the increase that we're seeing in recidivism rates, correct?

MR. LEE: That is correct.

LEGISLATOR RHOADS: So, for example, you know the commissioner again mentioned

1  
2 there was a list of the top 10 repeat  
3 offenders for 2022. And that top 10  
4 repeat offenders he estimated committed  
5 between six and seven new crimes per  
6 offender. So those 10 individuals who  
7 were arrested wound up committing 60 or  
8 70 new crimes in addition to the original  
9 arrest while they were out without the  
10 opportunity to be able to set bail.

11 Just if you could explain the  
12 process to me prior to the institution of  
13 cashless bail, would the judge have had  
14 an opportunity on a second offence, I  
15 guess even on a first one, would have had  
16 the opportunity on a second offence for  
17 somebody who is a repeat offender to set  
18 bail and establish consequences?

19 MR. LEE: Yes.

20 LEGISLATOR BYNOE: And would that be  
21 done in most instances?

22 MR. LEE: Absolutely. If someone is  
23 arrested multiple times in a week, I  
24 don't think any judge prior to the bail  
25 reform would have said you're free to go



1  
2 again to commit more crimes, but that  
3 discretion is no longer with the judge.  
4 They're mandated by the law on any  
5 misdemeanor cases. Unless they injure  
6 someone, there is no recourse for the  
7 judge. His hands are tied or her hands  
8 are tied.

9 LEGISLATOR RHOADS: And in fact, in  
10 some instances they don't even get before  
11 a judge, at least as far as arraignment  
12 is concerned, right?

13 MR. LEE: Yes. Desk appearance  
14 tickets are mandatory on misdemeanor  
15 cases, other than the ones that involve  
16 orders of protection.

17 LEGISLATOR RHOADS: And,  
18 incidentally, if someone is issued an  
19 appearance ticket, there's no appearance  
20 for them at probation either.

21 MR. LEE: Unless they're arraigned,  
22 that's correct.

23 LEGISLATOR RHOADS: So, in other  
24 words, not only are these individuals not  
25 getting before a judge, the concept that

1  
2           you are going to avoid these individuals  
3           being in jail and the notion that they  
4           would somehow be supervised while they're  
5           on release, awaiting for trial. That's  
6           not happening either, correct?

7           MR. LEE:   That's correct.

8           LEGISLATOR RHOADS: So if they never  
9           get before a judge and never get into the  
10          court system, probation is not doing  
11          anything with respect to these  
12          individuals in terms of monitoring them  
13          and ensuring: One, on their appearance,  
14          to return to court for their for their  
15          court date. And in fact, my understanding  
16          is that if they don't show up for their  
17          court date, the Court actually can't even  
18          issue a warrant. They actually have to  
19          call them, contact them and ask them to  
20          come in before they can issue a warrant.  
21          Am I correct in that understanding?

22          MR. LEE:   That was a procedure put  
23          in place during the pandemic, yes.  
24          Because I guess at some point OCA decided  
25          that to issue bench warrants on failure

1  
2 to appear on a desk appearance ticket  
3 under the circumstances would be onerous.  
4 I believe now there is that ability to do  
5 it. But back then, yes, there was no  
6 ability.

7 LEGISLATOR RHOADS: Was that an OCA  
8 Policy, or was that part of the bail law?

9 MR. LEE: The bail law did not  
10 address specifically what would happen if  
11 the person did not show up for a DAT.  
12 That's that's been in the books for some  
13 time. You have the ability to request an  
14 arrest warrant. It's just that when you  
15 have situations where the person doesn't  
16 show up, we don't know if that person is  
17 not showing up -- during the pandemic I'm  
18 talking about -- because a person is ill.  
19 So there was some latitude given to  
20 offenders who were given DATs and not  
21 asked for -- we did not, at the DA's  
22 Office at the time, ask for arrest  
23 warrants. Eventually, when it became  
24 evident that they were not coming to  
25 court, the DA's Office were asking for

1  
2 arrest warrants to be done in those  
3 cases. And just to point out one more  
4 thing, you're absolutely right: Probation  
5 does not get involved until the person  
6 gets arraigned. And during the height of  
7 the pandemic, I believe the number of  
8 unarraigned disappearance tickets rose to  
9 about 9,000. So 9,000 people who had  
10 offended the law were given desk  
11 appearance tickets, did not come to court  
12 and never saw a judge. Probation was  
13 never involved with those individuals,  
14 and some of those individuals kept  
15 reoffending, and yet there was no ability  
16 to get him on and bring him into court,  
17 because of what I just discussed, that we  
18 had the inability to ask for arrest  
19 warrants.

20 LEGISLATOR RHOADS: And that's  
21 something that still continues today. Now  
22 you may have the ability to ask for an  
23 arrest warrant if they don't if they  
24 don't appear, but they're still not being  
25 held on bail initially.

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MR. LEE: That's correct.

LEGISLATOR RHOADS: And probation is not monitoring those who have been released on a desk appearance ticket to ensure that there are no further issues with respect to those individuals. That that is a problem that's still occurring today, correct?

MR. LEE: That's correct.

LEGISLATOR RHOADS: Incidentally, when we talk about the the purposes of a bail, obviously, one is to ensure their appearance for return date in court. If they don't appear, theoretically, bail would be forfeited under those circumstances, right. Wouldn't that be the same case if bail had been set, if they had committed an additional crime?

MR. LEE: Would the bail be forfeited?

LEGISLATOR RHOADS: Yes.

MR. LEE: Yes.

LEGISLATOR RHOADS: So really, the bail is also a disincentive to an

1  
2 individual to go out and commit new  
3 crimes while they are actually out on  
4 bail for the original offense.

5 MR. LEE: It would be a  
6 disincentive. It should be a  
7 disincentive.

8 LEGISLATOR RHOADS: I'm sure it  
9 still occurs, but certainly not at the  
10 rate that we're seeing, I would imagine,  
11 today when we're talking about those now.  
12 This is just now trying to extrapolate to  
13 a larger population. The findings of  
14 those 10 individuals that we were talking  
15 about on Thursday going out and  
16 committing 60 or 70 brand-new crimes. In  
17 most of those instances, the  
18 establishment of bail would have been a  
19 disincentive for them to go out and  
20 commit those additional crimes.

21 MR. LEE: That's right.

22 LEGISLATOR RHOADS: Just in terms  
23 of, I know you spoke quite a bit about  
24 the really onerous discovery reforms that  
25 were put on district attorney's offices

1  
2 and in terms of providing information to  
3 criminal defendants; can you approximate  
4 for us the increase cost to the District  
5 Attorney's Office as a result of having  
6 to comply with these new onerous  
7 discovery requirements?

8 We know about the personal cost, the  
9 attrition that you're suffering, I guess,  
10 the DA's just kind of throwing up their  
11 hands and saying, hey, you know what, if  
12 I'm not able to do my job, you know  
13 what's the point of my being here? But  
14 but in terms of acquiring information,  
15 maintaining information, providing  
16 information in a timely fashion  
17 otherwise, risking your case being  
18 dismissed, what additional costs have  
19 they've been to the District Attorney's  
20 office to be able to do that?

21 MR. LEE: In terms of technology,  
22 there has been significant cost. We had  
23 to update our case management system,  
24 JustWare. We are in contracts with a  
25 different vendor of different company,

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2 because JustWare got bought out by  
3 another company called Journal  
4 Technology, we have to not contract with  
5 them to continue the services. We also  
6 had to purchase the rights to work with  
7 the police department on what's called  
8 Nice system. It's evidence management  
9 system. So we have two systems that we  
10 have to pay for. One is case management  
11 for discovery purposes, which allows you  
12 to set up an electronic portal to send  
13 the discovery. And then we have what's  
14 called digital or evidence management  
15 system which we have to use for high  
16 volume, such as bodycams, surveillance  
17 videos, audio tapes, 9-1-1 calls. So we  
18 have two systems that we have to utilize.  
19 Without discovery, I don't think we would  
20 have to go to Nice. We could just stay in  
21 our one case tracking system. So we have  
22 a separate system we have to go into that  
23 we have to purchase and maintain, upgrade  
24 all the time and then stay on to stay on  
25 top of those things by having firewall



1  
2 set up. So the technology costs of  
3 discovery reform has been tremendous.

4 MR. MCDERMOTT: Excuse me. One more  
5 thing: We also had to enter into a  
6 contract with a software company to  
7 coordinate between all of the systems  
8 that are required, because without that  
9 program, they don't necessarily work  
10 together. That's another several hundred  
11 thousand dollars.

12 MR. LEE: We also have to purchase  
13 what's called "Bots", but they're not  
14 they're not robots, but they're computer  
15 robots which allows us to sift through  
16 e-mails for discovery stuff. It allows  
17 you to automatically order records from  
18 DMV on its own 24 hours a day. So that's  
19 software, those bots have to be purchased  
20 to comply with discovery demands as well.

21 So there are significant personal  
22 costs, significant technology costs, and  
23 then the overall aspect of trying trying  
24 to deal with what discovery is doing to  
25 moral. I don't think we could put a

1  
2 price on that. How do you get the moral  
3 up for ADAs who are in this morass of  
4 discovery burden and having to do that  
5 more than what they really truly want to  
6 do, which is, to you know, help victims.

7 LEGISLATOR RHOADS: In terms of, I  
8 know, you spoke about the tremendous  
9 attrition that the office is having. Are  
10 you able to quantify a number as far as  
11 increase costs, and do you believe that  
12 the grant money that had to be applied  
13 for is in any way compensating the  
14 district attorney's office for the amount  
15 of increased expenses that they've had in  
16 connection with the discovery reform?

17 MR. LEE: No. The grant money is  
18 just a drop in the bucket. It'll help  
19 us, but it's not going to be enough to  
20 sustain what we need to do here to offset  
21 the cost, all the costs I'm talking  
22 about, of having to deal with discovery  
23 reform.

24 LEGISLATOR RHOADS: And your costs  
25 are separate and apart from the cost that

1  
2 the police department has had to incur as  
3 far as gathering and maintaining body  
4 camera footage, for example. Researching  
5 the records that the District Attorney's  
6 Office is looking for in order to be able  
7 to comply with discovery requirements.  
8 That's a whole separate issue.

9 Just in terms of one thing that I  
10 don't think we spoke about was that part  
11 of discovery reform was information that  
12 had to be provided about the victims of  
13 crimes as well. And I know we remember  
14 the testimony of Jed Painter, who was  
15 here a few years ago and explained to us  
16 that, if you were the victim of a rape,  
17 the criminal defense attorney would be  
18 provided with and the criminal would be  
19 provided with your name, with your  
20 address, with your telephone number,  
21 would have the opportunity to be able to  
22 interview you. If there was a break-in  
23 for example, into your home, you would  
24 have to allow them access to your home to  
25 be able to theoretically look for

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2           exculpatory information, theoretically  
3           before you even got to clean up the  
4           broken glass. Are you seeing an increase  
5           in the numbers of victims who are  
6           reluctant to come forward now, are  
7           reluctant to cooperate upon finding out  
8           that information about them that would  
9           have to be turned over?

10           MR. LEE: I think that's difficult  
11           to quantify, but in speaking to ADA with  
12           victims, the idea that we have to  
13           disclose contact information about them,  
14           their names, is very unsettling, at a  
15           very early stage in the case. That could  
16           be a deterrent. Sometimes it has become a  
17           deterrent for victims to come forward. I  
18           can't quantify number, but anecdotally I  
19           have heard that to be true.

20           LEGISLATOR RHOADS: Are there  
21           statistics that are kept on that by the  
22           -- I know you may not be able to tell us  
23           off the top of your head. I mean you  
24           didn't know we were going to answer that  
25           question. But I'd be curious if they do

1  
2 quantify it, what the number of cases  
3 that has to be dismissed is due to a lack  
4 of cooperation on the part of the part of  
5 the victim.

6 MR. LEE: I'll look into that.

7 LEGISLATOR RHOADS: I appreciate it.  
8 I have no further questions.

9 MR. LEE: Thank you.

10 PRESIDING OFFICER NICOLELLO:  
11 Legislator Ferretti and then Minority  
12 Leader Abrahams.

13 LEGISLATOR FERRETTI: Thank you for  
14 presentation, gentlemen. I'll be pretty  
15 short.

16 Many of the legislators talked about  
17 the reforms that went into place early  
18 January 2020, but I hadn't heard anybody  
19 talk about the Raise the Age legislation.  
20 Did that also go into effect in early  
21 2020?

22 MR. LEE: That was 2017.

23 LEGISLATOR FERRETTI: Can you  
24 explain what that is exactly?

25 MR. LEE: Back in 2017, October

1  
2 2017, individuals who were 16 years old,  
3 you could not be prosecuted as an adult.  
4 All cases, felonies and misdemeanors,  
5 were to be handled in Family Court. In  
6 2018, they moved up the age to 17. So  
7 currently anyone under the age of 18, if  
8 you commit a misdemeanor crime or felony  
9 crime in New York state, presumptively,  
10 they go to family court unless we can --  
11 when I say we, the District Attorney's  
12 Office -- could demonstrate at a hearing  
13 before a Family Court judge that this  
14 case ought to be kept in County Court and  
15 the individual prosecuted as an adult.  
16 The only way that happens is if you can  
17 demonstrate by preponderance of the  
18 evidence that the crime itself involved  
19 an infliction of significant injury to a  
20 victim, that a weapon was displayed  
21 during the crime or that there was a  
22 sexual component to the crime. Even if  
23 you were to make that showing,  
24 ultimately, it's up to the judge and his  
25 or her discretion to decide whether or

1  
2 not to keep the case in County Court, in  
3 a youth part or remove the case to Family  
4 Court. And that's the essence of the law.

5 What we've experienced is that with  
6 the Raise the Age, I believe that  
7 individuals who are offending --  
8 offenders, are understanding how this  
9 works. So the DA and I were talking about  
10 a case not too long ago about four  
11 individuals in a car with a gun, and of  
12 course they all pointed the finger at the  
13 16 year-old as being the owner of that  
14 gun, and the 16 year-old is now in Family  
15 Court. If offenders get wind of how the  
16 law works, it could actually be used  
17 against us in the criminal justice  
18 system.

19 So that is that is concerning. But  
20 raise the age, we understand the idea  
21 behind it. We understand that yes there  
22 are young people who make mistakes, but  
23 we don't want the law to be utilized or  
24 manipulated in the manner that we're  
25 seeing.

1  
2           LEGISLATOR FERRETTI: Have you seen  
3 it manipulated more recently? I would  
4 say from the beginning we're seeing those  
5 kinds of cases. Like, if there's an  
6 assault case, it's always the young  
7 person who started the fight and that  
8 person is the aggressor, and that person  
9 seems like more than willing to take on  
10 the blame, so to speak.

11           LEGISLATOR FERRETTI: I'm not a  
12 criminal attorney, but if he goes to the  
13 Family Court, what's the difference  
14 between the case going to Family Court or  
15 County Court?

16           MR. LEE: The big difference under  
17 the law is that when you go to Family  
18 Court it is very program resource  
19 oriented, not penitentiary oriented or  
20 whatever you know -- it's less punitive.  
21 The judge must exhaust all sorts of  
22 programming available to the individual,  
23 the adolescent, to make sure -- and then  
24 ultimately the cases get sealed if the  
25 programs are done successfully.



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LEGISLATOR FERRETTI: So those numbers of adolescents, 16 and 17 year-olds, they're not included in your projection for 2022, correct? Total.

MR. LEE: They wouldn't be if they're not in our system.

LEGISLATOR FERRETTI: And they weren't in the 2019 numbers either?

MR. LEE: No.

MR. LEE: All right, thank you. I appreciate your explanation for that. Thank you.

MR. LEE: Thank you.

LEGISLATOR ABRAHAMS: Mr. Lee, I want to thank you for your candor and your presentation today. I know you've spent the last almost two hours here, so I promised to be brief. I just have a follow-up based on your response to Legislative Rhoads.

If I understand your response correctly, were you indicating that crimes, recidivism was contributed towards the higher amount of cases in

1  
2 2022 to 39,000?

3 MR. LEE: Yes.

4 LEGISLATOR ABRAHAMS: Contributor?  
5 For example, and I stand corrected  
6 because I know you had indicated that  
7 there were 36,000 cases in 2019. It seems  
8 that your current head count in what  
9 you're projecting to be your, what you  
10 would like to see 2030 is probably more  
11 in line when you match it up to 2019. So  
12 I apologize if I give if I gave the  
13 impression that I wanted to see a higher  
14 number than 2030, but I just have to make  
15 sure I'm clear. So if recidivism is a  
16 contributor towards what you're seeing in  
17 terms of higher amount of cases, why  
18 would the District Attorney disband the  
19 diversion program which curtails that?

20 MR. LEE: The diversion program  
21 wouldn't curtail recidivism in the sense  
22 that if the person is going to reoffend,  
23 the fact that they're in a diversion  
24 program wouldn't necessarily stop them  
25 because they're still at liberty. So

1  
2           whether the person is in a diversion  
3           program or not in the diversion program I  
4           don't think would have any impact. The  
5           diversion programs are still available in  
6           a large degree. We still have Mental  
7           Health Court that we actively staff, we  
8           have Veterans Court, we have a Drug  
9           Treatment Court, we have a Heroine Court.  
10          Now we have a Youth Court. These are all  
11          sort of diversion courts that we still  
12          have in the books, that we have staff  
13          members working on those cases and social  
14          workers.

15                 LEGISLATOR ABRAHAMS: But the CPP  
16                 program has been --

17                 MR. LEE: CPP was never a diversion  
18                 program. What CPP provided was access for  
19                 the public to come in, and some of them  
20                 were individuals who had just served  
21                 prison time, to come into acclimate or  
22                 reacclimate back into public. Yes, CPP  
23                 assisted them in the resources that were  
24                 mentioned previously in terms of job  
25                 counseling, in terms of providing them

1  
2 with food if they needed food.

3 LEGISLATOR ABRAHAMS: Did it help  
4 them counsel an addiction?

5 MR. LEE: Yes, it did. But it  
6 wasn't a diversion. When you say, I guess  
7 your concept of diversion is, I'm  
8 thinking more of diversionary court.  
9 You're talking about general diversion.

10 LEGISLATOR ABRAHAMS: No. General  
11 diversion. So that if someone that has a  
12 drug addiction, what we're seeing in our  
13 country today, opioid addiction, and this  
14 program is helping them, consoling them,  
15 dealing with their addiction in various  
16 different ways, and this person has to  
17 decide if this program is not there and  
18 they're not getting that level of  
19 support, do they start, as I think  
20 Legislative Ferretti said the other  
21 day -- what do you call them? Jigglers?  
22 Do they start jiggling handles and start  
23 robbing cars because they're not getting  
24 the support they need? So that's the way  
25 I diversion. So do you see it the same

1  
2 way in terms of what this program was  
3 providing?

4 MR. LEE: In terms of CPP, it was  
5 never providing drug counseling per say,  
6 in terms of that legal drug counseling.  
7 What they provided was peer mentoring. So  
8 CPP had individuals who had overcome  
9 great obstacles in their life and would  
10 share life experiences with individuals.  
11 They were not counselors per say to  
12 provide drug treatment.

13 LEGISLATOR ABRAHAMS: No, maybe not  
14 in that way, but what CPP provided was  
15 seen as supporting asset that would  
16 divert individuals that potentially could  
17 be committing another crime from not  
18 doing it.

19 MR. LEE: Theoretically, yes.

20 LEGISLATOR ABRAHAMS: So again I  
21 asked the question: If the program has a  
22 10% chance of working, 20%, that's up to  
23 the District Attorney to decide the  
24 effectiveness of the program. But if the  
25 program does have an impact, and based on

1  
2 commentary that I heard back and forth  
3 with Legislator Rhoads that recidivism is  
4 creating or contributing towards a higher  
5 caseload of 39,964, I have to beg the  
6 question again. I mean you mentioned the  
7 other Mental Health Court, the Veteran  
8 Courts. This is a program that provides a  
9 function that was considered to be an  
10 acid. Why would it be cut and why would  
11 it be disbanded? And when was it  
12 disbanded?

13 MR. LEE: It was disbanded earlier  
14 this year. June 30th.

15 LEGISLATOR ABRAHAMS: And when did  
16 your office, when you started to come up  
17 with the projections, and obviously it  
18 sounds like you know, the office has  
19 taken the position that bail reform is  
20 high contributor to that, are the folks  
21 that you feel that are committing these  
22 crimes again, would they have normally  
23 ended up in a program like CPP if it was  
24 not disbanded in June. What I'm asking  
25 you is, of the crimes that are being

1  
2 recommitted going based off of what  
3 you're saying, are they crimes that those  
4 folks would have gone to CPP if it was  
5 there from, I guess, from July, August  
6 and September?

7 MR. LEE: They could have been.

8 LEGISLATOR ABRAHAMS: Does the  
9 District Attorney have plans to create a  
10 program of this nature in the future?

11 MR. LEE: She's considering, yes. I  
12 don't want to give you the impression  
13 that she is opposed to the idea of  
14 creating programs that would help  
15 individuals who are in need. It was  
16 purely a financial decision based upon  
17 the lack of funding that we had when we  
18 looked at how it was funded. District  
19 Attorney Donnelly did not create CPP.  
20 When it was created, we looked at the  
21 framework of it and looked at how it was  
22 structured and who was giving oversight.

23 In addition to paying the CPP staff  
24 and rent, I believe we're also paying for  
25 fringes, for FCA, which was overseeing

1  
2 the program itself. And then there was  
3 the other issue of conflict, which I  
4 didn't mention previously, which now  
5 comes to mind with CPP. Here is the  
6 conflict: Some of those individuals  
7 attending court sessions. One of the  
8 functions of CPP that came about, was  
9 that they were providing drug testing for  
10 individuals as an overflow of the court  
11 system. They're located a few yards away  
12 from District Court. So the judges in  
13 District Court and the court personnel  
14 would say: Go over to CPP and get drug  
15 tested and come back. The problem with  
16 that was that CPP was an arm of the  
17 District Attorney's Office and we were  
18 conducting testing on individuals who are  
19 represented by attorneys, we are  
20 prosecuting these individuals. Yet, we  
21 are providing testing and also some sort  
22 of support. So you see the conflict  
23 there? I don't think in the long run it  
24 would have been a good look for the  
25 District Attorney's Office to be involved



1  
2 in the future of CPP where you have a  
3 situation where defendants were coming  
4 from the courts into CPP, with active  
5 cases who are represented by counsel, but  
6 I'm not sure the counsels were coming  
7 with them to CPP. And now we have members  
8 of CPP who are considered, not employees  
9 of the District Attorney's Office but arm  
10 of the District Attorney's Office to be  
11 engaging with them. So that was raised to  
12 us as well. So in combination with that,  
13 the conflict of interest angle, the  
14 funding issue. That's what decided --

15 LEGISLATOR ABRAHAMS: I just want to  
16 make sure that this Legislative Body has  
17 the understanding today. Obviously, if  
18 the District Attorney believes that there  
19 is a contributing factor of recidivism  
20 that is impacting the higher caseloads in  
21 the county, that we actually have  
22 programs that are going to combat that.  
23 It just can't be -- which we plan to  
24 support -- more ADA, that's great. I mean  
25 we want to make sure that you're able to

1  
2 prosecute the case when they come in. But  
3 if there's things that we can do to  
4 prevent the cases from even becoming a  
5 case. We want to make sure that the  
6 district attorney is doing that as well.

7 In my summary, I just want to ask  
8 you quickly. In regard to -- I know  
9 Legislator Bynoe and Legislator Drucker  
10 asked you about the dismissing of cases  
11 and Legislator Bynoe followed up to find  
12 out the types of cases. Can you share  
13 with us, and I don't if you can maybe  
14 need to get back to us as well. Can you  
15 share with us in terms of trying to I  
16 guess lack of a better term, how do you  
17 triage and determine which cases that  
18 you're putting effort if you have a lack  
19 of resources, knowing full well, cases  
20 could be full well dismissed because  
21 you're vulnerable because you don't have  
22 the ability to do the discovery, as you  
23 mentioned before. How do you determine  
24 that in terms of the types of cases that  
25 Legislator Bynoe asked you for of the

1  
2 breakdown of those cases being dismissed?

3 MR. LEE: We actually did something  
4 like that in terms of looking at certain  
5 types of cases that we sort of  
6 highlighted for potential for dismissal  
7 and we looked at individual cases. So,  
8 for instance, we isolated cases in which  
9 there were no victims, where if there's a  
10 victimless crime. Let's look at those  
11 cases. Then we looked at how long has  
12 this case been in the system?

13 So during the pandemic, let me go  
14 back a little bit. Cases themselves,  
15 misdemeanor cases I'm talking about, we  
16 didn't dismiss any felony cases. But  
17 misdemeanor cases, typically on a first  
18 offender who's, let's say, arrested for a  
19 petit larceny, on a first offense would  
20 typically receive what's called an ACOD,  
21 adjournment in contemplation of  
22 dismissal, which means that after six  
23 months time, if he or she does not get in  
24 trouble, the case gets dismissed and  
25 sealed, by operation of law.

1  
2 During the pandemic, when we saw  
3 that the cases were aging and some of  
4 these in some of these individuals, had  
5 cases in the system for more than six  
6 months and yet they had not reoffended,  
7 we said those individuals had he or she  
8 had the ability to come into court and to  
9 take the plea six months after the case  
10 had gone to court, they should still have  
11 that entitlement. So when the cases got  
12 over like a year old we can't be punitive  
13 because a system is shut down because of  
14 COVID sought those cases out and we  
15 dismissed those cases. So we did some  
16 triaging, as you put it, to compensate  
17 for the lack of ability to move cases, to  
18 offload some of the cases from the staff  
19 in District Court, especially who are  
20 carrying 340 cases or so. Cases like VTL  
21 511, driving with a suspended license  
22 that doesn't involve injury to anybody,  
23 no accidents, first offense, petit  
24 larcenies, marijuana cases before it was  
25 taken off the books. Those are the types

1  
2 of cases that we were looking at and  
3 dismissing before they got too old.

4 LEGISLATOR ABRAHAMS: I was going to  
5 ask you an example of a case, but you  
6 just explain what you deem to be the  
7 case. All right.

8 Again I just want to make sure that  
9 I'm clear. If the District Attorney is  
10 able to hire up to 230 ADAs with the ADA  
11 assistants, you feel that you will be  
12 able to address the potential caseload of  
13 the 39,000, which will probably -- I  
14 don't know if that's going to grow by  
15 your projections of 2023 or not, as well  
16 as the backlog.

17 MR. LEE: We hope so. We hope so.  
18 If I came in and asked for 300 -- like I  
19 said, the District Attorney's Office  
20 wanted to be reasonable in our proposal;  
21 fiscally responsible. We looked at these  
22 numbers for a long time and said, if we  
23 get up to 230 with the personal support,  
24 that technology we're buying for next  
25 year, we're hoping that all of that will

1  
2 work together. Next year, I may come to  
3 you and say we need to 250, but we want  
4 to be reasonable in our approach.

5 LEGISLATOR ABRAHAMS: We definitely  
6 want to dialogue with you before next  
7 year. I mean we would like to be able to  
8 provide your resources during budgetary  
9 time, but then at the same time we would  
10 like to have a dialogue with the  
11 legislature where we don't find out about  
12 the programs that we feel that are our  
13 vital to our community, being cut. So if  
14 we can set up an avenue to be able to  
15 have those discussions -- I'm not saying  
16 full-blown, we don't get a hearing -- but  
17 if we could set up an avenue to have  
18 those discussions, I mean when the  
19 District Attorney, obviously we're not  
20 asking about how she's disposing of cases  
21 and how she's presiding over those types  
22 of cases, we're just talking about the  
23 ancillary programs that are there. We  
24 would love to be able to have that  
25 dialogue. We actually see ourselves as an

1  
2 entity that wants to work with the  
3 District Attorney so that she can provide  
4 and be able to do her job to make sure  
5 our communities are safe.

6 MR. LEE: We would like that too.

7 LEGISLATOR ABRAHAMS: Thank you. So  
8 I think if we can set up that type of  
9 avenue for dialogue, that'd be great.

10 But thank you again for your  
11 presentation.

12 MR. LEE: Thank you.

13 PRESIDING OFFICER NICOLELLO:  
14 Legislator Rhoads.

15 LEGISLATOR RHOADS: Thank you,  
16 Presiding Officer. I just want to make  
17 sure I understand and I'll keep this  
18 quick.

19 It's still the case, though, that if  
20 someone goes to the Heroine Diversion  
21 Court or the Opioid Diversion Court, that  
22 they will still, as a condition of being  
23 in that court, they will still have  
24 access to and, in fact, be required to  
25 seek counseling, correct?

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MR. LEE: Yes, in those courts,  
absolutely.

LEGISLATOR RHOADS: So it's not the  
case that they're not receiving the  
benefit. The real problem is that until  
you actually get before the court, you  
can't be placed into that program. So my  
understanding is the issue that we're  
having now is that individuals who  
normally, if they had to face arraignment  
and had the option of being placed into  
that diversionary court, are now not  
getting the benefit of any treatment at  
all, because they've never been put into  
the system, which is one of the ancillary  
issues that we have with respect to bail  
reform and the fact that you can't get  
these individuals before a judge who has  
the ability to, either by agreement or by  
direction, to get them into the Diversion  
Court and get them the treatment that  
they need. Am I correct?

MR. LEE: That's correct. Unless  
they voluntarily seek out other



1  
2 resources. That's correct.

3 PRESIDING OFFICER NICOLELLO: It's  
4 two hours now and we have nine other  
5 departments and we have gone well beyond  
6 budgetary issues.

7 LEGISLATOR ABRAHAMS: I agree.

8 PRESIDING OFFICER NICOLELLO: So  
9 let's let's wrap this up.

10 LEGISLATOR ABRAHAMS: I apologize,  
11 Presiding Officer. There's just  
12 something in the back and fourth, I have  
13 to make sure I'm clear.

14 So for example, if I'm understanding  
15 what you're saying correctly, some person  
16 commits a crime on Tuesday. Before they  
17 have to show back up in court, they  
18 commit another. Obviously, that person  
19 wouldn't be part of this program or these  
20 programs we're talking about because  
21 their cases have not been resolved yet.

22 MR. LEE: That's right.

23 LEGISLATOR ABRAHAMS: That's not the  
24 case that I'm talking about. Those types  
25 of cases based on the larger scope of

1  
2 people, is that a smaller percentage or a  
3 larger percentage of what we're talking  
4 about, people that normally commit  
5 crimes?

6 MR. LEE: If you're talking about  
7 individuals who are voluntarily seeking  
8 treatment, that's a very small number,  
9 even at CPP.

10 MR. LEE: That's what I would think.  
11 I guess what I'm saying is, I guess, by  
12 the Legislator Rhoads saying that because  
13 their cases wouldn't be resolved, they  
14 wouldn't be eligible for this program  
15 because it hasn't come before a judge  
16 yet. But what I'm saying is the amount of  
17 people that are committing those crimes  
18 again that you're seeing, is that a large  
19 percentage of the folks that would be  
20 committing those crimes that would be  
21 eligible for this program? My envision  
22 is, correct me if I'm wrong, that more  
23 people that are committing these crimes  
24 that are having this level of recidivism  
25 are committing their crimes after their

1  
2 cases are resolved, or are you seeing a  
3 higher amount of recidivism before the  
4 cases are being resolved and they have to  
5 come back to court?

6 MR. LEE: Since the bail reform, we  
7 have seen that we have seen individuals  
8 who are --

9 LEGISLATOR ABRAHAMS: So the  
10 recidivism rate is higher among folks  
11 that are that are committing crimes  
12 before they have to come back to court?

13 MR. LEE: Sure.

14 LEGISLATOR ABRAHAMS: Can you can  
15 you document that for us?

16 MR. LEE: You're saying that if the  
17 individual gets arrested today, sees a  
18 judge today.

19 LEGISLATOR ABRAHAMS: No. They're  
20 not seeing a judge.

21 MR. LEE: So they're given a DAT.

22 LEGISLATOR ABRAHAMS: And they come  
23 back in 30 days, 40 days.

24 MR. LEE: Thirty days. So you're  
25 asking me: Before the 30 day lapses, are

1  
2 they reoffending? Yes, some of them are.

3           LEGISLATOR ABRAHAMS: Some of them,  
4 we know, some of them are. What I'm  
5 asking is of the folks that actually are  
6 reoffending. Is it more people that are  
7 reoffending before they have to come back  
8 to court, or is it more people that are  
9 real offending -- they've come back to  
10 court, they got the benefit of a program  
11 like this and then they commit the crime  
12 again after the 30-40 days they come back  
13 to court? You know what I'm saying. I  
14 would like to see that. Because I'm  
15 understanding -- look, we want to get to  
16 the bottom, to be able to make sure the  
17 District Attorney has what she needs. So  
18 I don't want to get caught up in politics  
19 and spending time on politics. So from  
20 from that standpoint, we need to truly  
21 understand where your office is, because  
22 your office, based on your testimony, it  
23 contradicts what we are seeing, at least  
24 from the study that was done by the state  
25 Department of Justice. That talked about

1  
2           recidivism was not a contributing factor  
3           towards the increasing crime. I don't  
4           know whether that's true or not true.  
5           Bottom line is that State authority  
6           that's saying that, but you're saying it  
7           is a high contributor. So we want to just  
8           be able to assess, because maybe you need  
9           more resources. Maybe Nassau is an  
10          anomaly and we need more resources in  
11          Nassau than we need in other places. We  
12          don't know. But I want to get to the  
13          bottom of the number without getting  
14          involved in the muck and mire of  
15          politics.

16               MR. LEE: That's fine.

17               PRESIDING OFFICER NICOLELLO: Thank  
18               you, Mr. Lee.

19               MR. LEE: Thank you, presiding  
20               officer.

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PRESIDING OFFICER NICOLELLO: The next department, Department of Human Services, Jill Nevin.

COMMISSIONER NEVIN: Good afternoon, everybody. I'm Jill Nevin, I serve as the Commissioner of the Department of Human Services.

Just quickly, my fiscal staff and I worked closely with Office Management and Budget to prepare what we consider a fiscally responsible Human Services 2023 Budget. What we're presenting today we're very comfortable with and happy with. We plan to continue to work closely with OMB on any issues that may arise throughout the year that might need some attention. Our budget is in line pretty much with last year.

PRESIDING OFFICER NICOLELLO: Is that it?

COMMISSIONER NEVIN: Yes.

PRESIDING OFFICER NICOLELLO: Questions. Legislator Mule.

LEGISLATGOR MULE: Good afternoon.

1  
2 So you know we've heard a lot from the  
3 youth service agencies that they  
4 acknowledge that there's been an increase  
5 but that they need more. You know the  
6 argument that they make makes sense to  
7 me, and I'm a social worker by training,  
8 that that the more money you put into  
9 preventative services, the less problems  
10 you have going down the line. And given  
11 the need that COVID has presented and the  
12 fact that we have so much money available  
13 to us through COVID funding, I heard one  
14 person say: A continuous stream of  
15 funding. I'm not sure if that's possible,  
16 but certainly it must be possible to get  
17 more money for youth services,  
18 particularly to address the needs, the  
19 mental health needs of our youth. So that  
20 way we end up avoiding having to deal  
21 with the DA down the line. It just it  
22 just makes total sense that that's where  
23 we should be able to add money. So I'm  
24 making a request that that additional  
25 funds be put in the youth services line.

1  
2 Well, we are working within the confines  
3 of our budget. They are getting awarded  
4 the ARPA funds, all of them that were  
5 speaking. We have offered also recently,  
6 additional support to most of the ones  
7 speaking today through our opioid  
8 settlement funds, so we are supporting  
9 them additionally beyond their -- we are  
10 working within the confines of our  
11 budget, but they are all being awarded  
12 ARPA awards and we have supported them  
13 above and beyond through the opioid  
14 settlement funds in other ways through  
15 other areas of Human Services. But it is  
16 support for those organizations.

17 LEGISLATOR MULE: Can you give us  
18 the amounts that the Youth Services  
19 agencies are getting from both ARPA and  
20 the opioids settlements?

21 COMMISSIONER NEVIN: I could tell  
22 you the formula, so Youth ARPA is going  
23 is 20% of their 2021 contracts. I don't  
24 have all those numbers. I have for the  
25 few that spoke today, the Hicksville



1  
2 Teenage Council, they requested \$32,000  
3 and they're being awarded \$32,000. YES,  
4 Counseling Centre requested \$60,000 and  
5 they're being awarded \$60,000 and  
6 Hispanic Counseling Centre was requested  
7 \$60,000, awarded \$60,000.

8 LEGISLATGOR MULE: Is this above the  
9 amount that's been budgeted or is that  
10 factored?

11 COMMISSIONER NEVIN: Yes.

12 LEGISLATGOR MULE: Yes, all right.  
13 Do you know specifically what type of  
14 services are being provided with that  
15 additional funding is?

16 COMMISSIONER NEVIN: It's to expand  
17 on what they're existing contracted to  
18 provide, whatever services they're  
19 providing under their contract is what's  
20 going to be expanded.

21 LEGISLATGOR MULE: Is this a one  
22 year or two years.

23 COMMISSIONER NEVIN: Yeah, ARPA it's  
24 a one shot, but can use through 2026.

25 LEGISLATGOR MULE: They could use

1  
2 it through 2026.

3 LEGISLATGOR MULE: So they they  
4 could choose parse it out over the year.  
5 And what about the opium.

6 COMMISSIONER NEVIN: The opium  
7 monies, for two of the agencies that  
8 spoke today, they're getting \$60,000 each  
9 year for the next four years, just about  
10 a quarter of a million dollars over the  
11 next four years to be utilized. That's  
12 that's through the opioid settlement, but  
13 it's all all overlaps. Especially when  
14 you're looking to higher social workers  
15 and what not.

16 LEGISLATGOR MULE: And again that  
17 goes above and beyond the the budget that  
18 you provide?

19 COMMISSIONER NEVIN: Yes.

20 LEGISLATGOR MULE: I'd still like to  
21 see additional funding go towards them.

22 COMMISSIONER NEVIN: Okay.

23 LEGISLATGOR MULE: Thank you very  
24 much.

25 COMMISSIONER NEVIN: No problem.

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LEGISLATOR FORD: Just to follow-up to Legislation Mule's questions. In regard to the ARPA awards. As you have stated, this is 20% of the total money that they would get, like if somebody was getting a \$100,000, they'd get \$20,000 from ARPA, correct?

COMMISSIONER NEVIN: Correct.

COMMISSIONER NEVIN: Have all of, the agencies that have been promised this, money? Have they all been paid to date?

COMMISSIONER NEVIN: They are in the process right now of rolling that out.

LEGISLATOR FORD: And how many agencies have been paid so far?

COMMISSIONER NEVIN: I don't have that number. I could get that for you, though.

LEGISLATOR FORD: All right.

COMMISSIONER NEVIN: The contract process has not been completed yet for the ARPA.

LEGISLATOR FORD: And I understand

1  
2 due diligence in going through this. But  
3 I ask, though that because you know you  
4 weren't here last year, so the money was  
5 promised the funding, the additional  
6 funding was promised the agencies and to  
7 a certain degree they counted on this,  
8 which I would think rightfully so. The  
9 beginning of the year when the new County  
10 Executive came in, I believe letters were  
11 sent out reinforcing that he was going to  
12 fulfil this commitment to all of the  
13 agencies. So even with the change in the  
14 administration, there was confidence in  
15 the fact that they would receive this  
16 funding. We're now in October, the middle  
17 of October, and still not all these  
18 agencies have been paid, and now we're  
19 going through the contact process. How  
20 long is this contract process going to  
21 take and are you reevaluating each and  
22 every agency that is receiving funding  
23 through your office?

24 COMMISSIONER NEVIN: We're not  
25 reevaluating, they're going to be

1  
2 awarded. Seema could speak to the  
3 process the length.

4 MS. ZAKI: So Haggerty (phonetic)  
5 has been hired by the previous  
6 administration and is putting through the  
7 contract for the whole Department of  
8 Humans Services for the ARPA funds. Once  
9 the process is complete, the department  
10 is responsible for reimbursing the  
11 claims. In fact, either today or tomorrow  
12 we are going to have a training on the  
13 portal Haggerty has created to reimburse  
14 these agencies. So we are just waiting  
15 for the contract process to be completed.  
16 The providers have received letters from  
17 the current administration of how much  
18 they're receiving. I guess current  
19 administration has vetted the agencies  
20 again, so that delayed it a little bit  
21 maybe, but we are pretty much at the tail  
22 end of this whole process, and department  
23 will be reimbursing the claims.

24 LEGISLATOR FORD: All right.  
25 Because I noticed that in the budget

1  
2 there are no increases for any of the  
3 agencies, or very, very few agencies are  
4 actually getting any increases other than  
5 what they got in previous years, correct?

6 MS. ZAKI: Yes. This is a regular  
7 funding has nothing to do -- that amount  
8 is not reflecting in the budget.

9 LEGISLATOR FORD: I know. The  
10 additional funding under ARPA would be  
11 something that they could use. Haggerty,  
12 it's an outside agency that was hired by  
13 the previous administration. So how long  
14 have they been working on these  
15 contracts? Do you know offhand?

16 MS. ZAKI: I guess for whatever  
17 reasons they had to pause, I think, and  
18 then they resume. I don't have that  
19 information. We'll get back to you on  
20 that.

21 LEGISLATOR FORD: I would appreciate  
22 this. And then, if you're saying at the  
23 tail end, so once the contract, once this  
24 has been, once I guess Haggerty finishes  
25 their work, how soon do you expect that

1  
2 the checks would be issued to these  
3 agencies again?

4 MS. ZAKI: Again, we'll get back to  
5 you on that. Once the contract is  
6 completed, they submit the claims. The  
7 claims they have to be submitted for the  
8 department to reimburse. To complete the  
9 reimbursement process.

10 LEGISLATOR FORD: You're  
11 reimbursing. Maybe I'm missing something  
12 here. According to both the previous  
13 administration and the current  
14 administration, letters be sent out  
15 saying to these agencies that they, under  
16 ARPA, they would be entitled to 20% of  
17 what their funding was. What claims do  
18 they have to submit for this?

19 MS. ZAKI: So they, when they  
20 submitted their applications, they have  
21 the scope of work. They have defined what  
22 they will be drawing these funds for.  
23 That is in the letter. The department,  
24 has not received it. It has gone  
25 directly from the County Executive's

1  
2 office to the providers. Once we start  
3 receiving the claims and the rest of the  
4 documents, the budget especially, the  
5 fiscal, will be more involved in  
6 reimbursing the claims process.

7 LEGISLATOR FORD: So now there's a  
8 new portal system that they have to apply  
9 through.

10 MS. ZAKI: No, they have already  
11 applied. Haggerty has created this  
12 portal for the claims reimbursement  
13 process, it seems. Which fiscal will be  
14 receiving training on like in the next  
15 couple of days. That's where we are from  
16 the fiscal point of view.

17 COMMISSIONER NEVIN: So they need to  
18 spend and then submit claims to us in  
19 order to get reimbursed up. They're  
20 getting that \$20,000. They need to spend  
21 and then submit a claim to Human Services  
22 and then we will reimburse them for that  
23 claim.

24 LEGISLATOR FORD: I'm going to go  
25 out on a limb on this because we all know



1  
2 that they probably spent that money  
3 already and that they're waiting to be  
4 reimbursed. That would be my guess.

5 COMMISSIONER NEVIN: It's quite  
6 possible with some.

7 LEGISLATOR FORD: Yeah, so I'm  
8 hoping. We will follow this because I  
9 want to make sure. It has been a long  
10 time. It started with the previous  
11 administration. We really need to put  
12 this one behind us so that we could work  
13 on helping in other ways.

14 The RFEI that was issued and you  
15 know, as you know, like with the opioid  
16 settlement monies, have we been receiving  
17 a lot of responses from interested  
18 parties?

19 COMMISSIONER NEVIN: So questions  
20 and letters of intent were due on Monday,  
21 Monday was a holiday. So we do have some  
22 things in that are going to be going  
23 through review.

24 LEGISLATOR FORD: So when is the  
25 cut-off date? I was under the impression

1  
2 that this was not going to be a short  
3 open window. There are a lot of agencies  
4 that may not be aware to go through all  
5 the language and the volumes of paper,  
6 questions and paper.

7 COMMISSIONER NEVIN: I have to get  
8 the exact date, but I believe proposals  
9 are due mid to end of November, but  
10 letters of intent were due on the 10th.

11 LEGISLATOR FORD: All right, and  
12 that's not really set in stone. Because  
13 I'd like to make sure that that if some  
14 people did not realize that they need to,  
15 because there's some people that are new  
16 to this whole system and they would like  
17 to be part of this, that there would be  
18 some consideration made to to some of the  
19 agencies. We're looking at taking a look  
20 at this funding, whether or not it's you  
21 know, of course, to help with addiction,  
22 mental health, which is very key. We have  
23 the Veteran agencies. We accepted this  
24 settlement money, we basically, I guess,  
25 restricted it to a certain degree, put

1  
2 some caveats on it, that it could only be  
3 used -- and I believe that there's many  
4 of us, if not all of us, that would like  
5 part of this money to be used for  
6 Veterans. And I don't know whether or not  
7 if maybe all of the Veteran service  
8 agencies were aware of this. If they  
9 have not registered with the County, how  
10 would they know that they could so that  
11 they could put in a letter of intent?

12 COMMISSIONER NEVIN: Well, the way  
13 we put it in *Newsday* as standard  
14 practice, and we also reached out to all  
15 of our executive directors that we  
16 partner with currently to let them know  
17 that an announcement has been posted on  
18 the bid board.

19 LEGISLATOR FORD: When you said you  
20 put it in *Newsday*, was it in like the the  
21 small print area?

22 COMMISSIONER NEVIN: Yeah.

23 LEGISLATOR FORD: Is there anyway  
24 that maybe we can do something like  
25 another blast out, but in regular print.

1  
2 Not everybody reads all of those.

3 COMMISSIONER NEVIN: I could see if  
4 we could get creative and see additional  
5 options. I hope we can. You know just in  
6 case, because it would be a shame that  
7 there may be some agencies -- it's very  
8 important. You know, I believe in due  
9 diligence.

10 I thank you for providing the  
11 funding to the agencies that you already  
12 did especially, Especially NUMC, I think  
13 that's very key. We just want to make  
14 sure that we reach the people that this  
15 money is intended for and we utilize it  
16 to the best of our ability. I appreciate  
17 all the work that you've put into this. I  
18 know you're very dedicated to this and  
19 you want to see it done right and we want  
20 to join you with that. Okay. Thank you.

21 COMMISSIONER NEVIN: Thank you.

22 PRESIDING OFFICER NICOLELLO: I just  
23 wanted to follow-up Legislator Ford's  
24 questions and comments with respect to  
25 the ARPA fund. This legislature passed

1  
2 that funding in August of 2021. So it's  
3 15 months now and the youth agencies have  
4 come to us a number of times. We received  
5 commitments that they received the monies  
6 and it's it's ridiculous that it's 15  
7 months later and we're being told that  
8 well, you know we're working with the  
9 contractor, the consultant, and we have  
10 portal will be set up for reimbursement.  
11 I mean just get them the money for Pete's  
12 sake. I mean what. What else do you have  
13 to do? Can you give us a timeline, a  
14 real timeline as to when money is going  
15 to be dispensed, assuming they get their  
16 information through the portal?

17 COMMISSIONER NEVIN: I'd have to  
18 look into that and get back to you.

19 PRESIDING OFFICER NICOLELLO: I  
20 mean, are they going to get the money by  
21 the end of the year?

22 COMMISSIONER NEVIN: Definitely.  
23 It's it's right around the corner.

24 PRESIDING OFFICER NICOLELLO: Right,  
25 I mean it's it's frustrating. Frustrating

1  
2 for us as legislators. It's exponentially  
3 more frustrating for them, who've been  
4 promised this money for over a year and  
5 still hasn't arrived yet. So whatever has  
6 to be done, just let's get it done as  
7 soon as possible.

8 Legislator Deriggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON: I think  
10 there's an end date, also correct. I  
11 think what was it? 2026? If we don't get  
12 the funds out, we're going to lose the  
13 funds.

14 COMMISSIONER NEVIN: They will  
15 certainly be well before 2026. We're  
16 still talking about a huge amount of  
17 money that has to be dispersed, including  
18 the money that was pulled back from other  
19 programs.

20 I just have one other question. I  
21 might be getting the wrong information,  
22 but I was told that groups that I'm  
23 talking about I guess both avenues of  
24 funding, but groups that don't do  
25 business with the County are not eligible

1  
2 for this type of grant; is that  
3 incorrect?

4 MS. ZAKI: I think that's incorrect.

5 LEGISLATOR DERIGGI-WHITTON: So like  
6 501-C3 not just the ones that the County  
7 has a relationship with? Is that correct?

8 COMMISSIONER NEVIN: I don't want to  
9 speak incorrectly. I could look into that  
10 and certainly get you the details.

11 LEGISLATOR DERIGGI-WHITTON: I was  
12 told by a group that doesn't do work with  
13 the County that they were told they would  
14 not be eligible because they're only  
15 responding to the to the groups that  
16 previously did work --

17 COMMISSIONER NEVIN: I know from my  
18 contract it was a blanket for the  
19 different areas whether they were getting  
20 a scaled percentage, whether they were  
21 all getting a dollar amount or just one  
22 single percentage. But I can get back to  
23 you in details about non-contracted.

24 LEGISLATOR DERIGGI-WHITTON: Because  
25 there's a lot of groups out there that

1  
2 are not contracted with the County that  
3 could benefit from this funding also.

4 The last thing, I know we've been  
5 speaking with the jail and it sounds like  
6 there's both the sheriff and the unions  
7 are really receptive and I think you  
8 would have a place in this to put some of  
9 the opioid funding there. I think we can  
10 even use it for capital improvements to  
11 help really make a better drug rehab  
12 facility in the jail.

13 COMMISSIONER NEVIN: Yeah, we're  
14 currently in the process of working with  
15 jail on some meth services over there.  
16 Expansion. We do provide meth services  
17 now, but expansion into methadone.

18 LEGISLATOR DERIGGI-WHITTON: I know  
19 that the need is there.

20 PRESIDING OFFICER NICOLELLO:  
21 Legislator Bynoe, then Legislator Rhoads.

22 LEGISLATOR BYNOE: Thank you. Good  
23 afternoon.

24 First I'll start with maybe just  
25 your head count. You're down 10. Can you



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tell me in what divisions.

COMMISSIONER NEVIN: We're not down, we shifted a few, but we're actually increasing by one.

LEGISLATOR BYNOE: So I have proposed head count of 60, but your onboard is 50. The 2022 adopted was 59, the onboard as of September 2022 is 50 and the proposed for 2023 is 60. So you would be gaining one, which leaves a variance of 10 position.

COMMISSIONER NEVIN: That was projected as the 50. From what I'm understanding, the 2021 is 58 and we're looking for 60.

LEGISLATOR BYNOE: How many do you have on board right now?

MS. ZAKI: We are 59, General Fund.

COMMISSIONER NEVIN: 59 General Fund.

LEGISLATOR BYNOE: On board?

MS. ZAKI: In General Fund, yes.

LEGISLATOR BYNOE: Because I have September 2022 on board head count as 50.

1  
2 Are you saying that you have everyone  
3 that you would be hiring with the  
4 exception of one position at this point?  
5 Is that what you say? Where's that  
6 position?

7 COMMISSIONER NEVIN: We've shifted  
8 things around. I know in Aging I'm trying  
9 to get additional on board. I've had some  
10 attrition and some leaves of absence that  
11 I need to fill.

12 LEGISLATOR BYNOE: In terms of youth  
13 board. You have enough staffing.

14 COMMISSIONER NEVIN: Yeah. We've  
15 just had turnover, but we've just  
16 acquired two additional people to fulfil  
17 those slots.

18 LEGISLATOR BYNOE: So these numbers,  
19 apparently they don't jive with what you  
20 have, but I'm told the are the Office of  
21 Management and Budget numbers. So if my  
22 numbers are correct, you have 10  
23 additional appointments that you can make  
24 or hires. In any event, let's move on in  
25 the interest of time.

1  
2           If you would, and I hate to do this  
3           to you again. You said the ARPA money.  
4           The formula that's gonna fund the youth  
5           boards is what?

6           COMMISSIONER NEVIN:   It's 20% of  
7           their 2021 contract.   Do you know what  
8           that grand total number is?

9           COMMISSIONER NEVIN:   I could get  
10          that for you. I don't have that in front  
11          of me.

12          LEGISLATOR BYNOE:   I'm wondering  
13          what it is, because I know we have a  
14          significant amount of ARPA money, and I  
15          know that money has the ability to be  
16          used in a very broad way and in ways that  
17          exceed Human Services and Social Services  
18          and the like. But that being said, I feel  
19          like we could actually give our Youth  
20          Board a little bit more money. To my  
21          understanding there's roughly \$300  
22          million ARPA money that's come in or  
23          coming in. We have a significant amount  
24          of money there and it looks as though  
25          those entities that are providing

1  
2 assistance in the opioid addiction, where  
3 there is a more finite and focused use of  
4 the money, but for youth boards that we  
5 are trying to stop that school to prison  
6 pipeline situation. We're trying to get  
7 them before they're on opioids and the  
8 like, and we're hearing testimony one  
9 after the other, that they need more  
10 money and they haven't gotten any raises  
11 in years. If there was a way to get more  
12 ARPA money into the hands of those youth  
13 board organizations, I think we should do  
14 that. I'd love to know the grand total  
15 that would be allocated based on this  
16 formula, because I'd like to look at that  
17 in comparison to the total pot of money.

18 COMMISSIONER NEVIN: Sure.

19 LEGISLATOR BYNOE: Thank you very  
20 much, and then I just want to shift to  
21 probably some of your OTPS spending, your  
22 contract services. It's your department  
23 that's funding those Mobile Crisis and  
24 working with the Police Department. How  
25 are we doing with in terms of being able

1  
2 to recruit and retain individuals on that  
3 Mobile Crisis team, are you seeing any  
4 turn over those agencies?

5 COMMISSIONER NEVIN: No. We  
6 haven't and we're actually in the process  
7 of recruiting for our 22/7 talks hotline  
8 two additional psychiatric social  
9 workers.

10 LEGISLATOR BYNOE: Okay. And those  
11 those folks would be helpful too, because  
12 they talk directly, even with the Mobile  
13 Crisis and with family.

14 COMMISSIONER NEVIN: And make  
15 referrals.

16 COMMISSIONER NEVIN: Okay. So right  
17 now currently, how many are we  
18 contracting for that mobile crisis team?  
19 You split the county in four?

20 COMMISSIONER NEVIN: I think we have  
21 12. We subcontract through Southshore  
22 Epoch.

23 LEGISLATOR BYNOE: So right now we  
24 feel that the funding that we have is  
25 sufficient to continue those services.

1  
2 They're running from what hour to what  
3 hour?

4 MS. ZAKI: I think around 10  
5 o'clock, 12 o'clock shipped and they're  
6 there until 12 o'clock. I've spoken to  
7 some of them. We'll get back to you with  
8 all the details.

9 LEGISLATOR BYNOE: Very good.

10 COMMISSIONER NEVIN: So there's  
11 there's an expansion that consists of  
12 five additional team with two clinicians  
13 each, 10 clinicians and two care  
14 coordinators. So that's the 12 and one.  
15 So there's a total of 13.

16 LEGISLATOR BYNOE: My last question  
17 is going to also be in the realm of  
18 mental health. It's your department  
19 that's tasked with carrying out the local  
20 law that was enacted by this body to  
21 ensure mental health for stage training  
22 to our public facing employees. I know  
23 with COVID we did some stuff virtually  
24 and then went back to, from what I  
25 understood, to some in-person training.

1  
2 I'd like to know where the training as it  
3 relates to the different departments, are  
4 all departments trained?

5 COMMISSIONER NEVIN: County  
6 departments. Yeah, so it's a work in  
7 progress. I know Office for the Aging is  
8 training this week or next week. Kali  
9 (phonetic), who is my training  
10 coordinator, is continuing to train other  
11 areas.

12 LEGISLATOR BYNOE: We knew that it  
13 would take some time to do all the  
14 departments when COVID hit, but I'd love  
15 to get an updated list and how many have  
16 been trained and what the schedule is  
17 training the remaining staffers. And  
18 that's all I have for you today. Thank  
19 you.

20 PRESIDING OFFICER NICOLELLO:  
21 Legislator Rhoads and Legislator Ford.

22 LEGISLATOR RHOADS: Thanks,  
23 Presiding Officer. This is more of a  
24 statement that it is really a question.

25 I think part of the frustration is

1  
2 that when we approve these original ARPA  
3 funds to go to the local agencies, the  
4 whole idea behind it was that we would be  
5 able to do increase in funding for each  
6 of those agencies by 20% and we'd be able  
7 to streamline the process because we have  
8 an existing relationship with these  
9 vendors already. So then you wouldn't  
10 have to go through the usual background  
11 investigation so we could get that money  
12 out to those agencies right away. It  
13 wasn't meant to preclude any other agency  
14 from applying, but the idea was that the  
15 ones that we had existing relationships  
16 with, we would across the board give a  
17 20% increase because we wouldn't have to  
18 do that exhaustive background check.

19 The fact that we're now, you know, I  
20 was a little frustrated, to be honest,  
21 that we approved those funds in August. I  
22 was little frustrated that under the  
23 previous administration they hadn't been  
24 doled out the same year. The fact that  
25 we're now 15 months into this and it's



1  
2 still not out, I think it is one of the  
3 reasons that you're hearing frustration  
4 expect expressed by a number of our  
5 legislators.

6 So I know that you're saying that  
7 it's imminent, but let's try and make it  
8 imminent as soon as humanly possible.  
9 Thanks.

10 COMMISSIONER NEVIN: I understand.

11 LEGISLATOR FORD: Just one quick  
12 question. With the opioid settlement  
13 money, I know that we're allocating it to  
14 agencies and anybody who will respond to  
15 the RFEI, but considering the fact of  
16 schools and hearing how in middle school  
17 so many young people are vaping, you know  
18 and probably doing drugs and just given  
19 the mental health crisis that's impacting  
20 them, is there any money? Because I know,  
21 like in some schools perhaps they can run  
22 programs or do something special to try  
23 to engage the students after-hours you  
24 know, not during the school day. Will  
25 there be any funding or any possibility

1  
2 of funding to provide if any of the  
3 school districts can come up with some  
4 sort of like program that they can submit  
5 to you for consideration to get funding?  
6 You know, like I know in the city, the  
7 one school district every year they  
8 always did teen night out. They'd get  
9 anywhere between 300-400 students that  
10 would congregate on Friday night. They  
11 open up the high school and they'd have  
12 all these events and the whole purpose of  
13 it was to have the the students socialize  
14 with one another without the use of  
15 cellphones, and social media or anything  
16 like that. They just have plain fun just  
17 to show them that this is something that  
18 they can do and it also gave an  
19 opportunity for some of the teachers to  
20 observe the students outside the  
21 classroom. Is there any type of funding  
22 for something like that?

23 COMMISSIONER NEVIN: There could be  
24 potentially. It's definitely something we  
25 could take into consideration for the

1  
2 future monies that do come come in.

3 LEGISLATOR FORD: Thank you very  
4 much. Thank you for doing a wonderful  
5 job.

6 COMMISSIONER NEVIN: Thank you.

7 PRESIDING OFFICER NICOLELLO:  
8 Legislator Walker.

9 LEGISLATOR WALKER: I just want to  
10 thank you too, especially for all the  
11 help and you sat with us really trying to  
12 work on the Opioid Funding and moving  
13 forward. Legislator Ford, and I really  
14 can't thank you enough for that.

15 And I know the hold up with these  
16 monies isn't isn't you and you have to  
17 listen to us. I know that our youth  
18 agencies, they thought they'd have those  
19 checks already and obviously that's not  
20 the case. It might be right around the  
21 corner, but there's still some hoops they  
22 have to go through to get at those  
23 checks. So again, as a Presiding Officer  
24 said, the quicker the better. And you  
25 know we heard from many of them this

1  
2 morning and all they do for our kids. I  
3 know, our kids can be very resilient, but  
4 our kids are going through a tough time.  
5 I think more than ever we are dealing  
6 with, you know, issues for our kids that  
7 that COVID just made worse. So anything  
8 we can do to help our agencies is  
9 certainly beneficial. Hopefully,  
10 addressing things now, as Legislator  
11 Bynoe said, that problems they have now,  
12 don't become problems for the future. We  
13 are addressing them now as they're kids.  
14 Thank you.

15 COMMISSIONER NEVIN: Thank you.

16 PRESIDING OFFICER NICOLELLO: Well,  
17 thank you very much for the presentation.

18 COMMISSIONER NEVIN: Thank you.

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2                   PRESIDING OFFICER NICOLELLO: The  
3 next department is the Department of  
4 Consumer affairs.

5                   COMMISSIONER CAPECE: Good  
6 afternoon, may I proceed? I'm going to  
7 read a couple of notes out and then I'll  
8 be open for any questions that you have.

9                   First of all, I'd like to thank OMB  
10 and the Comptroller's Office for giving  
11 us a lot of support and assistance in my  
12 first nine months in this particular job,  
13 and I want to thank again my staff for  
14 all their good work. The staff at  
15 Consumer Affairs are doing an exceptional  
16 job.

17                   One of the things I tried to do  
18 transitioning from my previous life in  
19 the Police Department and going into  
20 Consumer Affairs, I try to instill upon  
21 them the team approach. What do I mean by  
22 team approach? Transparency, efficiency,  
23 accessibility and multitasking? I think  
24 if they do those things and I think it's  
25 for a lot of agencies, you'll get the job

1  
2 done as best you can.

3 Jumping right into the backlog:

4 On new licences, when I started it  
5 was at 1723, it's down to 672, but be  
6 advised, some of those are pending. What  
7 do I mean by pending? Contractors that  
8 come in sometimes do not comply with our  
9 rules and regulations. They don't have  
10 the proper insurance. They have not  
11 listed the proper work they're doing.  
12 They have judgments against them, they  
13 owe taxes, they owe consumer stuff. We  
14 won't give them a license. So you're  
15 never going to have zero. There's always  
16 going to be some licenses that are out,  
17 but my goal is to get it down to a very  
18 reasonable number.

19 Renewals. When I started it was  
20 6679. As of today it's 1812. But that  
21 also includes our October renewals, which  
22 are normal renewals. So our actual number  
23 backlog is around 1548 and we have the  
24 same issues with renewals. Sometimes the  
25 contractors do not provide the correct

1  
2 paperwork. It causes a lot of problems.  
3 What did we do to try to counteract that?  
4 Number one, our front desk is very  
5 robust. We do not just let people e-mail,  
6 we let people come in. If there's a  
7 particular contractor that has some  
8 particular issue, we let them meet with  
9 me, my acting deputy and our county  
10 attorney and we try to work it out. So  
11 that's the backlog.

12 Other areas of Consumer Affairs:

13 Traffic, Limousine Commission. We're  
14 up-to-date we have 384 registered  
15 drivers, we have 525 taxis registered in  
16 Nassau County.

17 Weights and Measures. They've  
18 inspected so far this year 7155 premises.  
19 This includes several visits to the 12  
20 scrap yards that are in Nassau County.  
21 Now the scrap yards are the ones that are  
22 dealing with the catalytic converters and  
23 our inspectors have issued three  
24 summonses as per the law that you passed  
25 and the leg (sic). We've issued three

1  
2           summonses to scrap yards that have not  
3           complied with the law. We did not just  
4           show up with them. When the law was  
5           passed, we sent them a notice of what the  
6           law was and what we expect them to do,  
7           and we gave them time to comply. Then we  
8           inspected them. We still found three were  
9           not in compliance. As of right now. We  
10          have not issued a summons in the last  
11          month and a half, so I think we're  
12          getting compliance from that aspect.

13                As far as for 2023, what am I  
14          looking to do? I want to do increased  
15          enforcement in the field. I want  
16          inspectors to go out in the field. I want  
17          Landscapes, contractors, to see our  
18          vehicles out in the field so they know  
19          we're out there. So they're going to  
20          comply with the law, and they're going to  
21          comply and get a license.

22                I want to do more sting house  
23          operations. We did a sting house  
24          operation in conjunction with the  
25          District Attorney's Office that was very



1  
2 successful and actually brought around  
3 \$47,000 in fines that we generated to the  
4 office. I want to continue that.

5 I want to eliminate the backlog more  
6 and get it down to a reasonable level. By  
7 a reasonable level, I gave you the  
8 numbers, a little lower would be  
9 reasonable. So there's never going to be  
10 zero, but we shouldn't have contractors  
11 waiting a long time to do business in  
12 Nassau County. We want our contractors  
13 to be able to come here, if they have the  
14 proper licensing, they have the proper  
15 paperwork, we will get them the license  
16 right away. But just be advised, a lot  
17 of contractors do not have the proper  
18 paperwork. And that's where it increases  
19 our work output. We take a lot of time  
20 to try to get them to comply.

21 I also want to do something, I want  
22 more community outreach. I want people in  
23 my office to be at civic meetings. I've  
24 been talking to Lionel Chitty in Minority  
25 Affairs at certain meetings that they

1  
2 have, so we could have a table and we  
3 could have people from my office out  
4 there to tell the public:

5 - What's the latest scams?

6 - How do you look up a complaint  
7 against a contractor; a lot of people  
8 don't know how to do it.

9 - How do you file for a license;  
10 there's a lot of people out there that  
11 don't know how to file, and unfortunately  
12 there are came to our attention, there's  
13 a lot of so-called expeditors that are  
14 charging people money to get through the  
15 system. By doing that, they're filling  
16 out their paperwork and stuff, and that  
17 offends me, because I think we should be  
18 able to help our citizens do that. So I  
19 want to get more outreach to do that.

20 Other than that, that's my plans. I  
21 want to reach my full head count of 26.  
22 I'm down to 19. I'm hoping to reach my  
23 goal for 26.

24 Also, I didn't mention consumer  
25 complaints. We have approximately 700

1  
2 outstanding consumer complaints. What do  
3 I mean by consumer complaint? That's  
4 someone who registered online or at the  
5 desk or through the mail. They've  
6 registered a complaint against some sort  
7 of business or company that have not  
8 fulfilled an obligation the consumer  
9 feels they haven't. With more people I  
10 could get that number down. But consumer  
11 complaints are very difficult because  
12 each one is individual. It's not a time  
13 and motion study, like it takes 15  
14 minutes to do this, 20 minutes to do  
15 that. Everyone is different.

16 So with that, if there are any  
17 questions, I'll be happy to answer.

18 PRESIDING OFFICER NICOLELLO: Thank  
19 you for the presentation.

20 Number one, you anticipated most of  
21 my questions. Well done, but also well  
22 done on getting those number of licenses  
23 and renewals down. You've made a  
24 tremendous amount headway over the last  
25 few points. All of us were very concerned

1  
2 about that, the effect of our economy on  
3 our businesses and our residents. So  
4 thank you for the work you're doing and  
5 really just keep that up.

6 One of the other issues that had  
7 been brought to our attention was was a  
8 backlog in hearings, lack of JHOs; how  
9 we're doing on hearings?

10 We're doing pretty good on hearings.  
11 We have one hearing officer. I have to  
12 praise my county attorney, Mary Hawkins,  
13 who's not here. She's Florida. She  
14 really is revising the scheduling of  
15 people coming in for hearings, so it's  
16 not in a haphazard way and it's more  
17 efficient. What I talked about with team,  
18 the team effort, we have to be more  
19 efficient. We can't have a hearing at  
20 nine and one o'clock because people,  
21 people cancel. I hate to say we're being  
22 a doctor's office, but I want to sort of  
23 overbook. So you know, I rather someone  
24 wait and we get through it and we get it  
25 done. But our hearings are up, and our

1  
2 revenue is up. We refunded consumers this  
3 year approximately \$175,000 through our  
4 hearings. So far to date.

5 PRESIDING OFFICER NICOLELLO: What  
6 about department revenues? Are they  
7 trending up?

8 COMMISSIONER CAPECE: Yes, they are.  
9 We're ahead of our budget. In September  
10 we were ahead of our budget for revenue  
11 coming in. We generated approximately  
12 \$200,000 so far and new revenues beside  
13 that 175.

14 PRESIDING OFFICER NICOLELLO:  
15 Legislator Schaefer then Legislator Ford.

16 LEGISLATOR SCHAEFER: Good  
17 afternoon. How are you?

18 COMMISSIONER CAPECE: Hi.

19 LEGISLATOR SCHAEFER: Hi. A couple  
20 of topics touched upon. The hiring  
21 process, you said you had 19 right now  
22 you want, I guess, another seven.

23 COMMISSIONER CAPECE: Yes, when I  
24 first started I had 21. Some people we  
25 had, unfortunately, a worker who was

1  
2 going to celebrate her 50th year in  
3 county service unfortunately passed away.  
4 We had someone left to go to a better  
5 job, and we had two people retire. So  
6 right now my head count with OMB is 26.  
7 I'm at 19. I put in for three bilingual  
8 investigators, because I think it's  
9 important that you know if we're going to  
10 be transparent and open, I have to have  
11 people that could help people that don't  
12 speak the language too well.

13 So I'm looking for three bilingual  
14 investigators, three people in licensing  
15 and one weights and measures.

16 LEGISLATOR SCHAEFER: Were there any  
17 bilingual employees there previously?

18 COMMISSIONER CAPECE: Only one. But  
19 we did hire two people and one person  
20 speaks Hindi and I have one person that  
21 speaks Chinese, so we're in pretty good  
22 shape there.

23 LEGISLATOR SCHAEFER: And  
24 whereabouts in the process are you, did  
25 you already put that job out?

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COMMISSIONER CAPECE: I've already contacted HR to get them on board. I don't know where it is in that process.

LEGISLATOR SCHAEFER: Is this it typically just one JHO officer?

COMMISSIONER CAPECE: Yes, we have one judge that works two days a week and we're trying to fill his schedule, which he embraces, and my county attorney has been wonderful in facilitating that process.

LEGISLATOR SCHAEFER: And you said then you have 700 outstanding complaints.

COMMISSIONER CAPECE: Well, those those are registered complaints that have not been fully satisfied.

LEGISLATOR SCHAEFER: Is there like a typical number that you would see in a year of complaints like an average?

COMMISSIONER CAPECE: I think from what it runs between 700-1000 over the last 10 years. I don't want to say I'm not worried about that, I'd like it to be less, but it's typically average 700.

1  
2 MR. HEINO: And those complaints  
3 will vary from home improvement  
4 contractors to retail stores. All  
5 different types of between warrantees and  
6 charging incorrect price.

7 LEGISLATOR SCHAEFER: Okay. I think  
8 what you said about being out in the  
9 community is very important. I think  
10 that's a great idea. I can think of  
11 civics that I can suggest it to. They're  
12 always looking for speakers or people to  
13 come. I know Mr. Heino has done that for  
14 us a number of times. I've been in office  
15 nine years and he's always done a great  
16 job coming out, discussing the scams,  
17 senior centers, et cetera. So anyone who  
18 hasn't utilized your office for that I  
19 think I would encourage them to.

20 COMMISSIONER CAPECE: Just call this  
21 up and well, you know we'll work it in  
22 the schedule.

23 MR. HEINO: I enjoy doing it, so  
24 thank you.

25 LEGISLATOR SCHAEFER: That's all I



1  
2 have.

3 LEGISLATOR FORD: Thank you very  
4 much for your presentation. And I will  
5 have a forum for my residents as well,  
6 because actually in the aftermath of  
7 Sandy, we found out, and Kenny was nice  
8 enough to let everybody know, that there  
9 is a certain way that when you hire a  
10 contractor you pay them a third, then a  
11 third and then a third. Unfortunately,  
12 many of the residents gave all of the  
13 money to the contractor up front. So I  
14 think that the better educated our  
15 residents are, the better protected they  
16 will be.

17 COMMISSIONER CAPECE: Additionally,  
18 if I may interrupt you with, we told the  
19 Office of Emergency Management, if there  
20 is another catastrophic storm or  
21 disaster, I will have someone man a phone  
22 at the command center to answer any  
23 questions that come in and then, after  
24 the command center is demobilized, we'll  
25 have a dedicated line for a certain

1  
2 amount of time at Consumer Affairs to  
3 answer questions just related to that  
4 particular event.

5 LEGISLATOR FORD: Thank you and I  
6 think we're on the same plane right now  
7 because I actually have a statement that  
8 I'd like to be able to read. It won't be  
9 that long, but I think, considering that  
10 we're getting ready to observe the 10th  
11 anniversary of Sandy.

12 "I would like to take the time  
13 during this budget hearing on consumer  
14 affairs to publicly thank the men and  
15 women in this department for their  
16 assistance that they gave to our  
17 residents after this devastating storm,  
18 most notably Madeline Farley, Greg May,  
19 and Ken Heino. They were instrumental in  
20 assisting homeowners with their  
21 contractors, at times negotiating with  
22 the contractor to finish the work so the  
23 resident confined finally move back home.  
24 Ken Heino came out to a few public forums  
25 and was met with angry, tired, and fed up

1  
2 population who felt no one was listening  
3 to them. Not only did Ken listen, he  
4 responded. He, along with Greg May, went  
5 after unscrupulous contractors, helped  
6 with some financial assistance to the  
7 homeowners, and they fast-tracked  
8 licenses to allow contractors to work.

9 This may not seem like much to  
10 anyone who was impacted by this flooding  
11 and devastation, but as someone who lived  
12 through this, with about 90% of my  
13 district, it meant the world. We were  
14 pushed down and these individuals helped  
15 us get up. To this day, people come up to  
16 me and say we saved them. You can never  
17 realize the impact of a department such  
18 as Consumer Affairs can have on a  
19 population, and it was through the  
20 leadership of Ken Heino, who had many  
21 years in service there, who helped so  
22 many as he went above and beyond what  
23 what was required of him. He, along with  
24 the many people who work in Consumer  
25 Affairs, gave hope to so many, and for

1  
2 this I am forever grateful. And I want  
3 thank Consumer Affairs and I want to  
4 thank all the leadership. I want to thank  
5 Ken Heino and Commissioner Capece. I  
6 thank you very much for your leadership  
7 and I look forward to working with you."

8 MR. HEINO: Thank you.

9 COMMISSIONER CAPECE: Thank you.

10 PRESIDING OFFICER NICOLELLO:  
11 Legislator Walker then Legislator Bynoe.

12 LEGISLATOR WALKER: And I will be  
13 brief.

14 Just too, I want to thank you for  
15 trying so hard to clear up the backlog.  
16 Because I know when you stepped in you  
17 inherited kind of a big mess. And also  
18 for any time, that I know that my office  
19 reaches out to you regarding whether it's  
20 it's a business that has a problem or an  
21 individual that's a problem or a problem  
22 with the license, you get on top of it  
23 right away and you know you really do  
24 help us, and Legislator Ford said, all  
25 the people that you helped during Sandy.

1  
2 And I have to tell you some of those  
3 people have now left here and moved to  
4 Florida, and now we're dealing with the  
5 mess they have from the recent storm in  
6 Florida. And if I tell you how many of  
7 them have reached out to me and said, if  
8 it wasn't for your help during Super  
9 Stand and they're advising people down  
10 there just on their own, now that they  
11 live down there, as to things that they  
12 should pay attention to. So just know,  
13 you are still helping people from here  
14 that are now down there and they're  
15 helping other people. So thanks for all  
16 you do for us.

17 COMMISSIONER CAPECE: Thank you and  
18 I'm willing to travel (laughter).

19 LEGISLATOR WALKER: I'm travelling  
20 with you.

21 LEGISLATOR BYNOE: Hi. Good  
22 afternoon.

23 So I have a quick question. I have a  
24 few questions, but quickly, on the  
25 enforcement you were doing. Were any of

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those related to the gas tax exemption  
that we as a county, as a body --

COMMISSIONER CAPECE: We did not see  
any violations of the gas tax. And it  
was a little confusion from New York  
state on that. But we did issue a  
violation. There were people that were  
gouging the credit card aspect of it. In  
other words, cash/credit.

So if the industry standard -- each  
bank is different, but it goes between  
three to five percent somewhere around  
there.

MR. HEINO: We use the average of  
4%.

COMMISSIONER CAPECE: We had one gas  
station that was charging on a 3.99  
gallon price for cash and it was 4.99 for  
credit. So they were summonsed, fined and  
paid their fine.

LEGISLATOR BYNOE: And it was only  
one.

COMMISSIONER CAPECE: Just one.

LEGISLATOR BYNOE: Very good. So, in

1  
2 terms of the paperwork the contractors  
3 have to submit for licensing, how often  
4 do they get license?

5 COMMISSIONER CAPECE: Every two  
6 years.

7 LEGISLATOR BYNOE: Are they  
8 suffering from amnesia like? Do they  
9 forget?

10 MR. HEINO: A lot of times they just  
11 leave the insurance blank or they'll just  
12 get a really cheap policy. And then on  
13 the documents that they submit, they say  
14 they're going to be doing roofing and you  
15 need to be covered for roofing. So when  
16 we start examining the insurance  
17 documents, you know we look to make sure  
18 that it matches the scope of work that  
19 they're trying to do. And if it doesn't  
20 that's when we, you know, send them memos  
21 asking them to up their insurance. Or a  
22 lot of times they'll submit an  
23 attestation waiver for their Workers Comp  
24 saying that it's just them. But then how  
25 do you do dormers, extensions, and again

1  
2 roofing with with an attestation? You're  
3 signing a form stating that you're the  
4 only employee, that you're not  
5 subcontracting. You're not hiring  
6 anybody. So you know that's where we go  
7 back and forth with some of these home  
8 improvement contractors with regards to  
9 getting the paperwork.

10 COMMISSIONER CAPECE: This is just  
11 to understand. You have to have a  
12 liability insurance. The liability  
13 insurance must insure what you're doing.  
14 So if you are a concrete type of person,  
15 you have concrete, you know whatever  
16 driveway, your insurance has to reflect  
17 that. Sometimes, like Kenny says, they  
18 leave it blank. Also, some of them don't  
19 want to do Workmen's Comp because that's  
20 an increased expense. But you have to  
21 have that. Also, some of them have  
22 judgments. There's certain judgments we  
23 will not give you a license. For example,  
24 if you owe taxes, we're not giving you a  
25 license. If you owe New York state, State



1  
2 Workmen's Comp money, we're not giving  
3 you a license. If you're a delinquent  
4 parent, we won't give you your license.  
5 If you owe money to a vendor related to  
6 your work, we won't give you your  
7 license. If you have a judgment against  
8 you, something of that nature. If it's a  
9 judgment with a student loan, if it's a  
10 judgment which a master card, we don't  
11 touch, that it has to be related to the  
12 business. Sometimes they don't understand  
13 it and sometimes people, you know, these  
14 are men and women that work with their  
15 hands. They're not with laptops. So they  
16 come in, we tell them, they forget we're  
17 starting to write it down. And sometimes  
18 there could be just a misunderstanding. I  
19 dont know if I mentioned it in my  
20 hearing, but we had a gentleman come in  
21 that said he yeah, I do roofing, do  
22 siding, but he works alone. We said how  
23 could you do roofing and siding you bring  
24 up the bundle of roof shingles? He goes,  
25 no if I have a hole, I fixed the hole if.

1  
2 If there's someone taking an air  
3 condition or out a wall, I fixed that  
4 wall. He's now a handyman. But there was  
5 a miscommunication and over the computer,  
6 sometimes you can't do that. I'm all for  
7 efficiency, computerization, but  
8 sometimes you got to have that one on one  
9 conversation and that's how we got this  
10 guy's license that he was waiting over  
11 for.

12 LEGISLATOR BYNOE: And so there's a  
13 checklist.

14 COMMISSIONER CAPECE: Yes, we have a  
15 checklist that every employee working the  
16 front desk has.

17 LEGISLATOR BYNOE: You talked about  
18 expeditors, people who are, I guess,  
19 charging?

20 COMMISSIONER CAPECE: I'll let Ken  
21 explain. We got wind of this.

22 MR. HEINO: Sure. So what we've  
23 noticed was an intake in minority  
24 communities where these people holding  
25 themselves out as expeditors, that

1  
2           they'll fill out their paperwork and that  
3           they'll drop it off and submit it to  
4           Consumer Affairs and expedite the  
5           process. We don't have an expediting  
6           process. And then when you hear these  
7           stories from these people at the front  
8           desk and they're saying: "Well, I just  
9           paid this company \$1200 to fill out an  
10          application". I know they didn't want to  
11          hear it out of my mouth when I said,  
12          well, you could have filled that out  
13          yourself or we could have even assisted  
14          you with filling it out for free. So our  
15          game plan is to go back into the  
16          community, work with Minority Affairs and  
17          to do as many speaking events as possible  
18          to educate the public that we're here for  
19          them to assist them in getting the  
20          license, but they don't need to spend  
21          this money to expedite.

22                 LEGISLATOR BYNOE: So you hit the  
23                 nail on the head where I was going, to  
24                 the extent that I'm wondering what  
25                 language access is playing in that role,

1  
2           whether they feel that inability --

3           COMMISSIONER CAPECE: I think you're  
4           right. That's why I requested three  
5           bilingual investigators. I'll have people  
6           at the front desk. And while we really  
7           can't fill out the application for them,  
8           we could guide them. If I had more  
9           people, it would be a little more  
10          efficient. You know, give me the people  
11          we'll get it done. I just feel they're  
12          being exploited, its exploitation. I'm  
13          not trying to cut out an industry.

14          LEGISLATOR BYNOE: So here's my  
15          question: What does your documentation  
16          look like in terms of language access?  
17          Can they read the forms in Spanish,  
18          Haitian, Creole, Hindu?

19          COMMISSIONER CAPECE: We don't have  
20          multi-language. I'm working on creating  
21          -- When I get the bilinguals, one of the  
22          things when I interviewed them, I said do  
23          you have writing skills because I want to  
24          make our documents now in-house to make  
25          our documents and several languages.

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LEGISLATOR BYNOE: I would think  
there's a professional service --

COMMISSIONER CAPECE: We're going to  
look into that too, but --

LEGISLATOR BYNOE: That would  
surpass the limited ability of the three  
people who are coming in just able to  
translate those three ages. Aside from  
that, there are dialects in these  
languages that need to also be controlled  
for, so you know you need to --

COMMISSIONER CAPECE: We do have a  
language line. We subscribe to language  
line which helps.

LEGISLATOR BYNOE: So I'm just  
trying to tell you something. From a  
young girl who had a father who came here  
speaking Dutch and no English, and so if  
he had a document in Dutch and someone  
could help him translate that from  
English back and forth, he wouldn't have  
gotten an expeditor right. He probably  
wouldn't and I would say the same,  
probably for for the other immigrants

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that are here conducting business. The language line is great. But if they come, if their young kids or their college students come home from school in the evening and they're able to sit down with them and help them. You know, fill out those forms. It goes a lot further than the language line or the three people that you have in your office. I think you have to supplement. I applaud you for getting the three people. I think it's great that we're going to have them. I think language line is great too, but I don't think that is fully encompassing what the issues are. And I think that if we're able to translate our documents into the languages that the contractor is almost familiar with and they are able to get family and friends to sit with them and have some confidence in being able to do that, they won't hire these expeditors. They sometimes can rely on their younger children to help them do that translation, but they're not going

1  
2 to have that younger child go in and file  
3 the document. So I'm just saying we need  
4 to have the ability to meet them where  
5 they are.

6 COMMISSIONER CAPECE: I'm glad we  
7 had this conversation because I'm going  
8 to explore and find out what it costs and  
9 I'll put in a request for it. I'll find  
10 out we don't have that many documents,  
11 really.

12 LEGISLATOR BYNOE: Are they online?

13 COMMISSIONER CAPECE: Yes.

14 LEGISLATOR BYNOE: So a lot of times  
15 they can just use -- if it's not a PDF,  
16 I'm learning, it can be translated. But  
17 in any event I think we have to do  
18 something.

19 COMMISSIONER CAPECE: Yes, I agree.

20 LEGISLATOR BYNOE: I don't think  
21 that's enough. Because a lot of our  
22 folks that are conducting business are  
23 from foreign countries. So I think it's  
24 important.

25 The other thing I wanted to talk

1  
2 about was the the sprinkler system  
3 program, that program was widely  
4 successful in two years, and then I'm  
5 understanding that we did nothing with it  
6 this particular year, could you explain?

7 COMMISSIONER CAPECE: We used up the  
8 funds with the original funding, and I  
9 was told that the second funding has to  
10 be approved.

11 LEGISLATOR BYNOE: No. It's an  
12 annual allocation. That piece of  
13 legislation included an annual allocation  
14 for the program. It wasn't a PILOT, it  
15 was a program.

16 COMMISSIONER CAPECE: It's funded  
17 every year?

18 LEGISLATOR BYNOE: Every year.

19 MR. HEINO: We did have a lot of  
20 issues with the computer program, with  
21 the way it was also being conducted, and  
22 one of the things we did start looking  
23 at, is a way to revamp it, so that will  
24 be back up and running.

25 LEGISLATOR BYNOE: So the problem is



1  
2 that there was a problem with the  
3 internal.

4 MR. HEINO: With our internal  
5 system, we had people that had applied  
6 for this, this funding in 2020, and only  
7 received the check this year in June.

8 LEGISLATOR BYNOE: I know, because  
9 they were calling me.

10 MR. HEINO: And me too, I mean I  
11 don't know why it wasn't processed prior.  
12 When the commissioner came in in January  
13 and we started reviewing all the  
14 documents, we did notice that, you know,  
15 I would say 3/4 of them were never  
16 submitted to the Comptroller's Office to  
17 even be reviewed. All of the ones that we  
18 have have been submitted for payment. One  
19 of the things that also, you know,  
20 Commissioner May only accepted it e-mail.  
21 We're now also going to expand it where  
22 they can come in, they could drop it off,  
23 they can mail it in, just to expand the  
24 program as well, to give people more  
25 access.

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LEGISLATOR BYNOE: And while this  
Body can communicate to our constituency  
regarding the program, part of that  
legislation also required that Consumer  
Affairs marketed the program. The County  
has the market the program and since it  
was --

COMMISSIONER CAPECE: What I suggest  
we do --

LEGISLATOR BYNOE: --department, for  
the purpose of managing and administering  
the program, you're responsible for  
marketing it and making sure that people  
are aware of it.

COMMISSIONER CAPECE: What I'm going  
to do is when I get back to the office,  
Don is our accountant. He was going to  
handle all the applications that come in.  
We talked about the sprinklers. We just  
can't do it the way it was previously  
done, so we have to change it. And I  
think we'll maybe put a page on our  
website announcing the sprinkler rebate  
program, because I don't think people

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know about it.

LEGISLATOR BYNOE: I mean they knew about it because this Body did some work and the previous County Executive held press conferences and the like, and that's why the money was used up so quickly in those two years. But there's you know, we have to remind people.

COMMISSIONER CAPECE: Sure, I agree.

LEGISLATOR BYNOE: I mean they only know about it if, if we communicate it. Access and awareness is our responsibility.

COMMISSIONER CAPECE: We'll update, we'll update our website.

MR. HEINO: Once we have it up and running and new forms ready to go, we can even reach out to you, as the legislators, to notify your constituency.

LEGISLATOR BYNOE: When we reached out earlier at some point we were told it was a problem with the computer. Please work through the computer program issue. Because the best time for us to start

1  
2 communicating regarding sprinklers is not  
3 in the fall. It's in the early part of  
4 the spring or the latter part of the  
5 winter, when people are going to turn on  
6 their systems, so this gives you the time  
7 that you need.

8 COMMISSIONER CAPECE: We'll develop  
9 something and I'll share it with the  
10 Legislative Body. I'll send you an e-mail  
11 of what we're planning to do. Since I do  
12 have a time-frame, we'll make it right.

13 LEGISLATOR BYNOE: I just knew we  
14 couldn't do anything.

15 COMMISSIONER CAPECE: It's a good  
16 program. I have one. It's great, works,  
17 really well.

18 LEGISLATOR BYNOE: We couldn't do  
19 anything with it last year, when we had  
20 people who didn't even get paid from the  
21 last time around.

22 COMMISSIONER CAPECE: That's all.  
23 Every one is paid.

24 LEGISLATOR BYNOE: That's all done  
25 now at this point. Let's move forward

1  
2 and how we can market this program and  
3 manage it effectively. That does it for  
4 me. Thank you very much.

5 COMMISSIONER CAPECE: Thank you.

6 PRESIDING OFFICER NICOLELLO: Anyone  
7 else?

8 All right. Thank you very much.

9 COMMISSIONER CAPECE: Thank you.

10 MR. HEINO: Thank you very much.  
11 Thank you for the kind words.

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14 *(Whereupon, a brief recess*  
15 *is taken, 1:24 p.m.)*  
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2                   *(Whereupon, hearing resumes,*  
3                   *1:42 p.m.)*

4                   MS. PHILLIPS: Good afternoon,  
5                   everyone, and how is everyone? Long day.  
6                   So thank you for taking the time today,  
7                   Presiding Officer Nicoletto. Thank you  
8                   for inviting us, for those of you that  
9                   don't know me, which I believe you all  
10                  do. I'm Elaine Phillips, the Nassau  
11                  County Comptroller, Betsy Hill and Lisa  
12                  Tsikouras, who is in charge our  
13                  accounting division. We also have quite  
14                  the team behind me. And you know, as all  
15                  of us, I'm sure, feel we don't do this  
16                  alone, right? Sometimes we're the  
17                  spokesperson, but it really takes Lisa  
18                  and her team and the administrative team  
19                  to pull this together. So I want to thank  
20                  each and every one of them. I also want  
21                  to give OMB and Andy Persich, he did not  
22                  pay me to say this, a little shout out  
23                  for the hard work that OMB does. Because  
24                  without getting ahead of myself, I will  
25                  say that this is a financially sound,

1  
2 well thought out budget. So we have a  
3 power point presentation. The power  
4 point, if you open the red folders, you  
5 can follow along either by your monitors  
6 or I think the power point is right there  
7 on the left side, the actual report is in  
8 the middle, and then we have a surprise  
9 for you in the back and I'm going to save  
10 that for later. I'm going to let Lisa.

11 So if we would go to the next page,  
12 please. So it's important, I think, for  
13 you, we were here several months ago and  
14 We talked about the mid-year budget. We  
15 wanted to update you on our projections  
16 for 2022. I don't think you can really  
17 understand what we're thinking for 2023  
18 until we give you a little background on  
19 2022.

20 So when we were here for the  
21 mid-year report we projected surplus for  
22 Ness County of \$38.2 million. We've now  
23 changed that surplus is today to a \$120  
24 million, and I'll tell you why in a  
25 second, and our projected fund balance

1  
2 is, was \$951.7 million, and now we're  
3 projecting a fund balance for year end at  
4 \$1,033,000,000.

5 The County is in solid financial  
6 condition. We have had three years of  
7 surpluses and much thanks to you to  
8 recognize that if sales tax, since it is  
9 one of our largest revenue sources, if it  
10 was going to be above and beyond prior  
11 budgets, that it was captured. So I give  
12 you thanks.

13 The first slide here shows: New York  
14 State has a fiscal stress score. You'll  
15 see that for 2021 that we no longer have  
16 any designation. We were very close last  
17 year. I think we were half a point.  
18 Instead of 45, it was 44.5. Would have  
19 taken us out of that designation. So we  
20 were very close last year, but it was a  
21 significant change this last year. As you  
22 well know, both S&P and Moodys have  
23 acknowledged the strong financial  
24 condition of Nassau County and we've had  
25 rating upgrades. We went from A+ plus in



1  
2 S&P to AA- and A2 to A1.

3 So when we talk about what the  
4 driver for '22 is, we have to talk about  
5 sales tax. We know property taxes are the  
6 same. We already are bringing those in.  
7 We have a couple of little departmental  
8 revenue issues that are up and down. But  
9 the real driver is sales tax. So as I  
10 spoke to you at the mid-year report, you  
11 know, being a good analyst, I need to see  
12 scenario analysis. No one has a crystal  
13 ball. So on this slide you'll see where  
14 it's highlighted in yellow, is our 2022  
15 updated sales tax area. So what have we  
16 assumed? What we assumed is actual  
17 through October 6, even though a check is  
18 showing up, the October 12th check is  
19 showing up today and we know it's up  
20 5.5%, but its actuals. And then we're  
21 assuming for the rest of the year a 3%  
22 increase over 2021.

23 So you say, Elaine, where did you  
24 get the three percent? You know, where  
25 did that come? So numbers you don't have.

1  
2 But I will tell you in the third quarter  
3 I'm going to go back. Sales tax is 5.35%  
4 since 2021; same period, 2021. In the  
5 second quarter we were up 4.43% and in  
6 the first quarter we were up 13.97%.  
7 Year to date, were up 7.6% over 2021.

8 We are being conservative. Now,  
9 conservative can work both ways. We are  
10 being conservative by saying up 3%  
11 percent for the remaining checks of the  
12 year. And remember, the checks keep  
13 coming in through the second week of  
14 February. So we have quite a few more  
15 weeks to go. We are assuming for 2022  
16 actuals plus 3% increase over 2021 for  
17 the rest of the year. Let's say they stay  
18 at 5%, which is recently, the last  
19 quarter. That means instead of \$19.3  
20 million over what was budgeted, we would  
21 be a \$127.8 million. So that is your  
22 third line across the yellow and then the  
23 blue beside it.

24 What happens if we're wrong? No  
25 crystal balls, don't profess to have

1  
2 crystal balls, and instead of a 3%  
3 increase we are flat. The remainder of  
4 the year is flat. In 2021 you can see  
5 that we go to a \$106.5 over actuals of  
6 2021 and then if you want to go down two  
7 percent, it still would be \$98 million.

8 And when I said you can be  
9 conservative both ways, what we don't  
10 want to do, and I'm going to say we,  
11 because I really truly believe I can  
12 speak for you right now, we surely don't  
13 want to be over budgeting. At the same  
14 time, we don't want to be under budgeting  
15 either. Because if we start under  
16 budgeting to an extreme: One, hopefully  
17 you'll grab those surpluses. They're  
18 going to pay for prior liabilities. We  
19 have lots of liabilities still. That's  
20 okay, but we don't want to have to ever  
21 make up the difference by taxing the  
22 residents of Nassau County because we  
23 didn't at least go in with what we  
24 believed, what we truly believe is the  
25 right number. So I'm going to say we used

1  
2 the actual for 2022, plus 3% for the rest  
3 of the year. You know, up 5% increase  
4 would be fine. I really don't see it  
5 going down the other way.

6 Let's go to the next slide. So now  
7 we go into 2023. What do we believe? We  
8 believe that, well, what we see in this  
9 2023 budget, in the multi-year plan:  
10 One, no increase in property taxes. You  
11 know that's always great news. As I  
12 started out saying, we see a reasonable  
13 projection and thoughtful planning.

14 We're going to talk two minutes, I'm  
15 going to ask Deputy Comptroller Hill to  
16 talk two minutes about the economy,  
17 because we all know, we read the papers,  
18 where we are right now in the economy.  
19 And it's important, when you see what we  
20 believe will happen throughout 2023, to  
21 understand where we're coming from.

22 MS. HILL: So with regard to the  
23 state of the economy, I want to go  
24 through pieces of what you're hearing in  
25 the news all the time, and there's a lot

1  
2 of news out there.

3 The GDP has decreased in the first  
4 and second quarters of this year down,  
5 1.6 and down .6 respectively. We're still  
6 not sure, the GDP for the third quarter  
7 will be reported on October 27th.

8 Typically, it only takes two quarters  
9 historically of decline for recession to  
10 be declared, but we have some very  
11 unusual things going on here in terms of  
12 strong parts of the economy, with regard  
13 to employment and with regard to consumer  
14 spending, and also that these statistics  
15 are revised over time and there's quite a  
16 lag before the recession is actually  
17 called by the NBER.

18 The other thing to be concerned  
19 about is the significant increase in  
20 inflation currently estimated at 8.3%  
21 over a 12 month period, and that's the  
22 CPI, which is not actually the leading  
23 indicator that is used, but it's close to  
24 what they use for measure of inflation.

25 So the issue is, then: What is the

1  
2 Federal Reserve doing to address the  
3 situation of inflation? Since the  
4 beginning of the year, they've actually  
5 raised rates five times, increasing the  
6 effective federal funds rate by 3%.  
7 That's quite a big jump, from .08 to  
8 3.08%.

9 The Fed has reiterated its goals of  
10 achieving a target inflation rate of two,  
11 and we just mentioned it was 8.3, but on  
12 the scale that they typically use, it's  
13 more like 4.5 or 5.2, so it's still got a  
14 ways to go before they can get down to  
15 the 2%.

16 We're concerned that already there's  
17 been enough large increases in the  
18 Federal Funds Rate that could push the  
19 U.S. into a recession, and also with the  
20 looming potential of global recession.  
21 That's a big concern as well.

22 So what would happen to Nassau  
23 County's sales taxes, if there was a  
24 recession? Nassau County's economy is  
25 uniquely strong compared to New York

1  
2 State and to the U.S. Nassau was the  
3 seventh wealthiest county in the United  
4 States in 2020 according to the Census  
5 Bureau, based on median household income.

6 Unemployment also continues to be  
7 very low, especially in Nassau County, at  
8 3.3%. Although the difference between  
9 the County and the State and the United  
10 States has begun to get tighter.

11 MS. PHILLIPS: You know, Betsy and I  
12 were talking before we came and we both  
13 read a similar article this weekend. If  
14 you, whoever, you is could tell us where  
15 food prices and, even more importantly,  
16 where energy prices are going to be next  
17 year, '24, '25, we'll have a much better  
18 idea what the economy is doing. The  
19 largest risk to the U.S economy and  
20 really to the world global economy is  
21 energy right now. It's energy because  
22 energy impacts food, energy impacts  
23 manufacturing, energy impacts every  
24 thing. That is an area that we will keep  
25 very close eye on.

1  
2 MS. HILL: Let me make one more  
3 mention: When we were looking at what's  
4 the potential for recession and the  
5 impact on sales tax, we were concerned  
6 about what happened in the great  
7 recession, it can't be that bad. We are  
8 much stronger right now and we don't have  
9 the ridiculous expanded prices of housing  
10 that they had at that time when the  
11 overlending had occurred.

12 MS. PHILLIPS: Let me jump in.  
13 Betsy refers to the great recession, it's  
14 2008/2009.

15 MS. HILL: And during that time it  
16 was first declared effective as of the  
17 end of 2007. In the following year, 2008,  
18 Nassau County saw a decrease in sales tax  
19 of 1%. The following year, 2009, which  
20 was the end of the recession, the sales  
21 tax decreased again by 5%. The following  
22 year Nassau County sales tax had  
23 recovered back to 98% pre-recession and  
24 by the following year, it was over the  
25 recession. So that's a worst, worst case



1  
2 analysis, which we can't imagine would  
3 occur if there were a recession at this  
4 point.

5 MS. PHILLIPS: You get to give them  
6 their gift.

7 MS. TSIKOURAS: In your packages,  
8 the last in the last page in the back, on  
9 the right hand side, is the infamous  
10 cheat sheet. So this is the document that  
11 kind of shows the difference between the  
12 presentations. I know that there there  
13 continues to be some confusion between  
14 what we report in the financial  
15 statements, the fund statements, our  
16 three primary funds, the five major  
17 funds. So this is the way we walk through  
18 how we have to present our financial  
19 information.

20 So when we represent our financial  
21 statements, the statements that are  
22 audited by the County's external audit  
23 firm, what gets submitted to the EMMA  
24 system, what the bond rating agencies  
25 review, what the investors review, they

1  
2 are all reviewing our financial  
3 statements, which are issued on a GAAP  
4 basis. So when we report our projections,  
5 we're always looking at it in a similar  
6 manner.

7 So if you follow along on the cheat  
8 sheet, you'll see we have the first  
9 column is the five major funds. This is  
10 what's used by the County's  
11 administration, OMB, when they're putting  
12 their budgetary information together.  
13 That's typically what you see when they  
14 come to you for the annual budget.

15 The three major funds, is also the  
16 basis for the NIFA control period  
17 calculation. So in the package of the  
18 report in the back of the report you will  
19 see the NIFA presentation, or the NIFA  
20 control period presentation, and our  
21 projections for 2023. And again that's  
22 also used on a five major fund basis, not  
23 the three primary that we are looking at,  
24 as the NIFA Act was created many years  
25 ago when the five major funds were

1  
2 looked at, not updated since then.

3 The next column is the three  
4 operating funds. That's what we also call  
5 that, like the three primary funds, and  
6 that is GAAP, reported in accordance with  
7 GAAP with GASB statement number 54, where  
8 several of the smaller funds that you're  
9 you're used to, like the Police  
10 Headquarters fund, the Debt Service fund,  
11 the Fire Commission fund, those are all  
12 consolidated into the General Fund, as  
13 well as many of the reserve funds that we  
14 have, the Litigation Fund, the Opioid  
15 Fund, Employee Contribution Fund. I'm  
16 sorry, the Retirement Contribution Fund,  
17 the Employee Benefit Fund, all of those  
18 are included in the General Fund for  
19 reporting purposes. So our presentation  
20 will also include those funds in the  
21 column under the General Fund. We also  
22 look at the Sewer and Storm Water  
23 Resource District and the Police  
24 District. So those three funds, the  
25 Consolidated General Fund, Police

1  
2 District, Sewer and Storm Water, make up  
3 what we call the three operating funds.

4 MS. PHILLIPS: I'm going to just  
5 jump in and we're repeating ourselves  
6 from the mid-year but not everybody was  
7 here, this is the way counties throughout  
8 the United States report. As Lisa has  
9 mentioned, this is what the rating  
10 agencies use. This is what our outside  
11 auditors use. The way we report it is the  
12 way it needs to be looked at, and we have  
13 entities that look at our balance sheet  
14 that somehow have created their own way  
15 of looking at things. Well then, I would  
16 ask them to go and look at all the  
17 counties throughout the United States, or  
18 at least through New York State, and look  
19 at those counties that way too. We are  
20 more conservative in many cases this way.

21 MS. TSIKOURAS: And then the next  
22 column you see where it says Governmental  
23 Funds. So for financial statement  
24 purposes were required to report our  
25 financial statements in multiple ways.

1  
2 The first way is our Funds Statements Or  
3 Governmental Funds, and that's basically  
4 the three operating funds plus all the  
5 other special revenue funds that we have  
6 out there, including the Grant Fund, the  
7 Capital fund, the ARPA Fund, the COVID  
8 fund, the FEMA Fund, all these other  
9 funds and also our component units our  
10 blended component units, which you could  
11 see are listed at the very bottom. You  
12 see, like the NIFA General Fund, we have  
13 the Tobacco Settlement Fund. These are  
14 all different funds that are recognized  
15 as Special Revenue Funds as opposed to  
16 being consolidated into the General Fund.  
17 And that, again, is in accordance with  
18 what the GASB statement requires us to  
19 report.

20 So our financial statements, which I  
21 happened to bring, like the last one that  
22 we have. And here we'll have several  
23 statements or several exhibits that are  
24 just Governmental Fund Reporting.

25 And then the last column here refers

1  
2 to the Government Wide Reporting and  
3 Government Wide Reporting. For I guess  
4 the best way to describe what that is,  
5 it's full accrual. So it's more inline  
6 with what you would see in, let's say, a  
7 normal like P&L statement or normal  
8 balance sheet. The Government Wide  
9 Reporting Includes the long term  
10 obligations. You'll see bonds outstanding  
11 on there. You'll see our capital assets  
12 on there. You will see our liabilities,  
13 our long term liabilities, our long term  
14 litigation liability, our long term tax  
15 certiorari liability, retirement system  
16 liability, our OPEB liability will be on  
17 there as well. Those are all full accrual  
18 statements. And as I said, those are  
19 kind of the all-inclusive. Everything is  
20 in there.

21 So for our financial statement  
22 reporting and our projections, we're  
23 really using this three operating funds  
24 and that. So that's the difference  
25 between what you will see in other

1  
2 presentations where maybe OMB is talking  
3 about the five funds.

4 MS. PHILLIPS: Thank you. We'll keep  
5 giving that cheat sheet every time we  
6 come.

7 So the bottom line here is, we  
8 believe, based on our risks and  
9 opportunities and the information that we  
10 were provided on the 2023 budget, that  
11 2023 could end up with a surplus of \$60  
12 million on a GAAP basis.

13 MS. PHILLIPS: Let's turn to the  
14 next page. So we're we're not going to  
15 go through each of the risks and the  
16 opportunities that we've highlighted.  
17 You're welcome to read the report at your  
18 convenience, but we will talk about a  
19 couple of the top ones.

20 First and foremost again, sales tax.  
21 It's such a large portion, over 40% of  
22 our operating revenues. If you stay on  
23 the risks and opportunities, you can see  
24 as you flow through our risk and  
25 opportunities, the bottom right hand

1  
2 corner is a \$60.4 million surplus on a  
3 GAAP basis.

4 Next page. Sales tax scenarios.  
5 Again, no crystal balls. So I'll tell you  
6 how we forecast for 2023. We took our  
7 2022 forecast, which was actuals as of  
8 October 6, the rest of the year up 3%. So  
9 we took that number and we said we still  
10 believe that next year is going to have  
11 an increase over 2022 of 2%. Now, if  
12 that's the case, again, the yellow  
13 highlighted column, the budgeted amount  
14 for sales tax by OMB, the County  
15 Administration, was \$1.527 billion. Our  
16 projected sales tax would be \$1.564  
17 billion of surplus in sales tax, or an  
18 opportunity is the way we define it, of  
19 \$37 million, so at 2.4% increase over  
20 their budgeted number.

21 But I'm going to go and say, what if  
22 we're wrong? No crystal balls here. So  
23 we look at this scenario. If you go to  
24 the left of the yellow highlighted  
25 column, and you say you believe our 2022



1  
2 projection, actual plus 3% for the rest  
3 of the year, but then you say that's  
4 flat. We just stay right on 2022 numbers.  
5 The fact is, we would still see an  
6 opportunity of \$9 million over what is  
7 budgeted.

8 What happens if we go into a great  
9 recession? Albeit we do not believe at  
10 this point of time that the global  
11 economies, the US economy and, more  
12 importantly, Nassau County is going to go  
13 into a great recession. But if it does,  
14 and say what happens, if we take our  
15 projection but take down 2% in 2023?  
16 Sales tax versus what would be budgeted  
17 would be \$19 million dollars less. And by  
18 no means do I want to casually talk about  
19 \$19 million of our tax dollars, but \$19  
20 million on a \$3.6 or \$3.7 billion budget  
21 OMB does a good job, we would hope that  
22 we would all join together and make sure  
23 that we made up that difference.

24 Let's say: The Fed doesn't over  
25 tighten this economy; energy prices

1  
2           somehow stay lower; therefore, food  
3           prices stay a little lower and the  
4           consumer continues to do what the  
5           consumer has been doing for the last  
6           couple of years. And we take our  
7           projection for 2022 and we had a 5%  
8           growth rate -- so to the right of that  
9           yellow column. That means instead of \$37  
10          million opportunity on what the County  
11          Administration proposed, we'd say there  
12          would be a \$79 million extra sales tax  
13          revenue there. And let me remind you  
14          again: Year to date we're 7.26% up over  
15          last year. Let me remind you, in 2019  
16          there was a change in New York state. We  
17          now receive sales tax for online sales.  
18          And third quarter is still 5.35% over  
19          last year.

20                The next chart really just  
21                demonstrates what sales tax has done. You  
22                know, obviously 2019/20 is a hard year.  
23                You budgeted right, not knowing in the  
24                fall of 2019 that COVID was going to hit,  
25                so the actuals were actually below the

1  
2 budgeted. But since then we've been well  
3 above it.

4 In 2019, when that State Legislation  
5 passed mid-year so that's really, you  
6 know, it makes it so difficult because we  
7 have yet to be in a normal economic  
8 environment since that past, but we do  
9 our best.

10 We're going to go back to those  
11 risks and rewards were going to highlight  
12 maybe two or three of them, if you would  
13 please.

14 MS. TSIKOURAS: So as the  
15 Comptroller said, sales tax has positive.  
16 We have some other risks that we've  
17 identified primarily in areas of like  
18 Fines and Forfeitures, Departmental  
19 Revenues and some Rents and Recoveries. I  
20 know you see the 28.9 risk on there for  
21 Use of Fund Balance. That's because Fund  
22 Balance on a GAAP basis is not a source  
23 of revenue, it's just taking money out of  
24 your bank account to pay your bill. It's  
25 not a source of revenue. So we always

1  
2 risk that. So you'll see that's what that  
3 means.

4 The \$15 million that you see under  
5 the column for General Fund is for the  
6 Opioid Fund, as there is a plan to  
7 utilize some funding for contract and  
8 that's been budgeted for 2023. So that's  
9 why that's a risk there, and the same for  
10 the Sewer fund. There's a projection to  
11 use some fund balance in 2023. So we've  
12 risked that as well.

13 Fines and Forfeitures. The majority  
14 of the 20.6 variance that you see there.  
15 The risk is in in TPVA and we have about  
16 \$15.3 million that we're projecting as a  
17 risk in TPVA, and that's basically just  
18 just based on trends at this point in  
19 TPVA fines, TPVA administration,  
20 red-light camera, red-light camera,  
21 administrative fees.

22 And then we're also risking in that  
23 category the two initiatives, the boot  
24 and the school cameras. And that's  
25 because those initiatives have not yet

1  
2 taken place. We know that with the boot  
3 and tow it requires the rescinding of an  
4 Executive Order, which hasn't happened.  
5 We thought it would happen. You know, in  
6 September it didn't happen. So that's why  
7 we're still risking it. You know those  
8 could potentially be opportunities to the  
9 County in 2023, should they be  
10 implemented.

11 For departmental revenues. The two  
12 big pieces in that \$12.5 million risk are  
13 the Income and Expense Law, which is  
14 still in the courts and hasn't been  
15 decided yet, and also GIS tax map. We  
16 feel that there is approximately five  
17 million dollar risk there, based on where  
18 the, you know the real estate market is  
19 at the moment, mortgage rates. We also on  
20 point with the mortgage recording fees  
21 and the deed fees because the  
22 Administration had taken down the budget  
23 for those items in 2023. So we feel that  
24 that is definitely achievable.

25 In Rents and Recoveries. One of the

1  
2 other things that we always risk happens  
3 to be the disencumbrances. So the way  
4 that the budget works, our financial  
5 system works is when a contract is  
6 disencumbered, it gives you back like  
7 revenue, but that's not real revenue on a  
8 on a GAAP basis. So we always risk that.  
9 So we're risking approximately \$7 million  
10 of that. There's also approximately five  
11 million dollars of cash recoveries, which  
12 are the capital closeouts. And while we  
13 definitely agree that they could be close  
14 out because we haven't seen any of the  
15 listing of the actual projects that  
16 needed to be closed, we can't really  
17 decide if that funding is available. In  
18 the past it's been difficult to close out  
19 some of those projects due to old  
20 balances that are in there that need to  
21 be closed out. So to be conservative,  
22 we've risked that amount.

23 Then the other item that we  
24 typically risk in Rents and Recoveries  
25 are sale of County property, because

1  
2 again we don't know exactly what they're  
3 going to be selling, when it will close  
4 and how it will impact the the budget. So  
5 to be conservative, we've risked that as  
6 well.

7 On the positive side, we also are  
8 seeing the potential for a pickup in  
9 Medicaid as the County's share is  
10 scheduled to decline. I believe it's  
11 started in September and it's supposed to  
12 go through, I believe, April of 2023. So  
13 we have a little bit of a pick up there.

14 So the other big item that we have  
15 as far as a potential opportunity, is in  
16 Payroll Fringe and Workers Compensation.  
17 Workers Compensation, we're actually flat  
18 to the budget. We have no risk or  
19 opportunity. However, our methodology has  
20 always been to exclude any costs  
21 associated with the collective bargaining  
22 agreements, because we don't know when  
23 they're going to happen, we don't know  
24 what the terms exactly you're going to  
25 be, and whether the estimates that are in

1  
2 the budget are adequate enough for any  
3 collective bargaining agreements. So if  
4 you notice any old reports we had, we've  
5 always taken out the collective  
6 bargaining agreements. We did that with  
7 our 2022 mid-year report as well. So we  
8 took out approximately a net amount  
9 between Payroll and Fringe of about \$75  
10 million. So \$75 million of the \$140.6  
11 million that you see there is attributed  
12 to the collective bargaining agreements.  
13 We also have taken out the vacancies  
14 because it's sort of the same theory,  
15 like we had these vacancies in there. The  
16 positions are not being filled as quickly  
17 as had been budgeted. So we're always  
18 risking that amount as well, and that's  
19 an additional 21. So of the 140.6, we  
20 have about 96 million that's just those  
21 two assumptions there.

22 And then just very quickly for  
23 property tax refunds, I'm sure this one  
24 pops: -75, the risk. So the reason for  
25 that is because there is the reserve



1  
2 within the Litigation Fund and because  
3 the Litigation Fund was not included in  
4 the 2023 budget, we're currently  
5 projecting approximately \$100 million to  
6 be paid out in 2023 out of the Litigation  
7 Fund, and the \$30 million that's been  
8 budgeted in the general fund, we  
9 anticipate approximately \$5 million will  
10 be paid. So that's really what the 75  
11 represents. It's merely a function of the  
12 fact that there's no budget for the  
13 litigation fund to pick up that 100  
14 million dollars.

15 And that's pretty much the  
16 highlights.

17 MS. HILL: All the information is  
18 detailed in the in real reports. I would  
19 need to go back myself to look, so you  
20 can find it there.

21 MS. PHILLIPS: Our last slide, and  
22 we would be more than glad to answer any  
23 questions, is really talking about the  
24 multi-year financial plan. It shows our  
25 projections based on the information that

1  
2 we have in the out years and then it  
3 shows versus OMB's projections.

4 Look, multi-year plans are good  
5 financial practice. They really are. It  
6 brings a good fiscal discipline, but  
7 they're as good as somewhat, not the  
8 paper that they're written on, but the  
9 fact is, it's going to take your job,  
10 hopefully our job, and the  
11 Administration's job, to really make  
12 sure, going forward at any given time,  
13 that in any given year that we maintain  
14 fiscal discipline. Nobody has a crystal  
15 ball. Like I said, it's fine. We want to  
16 go through the exercise, but to evaluate  
17 us or any other entity based on a  
18 multi-year plan, in my mind just doesn't  
19 make a lot of sense. We're sitting in a  
20 county that has had surpluses for three  
21 consistent years. We are projecting a  
22 significant surplus in 2022 with very  
23 conservative assumptions. This county is  
24 fiscally sound and all entities out there  
25 need to recognize that.

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PRESIDING OFFICER NICOLELLO: Given  
the pause, I'm gathering.

MS. PHILLIPS: We're done.

PRESIDING OFFICER NICOLELLO: Thank  
you for the presentation. We very much  
appreciate the information and the cheat  
sheet, of course. Any legislators have  
any questions. Deputy Presiding Officer  
Kopel then Legislator Deriggi-Whitton.

LEGISLATOR KOPEL: Thanks for that  
very comprehensive presentation. I hope  
we'll all do fine on the quiz (laughter).

You touched on and did more than  
touch on inflation versus recession. But  
I would assume that there is a rather  
complex interplay among various factors,  
such as when you talk about inflation, I  
guess our revenues are going to be  
inflated over real dollars. Maybe not  
the same amount as inflation out there. I  
don't know the differential that might  
exist, expenses as well. Could you  
comment on how you've dealt with that  
interplay? In other words, you might

1  
2 assume that there's a recession which  
3 might in a worst case decrease certain  
4 revenues to some extent. At the same  
5 time, we've got inflation which is  
6 increasing it to a certain extent, and  
7 you're anticipating future expenses in  
8 the same way.

9 MS. HILL: We looked at each of the  
10 various major expenditures and major  
11 revenue sources and took each of them  
12 individually and working with the  
13 departments and with OMB to analyze what  
14 they saw going forward. We're not experts  
15 on all those areas. With regard to sales,  
16 I think that's where we could bring the  
17 best unique, individual independent  
18 analysis using the scenarios that we've  
19 provided.

20 In terms of what's going to happen  
21 out there, as we said, with sales on  
22 properties where we just backed them out  
23 because we don't know if they're going to  
24 occur or not. We haven't been given  
25 other increases in expenses other than,

1  
2           you know the salary amounts that were  
3           provided in the budget.

4           MS. TSIKOURAS: The only thing I  
5           would add to that is that some of the  
6           largest expenditure that we have. I don't  
7           want to say fixed, but you know what they  
8           are. They're contractual. All right, we  
9           have like salaries. You know those are  
10          contractual, they're not always based on  
11          inflation at this point. If they're  
12          under, like a contract. Also, you kind  
13          of know what, like your debt services at  
14          this point in time. Right, we don't have  
15          variable debt, until we go like and issue  
16          additional bonds. But what we have right  
17          now is set. A lot of our largest  
18          contracts or multiyear contracts that are  
19          set at this point, you know. And whether  
20          they have an inflationary piece to them  
21          or not, you know you do see somewhat of  
22          an increase in the budget and in some of  
23          the outer years we haven't necessarily  
24          risked that for those reasons. So it  
25          really depends. But when you think about

1  
2 what the bulk of the County's  
3 expenditures are, the majority of them  
4 are are set, you know.

5 LEGISLATOR KOPEL: So what you're  
6 saying then, as I understand it, is that  
7 we're kind of reaping benefits from  
8 inflation right now, to some extent, but  
9 we may pay for that down the road, right?

10 MS. TSIKOURAS: Yes. We could.

11 LEGISLATOR KOPEL: That kind of  
12 segways into another area, to some  
13 extent. The Federal money windfall. In  
14 the same way, are we using this wisely?  
15 In other words, are we spending money to  
16 increase programs or to set up new  
17 things. Which, once they're done, that  
18 constitutes typically a base? You never  
19 go down with programs, you always go up.  
20 So the revenues here now, both from  
21 inflation, both from those windfalls, and  
22 they may not be there down the road. Are  
23 we being prudent in that way?  
24 Sufficiently prudent.

25 MS. PHILLIPS: I'm gonna tell you

1  
2 quick story. My legislator, Legislator  
3 Delia Deriggi-Whitton and I had the  
4 opportunity to go to a press conference  
5 that the County Executive had on the  
6 initial spend for the Opioid money. And  
7 I am on board of the largest  
8 not-for-profit that provides child and  
9 family services. Very little exposure  
10 here, it's really New York City. We're  
11 in Brownsville. And I thought about that  
12 because I thought New York City has these  
13 similar pots of money, right. And I  
14 thought, as a provider of social  
15 services, particularly when it comes to  
16 mental health or drug abuse, how do you  
17 make a proposal and not lock in those  
18 costs forever and ever? Because the money  
19 is not going to be there forever and  
20 ever, and I didn't come up with the  
21 answer. But I think that is going to be  
22 the biggest challenge you, the County  
23 Administration and you, are going to have  
24 is when you're approving Opioid money or  
25 ARPA money as it goes out, that we don't

1  
2           you know we don't do the wrong thing for  
3           these organizations and we don't, not  
4           that we don't allow them because it's not  
5           our job to manage them, but we make sure  
6           that they're not locking in fixed costs  
7           that they're not going to be able to do  
8           two years from now.

9           LEGISLATOR KOPEL:   You agree with my  
10          question.   What's your opinion? Do you  
11          have an opinion?

12          MS. PHILLIPS:   You know that's  
13          different pay grade than mine.

14          LEGISLATOR KOPEL:   Fair enough. So  
15          you did comment rather obliquely, I  
16          guess, on the persistence of NIFA.

17          MS. PHILLIPS:   You know we wrote an  
18          Op-Ed after the mid-year and  
19          unfortunately, *Newsday*, they dragged us  
20          along for a long time, but they wouldn't  
21          publish it. Even though, and our point  
22          was and still is, and I'm going to use a  
23          football analogy, which I really  
24          shouldn't. They keep moving the goalpost,  
25          they keep moving the goalpost, and if



1  
2 they were moving -- there is no question  
3 that years ago Nassau County needed a  
4 little control and oversight, right. But  
5 that is not the current financial  
6 condition of Nassau County today and that  
7 is due to hard work, a little bit of  
8 luck, nothing wrong with luck, and sound  
9 financial decisions. And we deserve, we  
10 as the people of Nassau County, deserve  
11 to be controlled by the people that are  
12 elected to do so, not by nonelected  
13 individuals. If we as elected officials  
14 don't do the right thing, there is a  
15 process to get rid of us. We've met the  
16 guidelines of control when the  
17 legislation was put in place and once  
18 again the goalpost seems to move. So I  
19 don't want to say it's politically  
20 motivated, I really don't want to, but I  
21 can't I can't figure it out. I can't  
22 figure out why a statement or they  
23 approved the multi-year plan last year.  
24 They approved the budget. I hear through  
25 the rumors that by June they're going to

1  
2 be gone and now they're still here. What  
3 are we supposed to do? Give us the  
4 formula, give us the equation.

5 LEGISLATOR KOPEL: But compared with  
6 pretty much every other county in the  
7 state, we're solid.

8 MS. PHILLIPS: We're solid.

9 LEGISLATOR KOPEL: We're more solid  
10 than many counties that don't have any.

11 MS. PHILLIPS: And look, you can  
12 always be better, but we're solid.

13 LEGISLATOR KOPEL: But that's not  
14 the guideline.

15 Moving to your own office.  
16 Historically, there's been delays in  
17 payments to contractors for various  
18 things. And I've heard, and it's  
19 anecdotally, of course, but but I've  
20 heard often that we don't get a lot of  
21 bids because people feel like getting  
22 paid, makes the whole thing worth while  
23 and they're not getting paid and they  
24 can't afford to carry it. That's been a  
25 problem probably as long as I've been

1  
2 here. So how is that looking now?

3 MS. PHILLIPS: You know, I thank you  
4 for bringing it up. I can't speak on do  
5 people do bid or not when we put RFPs,  
6 but what I can talk about is the  
7 accomplishments of the team. And when it  
8 comes to processing claims, and I'll use  
9 longevity as an example. You know  
10 longevity was paid when it within six  
11 weeks of approval. You know that was a  
12 big accomplishment. It wasn't that easy  
13 and it took teamwork. It took P&A, and IT  
14 and it took comptroller's department, to  
15 work together and they, you know, I'll  
16 give Beaumont Jefferson, my deputy  
17 controller. I'll give Charlie Casolaro,  
18 the attorney, really huge credit for the  
19 leadership that they showed, bringing the  
20 team together and working this out. You  
21 know we have a funny internal saying is  
22 that we keep putting Drano down the  
23 drain. But it's true, we are unclogging  
24 the drain. The City of Long Beach came to  
25 us and I think it was the beginning of

1  
2 March. They hadn't been paid in four  
3 years for the portion, the reimbursement  
4 that the County gives them for operating  
5 the little bus loop down there. Four  
6 years, over \$300,000. Within three weeks  
7 we had them paid. Now that doesn't mean  
8 we are changing the quality of our  
9 review, if anything we've put procedures  
10 in place.

11 We caught something the other day a  
12 department change form to a bank account  
13 was submitted and we went in and our  
14 review and we found out that it was a  
15 phishing, it was a phishing and so we  
16 caught it. It would have been a \$160,000  
17 that would have been paid. It's being  
18 investigated. We reported it. So it's  
19 being investigated. We can get better,  
20 we can get better.

21 LEGISLATOR KOPEL: Is there any  
22 metric that you've used to measure  
23 whether there's been progress. In other  
24 words, I guess payments may have been so  
25 far behind at one point and now they're

1  
2 plus or minus weeks.

3 MS. PHILLIPS: Nickie Banvua who  
4 tracks. We have a new form of tracking.  
5 In the old days what they would do is say  
6 you had x, y, z contracting, and so they  
7 would, depending on when it came in. It  
8 was first, first out and but there would  
9 be other payments due to x, y, z  
10 contracting. So now we bundle. You know  
11 it sounds like so simple, but I'm telling  
12 you that was a big change, to bundle. So  
13 if we owe x, y, z contracting, we have 20  
14 contracts. Let's just review them all at  
15 the same time, because chances are if  
16 there is a mistake in there, it may be in  
17 all 20 contracts. So we can get it  
18 solved quickly.

19 LEGISLATOR KOPEL: But do we have  
20 any measurement?

21 MS. PHILLIPS: We do have  
22 measurement. Of course we have daily  
23 measurement.

24 LEGISLATOR KOPEL: And how are those  
25 measurements looking versus the time that

1  
2           you started?

3           MS. PHILLIPS:   So I would say on the  
4           average, you know, it depends on the time  
5           of year also. So it's a little unfair to  
6           use at the time I started because, we've  
7           changed policy. We just put a note out to  
8           all the departments that they have to  
9           have their year end claims in by certain  
10          dates. It used to be, I believe, I  
11          wasn't here that you know people were  
12          busy so they'd all wait till December  
13          30th and submit all the claims. So what  
14          would happen is, the Claim Department  
15          would just balloon out and it would take  
16          months to, you know, make up for the  
17          backlog. So now we've put a new policy in  
18          place. You know what, any claims that are  
19          you have to be in by this date. If  
20          they're December claims, you have until  
21          the second week of January. So we don't  
22          have that clogging. So are we down to 15  
23          days, you know anywhere between two and  
24          three weeks in the -- 17 day average is  
25          where we are right now. Were we at the

1  
2 beginning of the year higher, yes, but I  
3 don't want to -- you know what, these are  
4 hard working individuals. And like every  
5 department that has come in here, we  
6 can't hire. You know one, there were no  
7 tests. I said this. I complained about  
8 this at the mid-year. There were no  
9 tests, then the tests that were given  
10 were taken a year to score. Even though I  
11 believe we're in the day and age where  
12 you could take a test online and know  
13 your score immediately. And then the  
14 salary structure, it just has to be  
15 addressed. It really has to be addressed.

16 LEGISLATOR KOPEL: Alright, thanks.

17 LEGISLATOR DERIGGI-WHITTON: Thank  
18 you. You actually stole my question  
19 because I was wondering about our turn  
20 around. We think alike sometimes.

21 But I just had two quick questions:  
22 One with your cheat sheet, and again I  
23 defer to you on most of this as far as  
24 understanding exactly how this works. But  
25 it seems to me that both on the Operating

1  
2 Fund and the Governmental Fund, the  
3 Operating Fund, I would assume you would  
4 use for operational purposes in your  
5 budget, and the Governmental Fund, which  
6 I would assume you really can't touch.  
7 But it seems like they're duplicative in  
8 both columns, like many of them anyway.  
9 Like column two and column three.

10 MS. TSIKOURAS: Yes. Because if you  
11 see just above the three operating funds,  
12 it says budgeting. So when we do our  
13 reporting like to this Body and  
14 internally, when we're looking at things,  
15 we look at it with these three operating  
16 funds. But when we're reporting on a  
17 financial statement basis we have those  
18 three operating funds plus the additional  
19 funds. So if you were to look at our  
20 financial statements and look at one of  
21 the exhibits, you would see the General  
22 Fund, the Police District, the Sewer and  
23 Storm Water Fund, and then you would also  
24 see the NIFA General Fund, the Disputed  
25 Assessment Fund, the Capital Fund, the



1  
2 ARPA Fund. You would see the other ones.  
3 We are only looking at what we consider  
4 the Operating Funds. These are, like the  
5 daily operations of the County, a lot of  
6 the Special Revenue Funds. The majority  
7 of the Special Revenue Funds are  
8 segregated for certain purposes right. We  
9 know that the DAF fund is for, is for the  
10 DAF, collects the DAF charges and records  
11 the tax certiori payments made to the  
12 commercial property owners. We know that  
13 the Grant Fund maintains all the grant  
14 information that are typically funded at  
15 a 100%. So those aren't daily Operating  
16 Funds per say. But what runs the County,  
17 the daily operations of the County are,  
18 are really these three, these three  
19 funds. So that's why we segregate. That's  
20 why we talk about the three operating  
21 funds. But those same operating funds are  
22 recorded in the financial statements. So  
23 the last two columns are for financial  
24 statement reporting purposes. Those last  
25 two columns does that make it more clear?

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LEGISLATOR DERIGGI-WHITTON: It did to a certain degree, but for instance the opioid settlement litigation funds, that is being listed right now in our Operational Fund.

MS. TSIKOURAS: Yes. With GASB 54 there are rules to determine whether a fund is recognized as a special revenue fund and stands on its own or whether it has to be consolidated, becomes part of the General Fund.

LEGISLATOR DERIGGI-WHITTON: So this is on it's own?

MS. TSIKOURAS: No, it's it's part of the General Fund.

LEGISLATOR DERIGGI-WHITTON: I have a question: Again, I'm not accusing anybody of anything. Does it help us to get out of the NIFA control period if we have a large amount of money in our fund, our Operational Fund?

MS. PHILLIPS: We do not meet the criteria for what was established to be in a control period. Nassau County does

1  
2 not.

3 LEGISLATOR DERIGGI-WHITTON: I know  
4 we're trying to get out of it. So I'm  
5 wondering if that is part of the reason  
6 why we are hesitant to be dispersing some  
7 of these funds like the opioid settlement  
8 fund, because we want to hold on to the  
9 cash, is that possibility?

10 MS. TSIKOURAS: No. If you look at  
11 the first column, where we talk about the  
12 five major funds and then towards the  
13 bottom, the NIFA calculation does not  
14 include those extra funds. It only  
15 includes the five major funds: General  
16 Fund, Police Headquarters, Debt Service,  
17 Fire Commission, and Police District. So  
18 that other cash currently has no impact  
19 on the NIFA control calculation.

20 LEGISLATOR DERIGGI-WHITTON: Glad to  
21 hear that, because I, like you, I really  
22 would like to see this -- I'm trying  
23 figure out why it's taking so long to  
24 disperse that funding. I know what a  
25 crisis -- I get phone calls all the time.

1  
2 We have no beds available. I have a  
3 neighbor whose son is in jail right now  
4 and they're grateful they're not paying  
5 the bond because they know he's alive and  
6 they can sleep at night. I mean this is  
7 just walking my dog I run into people and  
8 we get calls all the time. So I think  
9 there's such an urgency to get this money  
10 out. I think that -- it's like  
11 Hotel/Motel money. There's no guarantee  
12 we're gonna get it the next year. But but  
13 people understand that. I think we can  
14 trust these agencies to budget so that  
15 they know it's a one time revenue.

16 Us saying, well, we want to make  
17 sure you spend the money right and you  
18 don't you I don't want you to budget a  
19 salary based on -- if they're not smart  
20 enough to figure that out, I don't think  
21 they would have been surviving for as  
22 long as many of them have.

23 MS. PHILLIPS: It would be the  
24 administration, whoever is reviewing the  
25 RFPs, to insure that too.

1  
2                   LEGISLATOR DERIGGI-WHITTON: But I  
3 just think you know the money was given  
4 to us for a reason. It was a settlement  
5 for these pharmaceutical companies that,  
6 in my opinion, knew a lot more about the  
7 addictive properties of their product,  
8 their drug then then they let on and they  
9 caused a ton of damage, not to mention  
10 the loss of children. But you know that's  
11 the most number one, but also the expense  
12 to different government, different  
13 municipalities. So I really think there's  
14 such an urgency. I'm very happy to hear  
15 it's nothing that would anyway be mixed  
16 into the NIFA situation.

17                   MS. PHILLIPS: Not at all.

18                   LEGISLATOR DERIGGI-WHITTON: I thank  
19 you for clarifying that.

20                   I had one other quick question and I  
21 understand about projections and I know  
22 what they're worth. The only thing I'm  
23 I'm a little bit worried about is just  
24 the discrepancy between your projection,  
25 and OMB. Is that plus or minus of your

1  
2 number, or is that just plus \$3 million  
3 as opposed to plus \$110 million, on the  
4 last side. I'm sorry.

5 MS. TSIKOURAS: Remember, as I  
6 mentioned earlier, our 2023 projections  
7 have excluded the cost of collective  
8 bargaining agreements and vacancies, so  
9 many of the assumptions that we have in  
10 2023 we've taken out into the into the  
11 multi-year plan. The numbers are high,  
12 because number one, we're not picking up  
13 any use of fund balance. We're risking  
14 that. We have an opportunity for the  
15 payroll and the fringe. Some of the  
16 risks that we see in TPVA, we're taking  
17 out. We're also not including things like  
18 the boot and tow, the school cameras. So  
19 what we've done is basically looked at  
20 where we are in '23. Now '23 becomes the  
21 base for '24 and we take it forward. So  
22 we have a surplus again in 2023 and some  
23 of those items are coming out into the  
24 out years.

25 LEGISLATOR DERIGGI-WHITTON: I like

1  
2 your numbers better. But I have to say in  
3 the past, OMB has sort of been somewhere  
4 in line. This is the largest discrepancy  
5 I've seen. I'm not saying it's --

6 MS. PHILLIPS: But again, it's  
7 because we don't include any contract  
8 negotiations. We don't include vacancies  
9 because it hasn't happened. So it's just  
10 that difference between the way the GAAP  
11 accounting versus. It's the methodology  
12 and we're consistent for years. It is a  
13 consistency, not through my  
14 administration, past administrations.  
15 It's been consistent around 12 years, 15  
16 years.

17 LEGISLATOR DERIGGI-WHITTON: All  
18 right. So I guess you feel comfortable  
19 with those projections even though, as we  
20 said, they're not anything we can really  
21 hang our head on. But we know that  
22 contracts are going to be coming. We know  
23 that, although it hasn't happened yet, we  
24 know they're coming. Like in government.

25 MS. TSIKOURAS: But we don't know

1  
2 the extent of of the cost. So if if we  
3 were to pick up their cost, we'd be  
4 basically saying: We assume their costs  
5 are correct. We don't know, we don't know  
6 how those terms -- we've had labor costs  
7 in the last two budgets that hasn't  
8 happened. We've been consistent in  
9 excluding those numbers which we were  
10 right about. So that's why I said like  
11 yeah, at some point there will be, but we  
12 are not projecting that. Right now we're  
13 saying here is what it is. These are our  
14 assumptions, they are our assumptions.

15 MS. PHILLIPS: And it's more of a  
16 snapshot. Maybe that's a good word to use  
17 here. It's a snapshot of what we know  
18 today, what we know today.

19 LEGISLATOR DERIGGI-WHITTON: But  
20 again, when we look at the NIFA numbers  
21 they're a little bit more inline with OMB  
22 projections. I mean, and again, I'm not  
23 trying to say when one is right, is  
24 wrong. I'm just trying to figure out,  
25 like you said, where we actually are,



1  
2 because it does feel like things are  
3 moving around.

4 MS. PHILLIPS: I would refer you,  
5 when you have a moment to go, to Page 41  
6 of our actual report, which is the one  
7 that's in the folder. It will give you  
8 an idea what we're risking and what we're  
9 showing as under and over what the  
10 administration -- so it allows you to  
11 kind of flow through and read-through  
12 what we're saying versus what they're  
13 saying.

14 LEGISLATOR DERIGGI-WHITTON: Thank  
15 you.

16 LEGISLATOR ABRAHAMS: How are you  
17 Comptroller?

18 MS. PHILLIPS: Good. How are you?

19 LEGISLATOR ABRAHAMS: Good.

20 MS. PHILLIPS: Good.

21 LEGISLATOR ABRAHAMS: I just have a  
22 quick question. Legislator  
23 Deriggi-Whitton asked question that was I  
24 was thinking of in regard to the labor  
25 contracts, but I just wanted to get your

1  
2 thoughts on the backlog with tax  
3 certioraris. I didn't see it in your  
4 presentation, but maybe it's in the  
5 larger document that I didn't get a  
6 chance to read though the 50 page  
7 document. But I just wanted to get an  
8 idea from you. Have you identified the  
9 backlog? We've seen here, more  
10 anecdotally, but we've seen here that  
11 that we are settling more cases that we  
12 are voting on. We're seeing them come  
13 through the Legislature little bit more  
14 frequent. But I just wanted to get your  
15 opinion on an identified number, and has  
16 the administration expressed to you when  
17 they will be able to reduce that number?  
18 I think that's a true reason, true  
19 outlier that's a risk that doesn't really  
20 get identified as best as I could.

21 MS. PHILLIPS: I'll answer that  
22 backwards. So I have not spoken to the  
23 administration of what their plan is on  
24 how to pay it down, other than what was  
25 discussed with OMB and us.

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LEGISLATOR ABRAHAMS: Fair enough.

MS. TSIKOURAS: I can talk about that a little bit. So in our projections we know that we have the \$208 million dollars in the Litigation Fund for tax certiorari. In our discussions with OMB, they indicated that they plan to pay out approximately \$100-150 million probably closer to \$150 million between litigation and DAF Fund. So our projections are anticipating a \$100 million payment in '22 out of the Litigation Fund, as well as \$100 million in 2023. The problem with identifying where the backlog or what the tax certiorari liability is at this point in time is that our starting base is all in liability. So we get that from ARC at the end of the year and then we do our analysis on that. We look at what's considered short-term that's in the treasurer's office, we look at what's considered DAF, and then we come up with that number.

1  
2           There is a section on page 42 where  
3 we talk about what we reported as of the  
4 end of the fiscal year 2021, because  
5 that's the last time that the it was  
6 done. So until we have that analysis from  
7 ARC, we can't really determine what that  
8 long term liability is. But remember  
9 before when we were talking about the  
10 cheat sheet, I said that on a full  
11 accrual basis, that's where we would have  
12 our full liability. So on page 42 we  
13 talk about what we had estimated as the  
14 all in tax certiorari liability, it was  
15 about \$707 million at that time and all  
16 those components, the long term piece,  
17 the short-term piece, the DAF piece. All  
18 those pieces appear in the  
19 government-wide financial statements in  
20 the long term, full of accrual financial  
21 statements. If something is not due and  
22 payable, but it's it's kind of sitting  
23 out there, it's not considered a  
24 liability on a fund statement basis. So  
25 what we normally pick up, it's still a

1  
2 liability, yes, absolutely, but on a  
3 full, accrual basis. So we do look at  
4 that distinction at the end of the year  
5 when we do our analysis and we start  
6 looking at the entries that are necessary  
7 to make sure that we've captured  
8 everything. But at this point in time we  
9 don't have that data yet.

10 MS. PHILLIPS: When you have the  
11 opportunity, go to page 42, you'll see.  
12 You know we had the year 2021, the total  
13 liability had increased to \$707 million  
14 from \$647 million and \$587 million as of  
15 2020 and 2019. Of the \$707 million, we  
16 point out that we know \$250 plus million  
17 was settled with with LIPA and National  
18 Grid. So even though we don't get a  
19 number until December 31st, 2022, it does  
20 give you an idea that it's going to go  
21 down assuming that that calendar hasn't  
22 filled up by --

23 LEGISLATOR ABRAHAMS: It also assume  
24 that the County is planning to reassess  
25 at some point. Wouldn't it be exacerbated

1  
2 if we have a frozen roll going forward in  
3 the out years? Does that contribute to

4 --

5 MS. PHILLIPS: I'm trying to think  
6 through --

7 LEGISLATOR ABRAHAMS: For example,  
8 we're looking at 2022. As far as I know,  
9 I haven't seen a plan from the County  
10 Executive in terms of the assessment  
11 plan, but I'm assuming that the plan is  
12 to keep the roll frozen again. I don't  
13 know, maybe you might know better than  
14 me.

15 MS. PHILLIPS: I don't.

16 LEGISLATOR ABRAHAMS: But so if the  
17 roll is frozen again, doesn't that create  
18 the same level of a potentially  
19 questionable flawed roll which then could  
20 create the opportunity for more  
21 grievances, for lack of a better term?

22 MS. PHILLIPS: I don't believe that  
23 it creates more opportunity. Quite  
24 frankly, there's ample opportunity right  
25 now to grieve. To grieve successfully --

1  
2 Jeff Schoen, Deputy Comptroller in charge  
3 of accounting.

4 LEGISLATOR ABRAHAMS: I'm not trying  
5 to put you on the spot. I'm just trying  
6 to understand how not reassessing what  
7 frozen roll, doesn't that create what we  
8 had for a period of time under the  
9 previous administration, of a frozen  
10 roll? Didn't that create more successful  
11 grievances?

12 MR. SCHOEN: The success of the  
13 grievances wasn't necessarily based upon  
14 whether the roll was frozen or not, but  
15 if you reassess, depending on, it could  
16 give more confidence in their values and  
17 lead to less grievances, so that is  
18 possible. Yes.

19 MS. PHILLIPS: If property values go  
20 down, people might be more comfortable.  
21 So, as promised during the early part of  
22 my administration, we are in the  
23 Department of Assessment, currently  
24 doing, I don't want to say a full-blown  
25 audit, because that would take years. But

1  
2 it will definitely be a solid report on  
3 what occurred during the reevaluation.  
4 But it's gone broader than that. And in  
5 fact we thought we would have published  
6 by now. We thought we'd be done by July  
7 or August. But it happens, you get in  
8 there and you realize, oh, wait a minute,  
9 we need to talk about this, we need to  
10 evaluate this, we need to look into this.  
11 But they're coming and they're going to  
12 be several reports, back to back to back  
13 to back, on different issues. So it'll be  
14 a little easier to read, since it's a  
15 very, very complex topic and it's  
16 possible that the County Executive -- and  
17 I really have no idea. It's very  
18 possible that he is waiting for these  
19 reports to make a decision what you need  
20 to do. What I say in general, you always  
21 want to keep your roll current and I know  
22 you're going to meet with the Department  
23 of Assessment. Ask the same question to  
24 our acting assessor. The best thing to do  
25 is keep your roll current. But remember,



1  
2           you're grieving your assessment, that  
3           doesn't mean you're lowering your taxes.  
4           Assessed value and taxes do not go  
5           hand-in-hand always.

6           LEGISLATOR ABRAHAMS:   And that's  
7           where I guess I was driving at.   In the  
8           end is keeping the roll current.

9           MS. PHILLIPS:   Absolutely.   You want  
10          to keep it correct.   And it will be one  
11          of our findings. I mean not to let the  
12          cat out of the bag, but it will be one of  
13          our findings.

14          LEGISLATOR ABRAHAMS:   Thank you,  
15          Comptroller.

16          MS. PHILLIPS:   Thank you.

17          PRESIDING OFFICER NICOLELLO:   Any  
18          other Legislators?

19                 (Whereupon, no verbal  
20                 response.)

21          PRESIDING OFFICER NICOLELLO:   Thank  
22          you very much.

23          MS. PHILLIPS:   Thank you very much.  
24          Thank you for having us and, as always,  
25          if you have any follow-up questions,

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please reach out or you have anything we  
can help you with. We're more than glad  
to take care of it.

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PRESIDING OFFICER NICOLELLO: All right, the next department is Assessment, all right, ready when you are.

ACTING ASSESSOR CRONIN: Good afternoon, everybody. How are you doing today? Matthew Cronin. I'm the acting county assessor here in Nassau County and I'm here representing the Department of Assessment. It's an honor for me to sit here before you today. Department of Assessment is, some facts:

Second largest assessing unit in New York state, second only to the Great City of New York; New York City, Manhattan, and Bronx, Brooklyn, Staten Island, Queens;

Our assessment roll for the 2023 tax roll has over 425,000 parcels with a full valuation of over \$340 billion worth of fair market value on the roll.

The importance of maintaining the assessment roll each year is to keep valuations current and accurate. The maintenance requires constant processing

1  
2 of permits, verification of sales data,  
3 updating the property inventory,  
4 maintaining and updating the computer  
5 system, something that we do every day,  
6 constantly in our systems looking for  
7 ways to update and to improve upon what  
8 we have. Last two rolls that were  
9 published for tentative values were the  
10 2022-23 roll, and the 2023-24 roll were  
11 frozen due to the COVID-19 pandemic.

12 This year. For the 24-25 roll, we're  
13 currently looking at some instability in  
14 the market, inflationary trends, stock  
15 market instability, international  
16 conflicts, conversations of OPEC and the  
17 value of oil and the impact of  
18 electricity and bills for the home. It's  
19 becoming a real point that we're hitting  
20 these metrics in our current study and  
21 it's not something that we can turn a  
22 blind eye to when determining property  
23 value for a date that's three months out  
24 of today or currently around three months  
25 from today. So all these things have

1  
2 effect on the housing market.

3 For the 2023 year we were  
4 approximately 17,000 SCAR filings were  
5 handled by my department, in which we  
6 were able to successfully mediate  
7 approximately 10,000 cases, eliminating  
8 the need for refunds. We administer  
9 approximately 300,000 exemptions yearly,  
10 verify over 30,000 sales per year and  
11 approximately 10,000 permits that we go  
12 out and physically inspect these  
13 properties on.

14 This year we've implemented some new  
15 and exciting technology due to the help  
16 of all of you and Cyclomedia. It is a  
17 great vendor that uses street-level  
18 imagery. I always say it's Googlemaps,  
19 times a million. A lot of metrics and a  
20 lot of data points to actually accurately  
21 capture all street-level inventory of  
22 Nassau County. We've successfully done  
23 that as of this year. So that's something  
24 I'm very proud to speak on.

25 This technology, in addition to the

1  
2 existing map technology, gives us  
3 approximately three flyovers, per year,  
4 captures all the aerial GIS photography.  
5 As current as the most recent flyover,  
6 September of this year, I have the most  
7 current inventory on properties, which  
8 is, once again, when you speak to others  
9 in New York state, that's pretty good.

10 So with the combination of these two  
11 technologies, the efficiencies of the  
12 department has increased exponentially.

13 We are also currently working on a  
14 mobile technology allowing our assessors  
15 to access in real-time information, the  
16 computer systems. So think of it as a  
17 complete mobile force to go out there and  
18 collect the inventory on property, which  
19 is the most important piece in  
20 maintaining property assessments across  
21 any jurisdiction.

22 Some highlights of things that I've  
23 been able to accomplish in my  
24 approximately five months:

25 I've implemented the first

1  
2 departmental-wide policies and procedures  
3 manual for all employees. This policy and  
4 procedures manual was put out to try to  
5 act as a sound basis for structure in the  
6 department and to boost morality. A lot  
7 of the things that I found when I took  
8 the seat was that there was a lot of just  
9 unknowns going on, and I took that as an  
10 opportunity to really try my best to  
11 identify the issues and to really, you  
12 know, created a little bit of a  
13 professional environment in the office  
14 which has been needed for a while.

15 In addition to implementing policies  
16 and procedures manual, we've  
17 re-established our quality control  
18 division with three designated IAO  
19 assessors. For those of you who may not  
20 know what that is, it is the Institute of  
21 Assessing Officers, which is the  
22 designation set forth by the New York  
23 State Assessors Association. It is a  
24 designation that five years you have  
25

1  
2 actual assessing backgrounds and you need  
3 to sit for a master exam. Some of you  
4 are attorneys. I never sat for the bar,  
5 but a very comprehensive examine and in  
6 all practices of assessment and appraisal  
7 in New York state. So I'm happy to say  
8 that we have three designated IOA  
9 assessors who currently work in the  
10 Quality Control Division.

11 We have also re-established our  
12 Valuation Standards Division. I'm sitting  
13 next to my head of the division, next to  
14 me is Daniel Ross, who I'm sure you all  
15 know. We also have another co-chair and  
16 IAO designated assessor. And we have  
17 three statisticians on board, with the  
18 addition of one more coming all with  
19 their background in mathematics,  
20 statistics, and one of them has their  
21 master's degree in mathematics, and we  
22 have one current GIS specialists that we  
23 were able to hire last year.

24 With all of these dynamics that I'm  
25 speaking to you today, I'm proud to sit



1  
2 here and I'm confident in speaking to you  
3 all as the current Acting County  
4 Assessor. I appreciate your time and I  
5 welcome any questions regarding the  
6 budget or anything else you may deem  
7 necessary.

8 PRESIDING OFFICER NICOLELLO: What  
9 is the plan for the Tentative Assessment  
10 Roll? Is the County reassessing,  
11 trending, freezing?

12 ACTING ASSESSOR CRONIN: It's a  
13 great question and it's something that we  
14 have been looking at since I've sat in  
15 the seat. It is not such an easy answer,  
16 however, because the issue that I  
17 currently face is that I'm to predict  
18 market value based upon a valuation date  
19 of the first business day in January this  
20 year. I think it's January 2nd of 2023.  
21 There are a lot of factors that are in  
22 play right now that we're not in play  
23 around three months ago: The idea of  
24 increase in rate hikes, inflation is on  
25 the rise, international conflict faces

1  
2 us, and consumer sentiment has decreased  
3 approximately 25% in the past three  
4 months. It is something that I call it a  
5 game time decision. I am ready to pivot  
6 whenever it needs to happen, but I would  
7 be not doing my due diligence if I didn't  
8 wait for all the facts that I could  
9 collect and actually make a move on that  
10 information. It is something that is very  
11 important to me. I take pride in what I  
12 do and that's something if the time comes  
13 and I decide that it's something that can  
14 be implemented at that point, it will be  
15 done.

16 PRESIDING OFFICER NICOLELLO: When  
17 would you have to make this determination  
18 for the tentative assessment notices to  
19 go out?

20 ACTING ASSESSOR CRONIN: Well, the  
21 valuation date is January 2nd. I'm well  
22 aware of the Tax Impact Notice; I think  
23 it's County Admid Code 672. That would  
24 have to be 60 days prior to the  
25 publishing of the Tentative Assessment

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Roll.

PRESIDING OFFICER NICOLELLO: When would you have to make a decision?

ACTING ASSESSOR CRONIN: Very soon, within the next few weeks.

PRESIDING OFFICER NICOLELLO: That decision has not been made today?

ACTING ASSESSOR CRONIN: Not yet.

PRESIDING OFFICER NICOLELLO: All right.

Just the other question: Explain to us what happened with the error.

COMMISSIONER ARNOLD: Absolutely.

In 2021, for the previous reappraisal of the County, the TPP was voted on and implemented by State Statute and previous administration put it into effect. It was a phase-in value that was supposed to approximately take five years to phase in values.

What ends up happening every year is that if there is a decrease in quantity change or a physical change on the property which is negative, we are

1  
2 supposed to manually calculate those  
3 properties and apply the reduction of the  
4 physical onto the total base number. So I  
5 always use the example of: If a 100 was  
6 the base number and I had a minus 20 in  
7 the physical, my percentage difference  
8 should be minus 20. One hundred minus 20  
9 would be 80. Eighty should have been the  
10 new base. What ended up happening is a  
11 clerical error was performed and instead  
12 of the column on the spreadsheet being  
13 put into the system as in 80, it was  
14 overwritten as the reduction amount 20.

15 PRESIDING OFFICER NICOLELLO: Okay.  
16 And was that specific types of activities  
17 on properties? Was it demolition,  
18 essentially?

19 ACTING ASSESSOR CRONIN: Yes, so  
20 it's negative physical demolition of  
21 inventory on the roll and any fire  
22 damage. That was implemented from the  
23 previous successor and it's been  
24 practised ever since it was implemented  
25 in 2021.

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PRESIDING OFFICER NICOLELLO: How many properties are we talking?

ACTING ASSESSOR CRONIN: Approximately -- well, 842 exactly.

PRESIDING OFFICER NICOLELLO: Right. The notices went out --

ACTING ASSESSOR CRONIN: Right. The bills went out by the receivers. The bills had gone out and then, once we identified the issue, I contacted all the receivers of taxes and I sent a personal letter from me explaining that the issue existed and that we asked the receivers if they could implement new tax bills which, as of today, they have been sent out to the homeowners.

PRESIDING OFFICER NICOLELLO: Then, is there any refund that would be owed to any of these home owners?

ACTING ASSESSOR CRONIN: To the homeowners, no. If they haven't paid the bill, it is not a refund status to any home owner. If they receive a corrected bill, then they would receive the

1  
2 corrected bill. To the County there is a  
3 refund that is due that we are currently  
4 putting together the actual pieces now  
5 for the corrections and that will be here  
6 and actually, I would assume, on the 24th  
7 we're bringing those forward.

8 PRESIDING OFFICER NICOLELLO: Just  
9 explain what the County exposure is.

10 ACTING ASSESSOR CRONIN: The  
11 County's exposure is making the  
12 receiver's whole, making it whole. So  
13 it's approximately 842 parcels, we would  
14 have to make those whole.

15 PRESIDING OFFICER NICOLELLO: I'm  
16 just not sure why they had to be made  
17 whole if the corrected bills were then  
18 provided to the receivers.

19 ACTING ASSESSOR CRONIN: Because  
20 we're still liable for any change in that  
21 value, any change on the taxes.

22 PRESIDING OFFICER NICOLELLO: So in  
23 terms of the town --

24 ACTING ASSESSOR CRONIN: It's the  
25 school district bills.

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PRESIDING OFFICER NICOLELLO: Do you have an approximate value of the exposure?

ACTING ASSESSOR CRONIN: Total impact on the schools is around \$1.5 million.

PRESIDING OFFICER NICOLELLO: The County has to reimburse the towns for that amount?

ACTING ASSESSOR CRONIN: Yes, the school districts.

PRESIDING OFFICER NICOLELLO: School districts, right. Because they are receiving less money than they should have.

ACTING ASSESSOR CRONIN: Correct.

PRESIDING OFFICER NICOLELLO: When was the mistake made? Obviously, we know the bills --

ACTING ASSESSOR CRONIN: When I looked back in my system, it was around June that they were uploaded.

PRESIDING OFFICER NICOLELLO: The mistake was it generated by technology?

1  
2 Was it human error? What was it?

3 ACTING ASSESSOR CRONIN: So it was  
4 generated by human error that needs to  
5 interfere with the idea of a systematic  
6 technology. It's a very good question  
7 because it brings to the point of every  
8 single time that we need to look at the  
9 TPP adjustments, it is a manual override  
10 of a system that's not necessarily meant  
11 to be overridden. It is a manual  
12 calculation, which is always something  
13 that we try to reduce as best we can and  
14 let the system be what it is. Systems are  
15 meant to perform and when you have to  
16 implement overrides in the system, it is  
17 something that always opens us up to  
18 liability.

19 PRESIDING OFFICER NICOLELLO: Thank  
20 you. Questions. Minority Leader Abrahams.

21 LEGISLATOR ABRAHAMS: How are you,  
22 Mr. Cronin?

23 ACTING ASSESSOR CRONIN: Very good.  
24 How about yourself?

25 LEGISLATOR ABRAHAMS: Acting



1  
2           Assessor, you said a lot of things. Just  
3           forgive me, because I just want to make  
4           sure I understood you right and I'm able  
5           to convey everything back to you or  
6           convey everything in terms of my  
7           questioning.

8                   ACTING ASSESSOR CRONIN:   Sure.

9                   LEGISLATOR ABRAHAMS:    So the  
10           questions I was going to ask you was  
11           related to the Presiding Officer.

12                   Diving into the Taxpayer Protection  
13           Plan. The 842, I guess, parcels that are  
14           impacted to a tune of \$1.5 million, if I  
15           remember correctly and forgive me if I'm  
16           wrong, my colleagues here, when there's a  
17           Correction of Error, doesn't need to be  
18           voted on by the legislature?

19                   ACTING ASSESSOR CRONIN:   That's  
20           correct.

21                   LEGISLATOR ABRAHAMS:    This error  
22           happened in June.

23                   ACTING ASSESSOR CRONIN:   Right.

24                   LEGISLATOR ABRAHAMS:    And you found  
25           out about it when, in June or just now?

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ACTING ASSESSOR CRONIN: Just now.

LEGISLATOR ABRAHAMS: So you went back and figured out that it happened in June, but you just found out about it a couple of days ago?

ACTING ASSESSOR CRONIN: That's correct.

LEGISLATOR ABRAHAMS: And when do you plan to present it to the Legislature? Because you said you already notified the towns about sending out the correct notices. How can they send out the corrected notices if it hasn't been proved by the Legislature?

ACTING ASSESSOR CRONIN: Well, I don't really know.

LEGISLATOR ABRAHAMS: I'm sorry?

ACTING ASSESSOR CRONIN: I don't know the answer to that question.

LEGISLATOR ABRAHAMS: Look, I want to see every taxpayer pay their fair share, but it just seems like we're adding more liability to the County. It sounds like to me these are illegal

1  
2 corrections if we're sending out  
3 something it hasn't been approved by the  
4 Legislature, which the Legislature is  
5 required to approve.

6 ACTING ASSESSOR CRONIN: Well, we  
7 are putting together everything on the  
8 24th. It will be in front of you then.

9 LEGISLATOR ABRAHAMS: But you've  
10 already sent out the correct notices to  
11 the towns. The towns are becoming liable  
12 because they're already sending out the  
13 corrective notices based on that action  
14 not happening here in the Legislature.

15 ACTING ASSESSOR CRONIN: Okay.

16 LEGISLATOR ABRAHAMS: Do you do you  
17 agree with me?

18 ACTING ASSESSOR CRONIN: I don't  
19 really know the question. It's something  
20 that is outside of my total purview.

21 LEGISLATOR ABRAHAMS: Let me present  
22 it to you again. If I remember  
23 correctly, because the previous  
24 administration made errors too, and every  
25 time I remember -- I mean you guys could

1  
2 speak up. I mean you guys remember this  
3 stuff. I mean I am speaking out of turn.  
4 If I remember correctly, when the  
5 previous legislature made errors, they  
6 had to come back to us, one of those  
7 people was Rob Myles, he's here standing  
8 right behind me. He had to present at the  
9 podium and present those correction of  
10 errors to the Legislature before they  
11 went to the towns.

12 ACTING ASSESSOR CRONIN: Right.

13 LEGISLATOR ABRAHAMS: Now I  
14 understand the expedience on why you went  
15 to the towns because you want to be able  
16 to try to correct it as quickly as  
17 possible. I'm going to get into that  
18 correction, whether or not that's  
19 actually going to happen as well. But if  
20 I remember correctly, we had to vote on  
21 it before it's presented to the towns. If  
22 I'm incorrect, then I'll stand corrected.

23 DEPUTY ASSESSOR SPARA: Michele  
24 Spara, Deputy Assessor.

25 I think the decision was made to

1  
2 send the information to the Receivers of  
3 Taxes. We did not instruct them to we  
4 provided the information to the  
5 receivers. The decision was on the  
6 receivers of whether they chose to mail  
7 out the bills prior to us presenting on  
8 the 24th.

9 LEGISLATOR ABRAHAMS: We are sure  
10 that each of the receiver of taxes were  
11 aware that they shouldn't be sending that  
12 out?

13 DEPUTY ASSESSOR SPARA: We did not  
14 tell them to or not to. As far as the  
15 Department of Assessment is concerned.

16 LEGISLATOR ABRAHAMS: Did they have  
17 knowledge that the Legislature had to  
18 vote on it?

19 DEPUTY ASSESSOR SPARA: I can't  
20 speak on behalf of the receivers.

21 LEGISLATOR ABRAHAMS: So I guess  
22 ultimately -- are we complicit in sending  
23 out an illegal correction?

24 DEPUTY ASSESSOR SPARA: We prepared  
25 the information for the receivers to

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prepare the bills.

LEGISLATOR ABRAHAMS: But the bills  
went out.

DEPUTY ASSESSOR SPARA: It is our  
understanding that some of the bills have  
gone out. That is our understanding.

LEGISLATOR ABRAHAMS: That sounds to  
me to be illegal.

DEPUTY ASSESSOR SPARA: I'm not an  
attorney.

LEGISLATOR ABRAHAMS: Okay. All  
right. Well, we've got bigger issues.

All right, so let's dive into the  
ones that went out.

(Whereupon, off record  
discussion.)

LEGISLATOR ABRAHAMS: I'm sorry, my  
counsel is telling me. Are you one of the  
attorneys for assessment?

MS. ESTIS: Yes.

LEGISLATOR ABRAHAMS: Do you mind?

MS. ESTIS: Karen Estis, counsel for  
the Department of Assessment?

LEGISLATOR ABRAHAMS: Can you

1  
2 comment on the fact of whether or not the  
3 the Correction of Error requires a vote  
4 of the Legislature before the County  
5 notifies the towns of those corrections.

6 MS. ESTIS: It's my understanding  
7 that the information went to the  
8 Department of Treasury. I'm sorry,  
9 Department of Receiver.

10 LEGISLATOR ABRAHAMS: It went to the  
11 Receiver of Taxes before this Legislative  
12 Body had the opportunity to vote on it.  
13 Do you concur that the Legislative Body  
14 needs to vote on it before it goes to the  
15 receiver taxes?

16 MS. ESTIS: You know. I think that  
17 that would be something that I would need  
18 to research and I could get back to you  
19 on that.

20 LEGISLATOR ABRAHAMS: What about  
21 before bills are issued? Because now  
22 each of the receivers of taxes have sent  
23 out the bills. So do you think that the  
24 Legislature had voted on it before the  
25 bills were reissued? Because that's what

1  
2 the towns did. By Mr. Cronin's  
3 testimony, the towns have already  
4 reissued. I'm going to get to that issue  
5 as well.

6 ACTING ASSESSOR CRONIN: I'm not  
7 sure if they have. I heard that they had,  
8 but I am not sure on any of that.

9 LEGISLATOR ABRAHAMS: All right.

10 MS. ESTIS: I'm just saying that our  
11 department merely just provided the data  
12 for this information. As far as  
13 responsibility for whether or not the  
14 bills went out, I don't think that that  
15 is something that our department  
16 encouraged. We sent the data. That was  
17 it.

18 LEGISLATOR ABRAHAMS: Well, I don't  
19 now if it's as clear cut as, we sent the  
20 data, and that's it. I mean, I think we  
21 do have a duty, fiduciary responsibility  
22 as we send the data. We don't want to put  
23 the Receivers of Taxes in harm's way  
24 either. I mean before we send the data, I  
25 would like to think that it's going to



1  
2           come this Legislative Body, so we can do  
3           the proper vote for the Correction of  
4           Error, then it can go to the villages.  
5           Because honestly I mean, I don't know,  
6           I'd assume everybody would vote yes. I  
7           mean I would vote yes. I want to make  
8           sure everybody pays their fair share. But  
9           it has to follow the proper steps.  
10          Doesn't it?

11                 MS. ESTIS: I would assume so, yes.

12                 LEGISLATOR ABRAHAMS: And do you  
13           agree in this case, did it follow the  
14           proper steps?

15                 ACTING ASSESSOR CRONIN: I think the  
16           point is, we did send the data files to  
17           the receivers, so they were aware of the  
18           changes and the changes that might go out  
19           on the bill.

20                 LEGISLATOR ABRAHAMS: Mr. Cronin,  
21           you're assuming that they were aware that  
22           this Legislative Body took a vote.

23                 ACTING ASSESSOR CRONIN: I'm not  
24           assuming anything no.

25                 LEGISLATOR ABRAHAMS: But you know

1  
2 full well the vote has to take place  
3 before bills can be reissued.

4 ACTING ASSESSOR CRONIN: I don't  
5 reissue the bills. I just sent over the  
6 updated data files.

7 LEGISLATOR ABRAHAMS: Let's back up.  
8 Are you of the same understanding that we  
9 have that, that I believe counsel just  
10 said, that the legislative vote for the  
11 Correction of Error needs to take place  
12 before any bills were issued. Are you in  
13 agreement with that? That vote needs to  
14 take place?

15 ACTING ASSESSOR CRONIN: I would  
16 have to look at the law. I really would.

17 LEGISLATOR ABRAHAMS: Wait, I'm  
18 confused now you're unaware that --

19 ACTING ASSESSOR CRONIN: You're  
20 asking me to speak about law that  
21 actually I don't know off the top of my  
22 head.

23 LEGISLATOR ABRAHAMS: Sir, you're  
24 the Acting Assessor.

25 ACTING ASSESSOR CRONIN: That's

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correct.

LEGISLATOR ABRAHAMS: There was an error that was made.

ACTING ASSESSOR CRONIN: That's correct.

LEGISLATOR ABRAHAMS: You're trying to tell me, your counsel, no one, advised you that it needed to come back to the Legislature for a Correction of Error.

ACTING ASSESSOR CRONIN: No. Which is why we're actually preparing the Correction of Error petitions.

LEGISLATOR ABRAHAMS: So now we're in the same boat now. So basically that Correction of Error has to come back. So it never dawned on anyone that we should advise the towns before they re-issue a bill because it hasn't come to here. I mean, I'm guessing, is going to come by the 24th; when is that? That's 12 days from now. No one advised the towns to say hey, towns, by the way, this never passed the Legislature for a Correction of Error?

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ACTING ASSESSOR CRONIN: Once again,  
I sent the data files over to the towns.  
There was no conversation of this  
did/didn't, it was simply a data  
transfer. It was a transfer of data,  
updating the information for them.

LEGISLATOR ABRAHAMS: It just seems  
to me that seems a little -- I mean, I  
don't know. I would hate to be a receiver  
of taxes and reissue tax bills when  
knowing full well it hasn't even passed  
the Legislature.

ACTING ASSESSOR CRONIN: Once again,  
we provided them with data files with the  
updated information.

LEGISLATOR ABRAHAMS: Karen, did you  
get a chance to speak to any of the  
counsels of the Receivers of Taxes?

MS. ESTIS: No, I did not.

LEGISLATOR ABRAHAMS: So the only  
communication was that we sent them the  
data files?

ACTING ASSESSOR CRONIN: Correct.  
Updated data files.

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LEGISLATOR ABRAHAMS: I don't know.  
I'm scared to say something that puts the  
County in more harms way, but I don't  
think that's legal.

MS. ESTIS: I think this was  
prepared so that we could put these on  
notice.

LEGISLATOR ABRAHAMS: Let me just  
change gears a little bit. The mistake  
was made, it was made in June, it was  
caught in October.

ACTING ASSESSOR CRONIN: Right.

LEGISLATOR ABRAHAMS: The bills have  
already gone out. Some people might have  
paid the bill because it may have been  
such a small margin, they didn't really  
notice a difference. Some people that may  
have noticed that they didn't get the  
full exemption of the 40% may have said:  
Well, hold up a second, and may have  
contacted your office or their receiver  
of taxes, or some people that may have  
use like myself, I use a mortgage  
company, so may have been paid already.

1  
2 So in all these different scenarios, just  
3 explain to me what happens in each  
4 scenario.

5 ACTING ASSESSOR CRONIN: I can't  
6 answer for that. For each scenario; what  
7 do you mean?

8 LEGISLATOR ABRAHAMS: Let's go  
9 through it one by one. So if somebody had  
10 a mortgage company, like probably 95% of  
11 us up here. We mortgage our homes. They  
12 pay the taxes through an escrow account,  
13 they pay the taxes to the town. If that  
14 person, if the mortgage company paid it  
15 already, paid this inflated amount  
16 without the exemption already, what  
17 happens in that particular situation?  
18 What happens?

19 DEPUTY ASSESSOR SPARA: They receive  
20 a refund.

21 LEGISLATOR ABRAHAMS: They will  
22 receive a refund. Currently, or they  
23 have to wait until the next tax bill for  
24 the schools? They would wait until June  
25 to receive a refund. If they only paid

1  
2 half, because you have the option to pay  
3 in full or pay half, mortgage companies  
4 tend to pay only in half, they would  
5 receive a corrected bill for the second  
6 half and they would receive a refund from  
7 the County for the first half.

8 LEGISLATOR ABRAHAMS: Got it. Now,  
9 in the event that if you're a homeowner  
10 that pays your own taxes, that was being  
11 prepared, I guess it was on November  
12 10th, the going on November 10th,  
13 correct?

14 DEPUTY ASSESSOR SPARA: Correct.

15 LEGISLATOR ABRAHAMS: And you paid  
16 already, same scenario? You get a refund  
17 sometime in June?

18 DEPUTY ASSESSOR SPARA: That is  
19 correct. If you're homeowner that has not  
20 paid, you are hoping that you get this  
21 reissue bill in time and then that  
22 reissued bill will have a new reflective  
23 amount.

24 DEPUTY ASSESSOR SPARA: Which is the  
25 exact reason why we prepared the data

1  
2 files to get to the receivers as soon as  
3 possible in the anticipation that they  
4 could correct as soon as possible.

5 LEGISLATOR ABRAHAMS: Got it. So,  
6 the total exposure is \$1.5 million?

7 DEPUTY ASSESSOR SPARA: Correct.

8 LEGISLATOR ABRAHAMS: Of the 842  
9 parcels, do we have an idea -- I don't  
10 know if you spoke to the Receiver of  
11 Taxes. How many people have paid so far?

12 DEPUTY ASSESSOR SPARA: We would have  
13 no way of knowing that.

14 ACTING ASSESSOR CRONIN: No way of  
15 knowing. No way of knowing what was sent  
16 out at all. All we did was update the  
17 files and sent them over to the  
18 receivers, so they understood that the  
19 calculation was reissued, and that was  
20 the new information.

21 LEGISLATOR ABRAHAMS: Okay. One of  
22 the things that my counsel just brought  
23 to my attention was I guess the letter to  
24 the receiver it quoted as saying: "As a  
25 result of this issue, I have addressed



1  
2 the issue and have corrected the TPP  
3 calculation that has now been applied on  
4 the new, updated 2022/2023 tax bill."

5 ACTING ASSESSOR CRONIN: In  
6 anticipation that when they did send the  
7 tax bills out, the updated data on the  
8 site would be implemented on the bills.

9 LEGISLATOR ABRAHAMS: But you can't  
10 correct it without coming to this Body.

11 ACTING ASSESSOR CRONIN: Correct, I  
12 understand.

13 LEGISLATOR ABRAHAMS: But this was  
14 written a couple of days ago. It hasn't  
15 come to the Body until the 24th.

16 ACTING ASSESSOR CRONIN: In  
17 anticipation of what was going to be  
18 voted on here, because a lot of times  
19 what happens is assessment is you get  
20 reactive and you don't be proactive and  
21 we end up trying to catch our tails, if  
22 you will.

23 LEGISLATOR ABRAHAMS: But what if  
24 this Legislative Body voted no?

25 ACTING ASSESSOR CRONIN: Then I

1  
2 guess I would tell the receivers of taxes  
3 that you can ignore the letter that I  
4 sent you.

5 LEGISLATOR ABRAHAMS: Isn't that  
6 kind of double the work?

7 ACTING ASSESSOR CRONIN: It could  
8 be, and that's something that I would  
9 have to apologize for, and I would take  
10 that burden.

11 LEGISLATOR ABRAHAMS: Not that I  
12 think me and my colleagues would vote not  
13 to something like that.

14 All right. Let me let me move on.  
15 You went into a little bit with the  
16 Presiding Officer about the frozen roll.  
17 I just want to make sure I heard you  
18 correctly. You mentioned multiple times  
19 -- obviously, there are other factors on  
20 why the roll continues to remain frozen.  
21 You mentioned gas prices, inflation. I  
22 thought you mentioned something about the  
23 war in Russia too.

24 ACTING ASSESSOR CRONIN: There's  
25 always some indication of the actual

1  
2 trust in the economy, and I think that  
3 that right now is a big part of why  
4 liquidity is low, exposure on the market  
5 is high, the times are up. And I think  
6 all of these factors do come into play  
7 when you have to make a decision that is  
8 three months away from today's date, that  
9 in a moment something could fall, and  
10 then I would be the one who is  
11 implementing these values, updating the  
12 roll. For me, it's something that I take  
13 into consideration all factors. Sales  
14 price is the best indication of value,  
15 but there's a lot that goes into what a  
16 home sells for, such as consumer  
17 confidence, supply and demand. I mean it  
18 is a multifaceted process.

19 LEGISLATOR ABRAHAMS: And you've  
20 weighed that versus the consequences of  
21 not revaluing properties in Nassau  
22 County, and doesn't that open the County  
23 to potentially higher grievances? More  
24 settlements?

25 ACTING ASSESSOR CRONIN: Well, I

1  
2 think the grievance process in and of  
3 itself is high and it's the  
4 constitutional right of every constituent  
5 in Nassau County to grieve.

6 LEGISLATOR ABRAHAMS: I stand  
7 correct. You're right, the grievance  
8 process is high, successful grievances.

9 ACTING ASSESSOR CRONIN: True.

10 LEGISLATOR ABRAHAMS: I think that  
11 creates some level of confidence or lack  
12 of confidence on behalf of our home  
13 owners, that there is an actual fair way  
14 of how the County's assessing value,  
15 because obviously they're using values  
16 that are frozen, that go back to several  
17 years.

18 ACTING ASSESSOR CRONIN: Right. And  
19 you bring you bring up a great point in  
20 the word confidence, and I think that's  
21 the name of the day, that's the word of  
22 the day. Confidence. And I sit before you  
23 today telling you that there's a lot of  
24 factors that go into what is the right  
25 value on a home. And to tell you today,

1  
2 if I knew what your home was worth, I  
3 would tell you that I couldn't accurately  
4 predict that as of January 2, 2023 as of  
5 today.

6 LEGISLATOR ABRAHAMS: I could  
7 imagine, yeah. But if I'm Joe Homeowner,  
8 I'm sitting back, I got a tax bill and  
9 I'm looking at it, it's showing my  
10 exemption was here 2021, then it's here  
11 in 2022 and then I'm like what happened  
12 in 2023. And then I'm being asked to  
13 pay this amount and then I hear, you know  
14 what, wrong number. We got it wrong.  
15 You're going to get a new bill. I get a  
16 new bill. We talk about confidence in our  
17 assessment systems but and at the same  
18 time assuming, I hate to assume, but  
19 assuming this Legislative Body hasn't  
20 taken any level of action in regards to  
21 the Correction of Error, we don't know  
22 what may happen. So something else, based  
23 on what they are being told today, could  
24 change very easily by the 24th. All that  
25 being said, I mean we talk about

1  
2 confidence, but at the same time it's  
3 like there's there's so many missteps  
4 that are currently occurring that if I'm  
5 a homeowner, I don't feel any confidence  
6 that I'm paying my fair share.

7 Especially after, I mean, granted, this  
8 is a small sample size 842 people out of  
9 425,000 parcels. But at the same time --

10 ACTING ASSESSOR CRONIN: It doesn't  
11 mitigate the issue. I take it very  
12 personal that is an issue.

13 LEGISLATOR ABRAHAMS: I'm not  
14 mitigating the issue at all. But what I  
15 guess what I'm saying is, at the same  
16 time, I don't know if I'm one of the 842  
17 people how confident I am in a process  
18 where we're saying that we're going to  
19 freeze the rolls, I was supposed to pay  
20 this, was found out on this day I'm not  
21 going to pay this. And then now, by the  
22 way, technically what should happen, I  
23 should have to wait until the 24th.  
24 Because if the town did issue me reissue  
25 bill, they shouldn't have.

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ACTING ASSESSOR CRONIN: I would hope that the homeowner would be watching right now or listening and knowing that I'm trying to be proactive to get these data files over to the receivers sooner rather than later, in anticipation that this Legislative Body would be voting in favor of the homeowners and for me to accept the responsibility for the issue.

LEGISLATOR ABRAHAMS: When will you be able to announce that there'll be a decision made on the frozen rolls?

ACTING ASSESSOR CRONIN: Within the next few weeks, I know my timeline is very tight; in the next few weeks.

LEGISLATOR ABRAHAMS: Of the issues that you mentioned, gas prices and markets and groceries, and inflation and war in Russia --

ACTING ASSESSOR CRONIN: I don't think I mentioned groceries. Not groceries.

LEGISLATOR ABRAHAMS: Those issues won't be resolved in the next couple of

1  
2 weeks.

3 ACTING ASSESSOR CRONIN: That's a  
4 good point. Will they? What if, right  
5 now, everything crashed? What if right  
6 now, there was something that happened  
7 that I were to tell you, Legislator, we  
8 are here today and I'm going to tell you,  
9 here's the value and I'm ready to update.  
10 And then tomorrow, something cataclysmic  
11 were to happen. It's a reality of today.  
12 It is all being factored into my purview  
13 and all the analytics are being  
14 considered, and I would not be doing my  
15 due diligence and I couldn't sit before  
16 you confidently today if I made a  
17 decision based upon something without all  
18 the facts.

19 ACTING ASSESSOR CRONIN: But every  
20 assessor, I got to think, New York City,  
21 other municipalities throughout New York  
22 state, they're all facing the same  
23 issues. We're not isolated to inflation,  
24 just in Nassau County. It's happening  
25 everywhere.



1  
2 ACTING ASSESSOR CRONIN: That's  
3 right.

4 LEGISLATOR ABRAHAMS: Sullivan  
5 County, Albany County. No mater where  
6 you go, but they're still making a  
7 decision whether they're going to choose  
8 to evaluate properties on consistent  
9 basis.

10 ACTING ASSESSOR CRONIN: I think  
11 you're right. I think one of the main  
12 concerns is that we're coming off of a  
13 two-year freeze of the assessment roll,  
14 and what type of impact is that going to  
15 have on homeowners in a potential, really  
16 inflated market? And and that is my  
17 concern.

18 MS. ESTIS: Mr. Abrams, I'd like to  
19 also bring to your attention that Cronin  
20 stepped in in May there have been  
21 numerous acting assessors, and what Matt  
22 has done in the short time that he has  
23 been acting assessor has been tremendous.  
24 I mean he was basically thrown into a  
25 situation that easily -- it was three or

1  
2 four assessors -- during a very limited  
3 time, he is making every attempt to be  
4 proactive and to notify and to do what we  
5 need to do to get this department running  
6 at its best. And that's a very, very  
7 integral part of the County. Now I  
8 understand -- I'm sorry, I didn't know if  
9 you were able to listen with Rob --

10 LEGISLATOR ABRAHAMS: I can do two  
11 things at one.

12 MS. ESTIS: Oh. That's great.

13 LEGISLATOR ABRAHAMS: Continue.

14 MS. ESTIS: I'm sorry?

15 LEGISLATOR ABRAHAMS: Continue.

16 MS. ESTIS: I think that that's the  
17 most important element here, is that Matt  
18 was faced with this situation. He's  
19 acting on it to control and to be  
20 proactive, and that's something that,  
21 unfortunately, the Department of  
22 Assessment has not seen in a very long  
23 time. Why? Because people have been  
24 coming in and out of there.

25 LEGISLATOR ABRAHAMS: So you said a

1  
2 lot of things, a couple of thoughts. And  
3 look, I'm not dismissing the fact Mr.  
4 Cronin has been proactive in what he's  
5 doing in the office. I would love to  
6 learn more about that.

7 MS. ESTIS: Immensely proactive.

8 LEGISLATOR ABRAHAMS: Great.  
9 Immensely.

10 MS. ESTIS: Yes.

11 LEGISLATOR ABRAHAMS: That being  
12 said, I'm more focused on the issue at  
13 hand. The issue at hand. There was never  
14 an announcement, I guess, Mr. Cronin, by  
15 yourself or the County Executive or  
16 anyone from this office, that there was  
17 an error. People actually got an error in  
18 their bill. It was never announced.  
19 There was never any press conference,  
20 there was never any public statement that  
21 842 people got was wrong. They never got  
22 a phone call, never got anything. They  
23 had to figure it out on their own and  
24 then call the office themselves and then,  
25 based on some of the conversations we had

1  
2 with some of them, they had to hope and  
3 pray. Because, as this morning they had  
4 no idea that a reissue bill was going to  
5 come.

6 ACTING ASSESSOR CRONIN: We still  
7 don't know if reissued bill is going to.  
8 We still don't know.

9 LEGISLATOR ABRAHAMS: You talk about  
10 being proactive, an announcement of the  
11 error would have probably been something  
12 that I would have liked to have heard.

13 ACTING ASSESSOR CRONIN: Well,  
14 hopefully there won't be any more, but I  
15 could tell you and I will look at you in  
16 the eye when I say this: If it happens  
17 again, you will see me make an  
18 announcement. This is something that is  
19 new in my tenure. I'm, and I appreciate  
20 your words, Karen, I'm doing everything I  
21 can to try to mitigate this and to turn  
22 this department into the place that I  
23 know it can be.

24 LEGISLATOR ABRAHAMS: I appreciate  
25 your honesty.

1  
2 I want to get into a little bit. You  
3 have talked about settlements of the  
4 number going from 80,000, 64,000 and  
5 17,000?

6 ACTING ASSESSOR CRONIN: Yeah,  
7 17000, SCAR filings.

8 LEGISLATOR ABRAHAMS: That sounds  
9 like mass settlements to me, but you tell  
10 me. Because it seems like it just based  
11 on the sheer number.

12 ACTING ASSESSOR CRONIN: Right.  
13 Well, every single year grievances are up  
14 and down. It is a culture of this county.  
15 Grievance culture I call it. Something  
16 that is the pain of my existence as the  
17 Acting County Assessor. I can't speak to  
18 the Assessment Review Commission. I have  
19 no control over settlements or stipulated  
20 ratio. That is not the Department of  
21 Assessment. Just just for the record, it  
22 has nothing to do with me.

23 LEGISLATOR ABRAHAMS: I understand.

24 And just finally going back to this  
25 situation. So the error was created in

1  
2 June. We discovered it in October.

3 ACTING ASSESSOR CRONIN: Right. Are  
4 there independent auditors that review  
5 the roll before anything is issued to the  
6 towns?

7 ACTING ASSESSOR CRONIN: Yes.  
8 That's part of the quality control  
9 process. The issue with this is that the  
10 error was in and of itself presenting  
11 correctly. It's very hard to find the  
12 error once it is established in the  
13 system. It is. Because, once again, it's  
14 a manual override in calculation that's  
15 supposed to be systematic. It all looks  
16 okay, and that's the danger of it.

17 LEGISLATOR ABRAHAMS: The  
18 independent auditors, they're not people  
19 at work in the Department of Assessment,  
20 right?

21 ACTING ASSESSOR CRONIN: What do you  
22 mean by this?

23 LEGISLATOR ABRAHAMS: Who's the  
24 independent auditors that actually  
25 review, the independent eyes that review

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anything before it's sent out?

ACTING ASSESSOR CRONIN: I have a quality control division in my office. I do not have privatized vendors that do any type of --

LEGISLATOR ABRAHAMS: So you have a committee of folks that work in the Department of Assessment that review the roll before it goes out?

ACTING ASSESSOR CRONIN: Yes.

LEGISLATOR ABRAHAMS: And they missed --

ACTING ASSESSOR CRONIN: Not only do they review the roll, they review everything. All transactions within the system. So data changes on a property: A new deck, increases on physical, decreases on physical. Those are the type of things that get quality controlled every single day. It is an ongoing process and something that actually we implemented -- I didn't mention in my speech, but it is an ongoing process. A lot of times what happened in my tenure

1  
2 of three and a half years now in the  
3 department, is that we would wait until  
4 the weekend of Thanksgiving. And I think  
5 everybody here can tell you that if I'm  
6 to prepare a roll in January of the  
7 following next month, for me to quality  
8 control a roll within a matter of five  
9 weeks is really unfortunate. It does not  
10 give you enough time to catch issues and  
11 potentially make the changes because, as  
12 you know, I call it the machine, you  
13 press one button, one lever goes the  
14 other way. It is a constant, dynamic  
15 situation within the system. So what I  
16 decided to do this year is to say, you  
17 know what we're going to actually do this  
18 on a weekly basis. We are going to take  
19 every single data change that goes on in  
20 this computer system and we are going to  
21 review it for accuracy, fairness, and  
22 transparency. What does it mean for the  
23 taxpayer, ultimately, when they see their  
24 value on the roll? Anything that goes  
25 on, we're checking on a weekly basis.



1  
2 That's my internal staff. Which brings a  
3 point and it's part of why I think it's  
4 so paramount to understand that this is a  
5 very complex system. It is. And I'm not  
6 saying that as an excuse. I actually like  
7 the challenge. However, I did have to  
8 implement new quality control measures  
9 and part of that was, right now I have  
10 three designated assessors on that team  
11 which are, once again, IAO designated  
12 assessors. They know in and out of the  
13 system and they understand what it means  
14 to have a value impact on the roll due to  
15 data changes, not only data changes but  
16 also exemption changes as well. So it is  
17 an ongoing process that, instead of  
18 waiting for the end of the year to  
19 implement, I've done it on a weekly  
20 basis. To me I think it's -- I mean 842,  
21 I take that personally. And to all the  
22 homeowners, it's not good and I agree  
23 with you.

24 LEGISLATOR ABRAHAMS: The exposure  
25 is 1.5. The 1.5 exposure is everyone that

1  
2 that has received the reissue bill,  
3 because we're not going to go to the  
4 other people in the respective school  
5 districts and ask them to change their  
6 bills and you got a whole --

7 ACTING ASSESSOR CRONIN: No. It is  
8 only the 842 parcels.

9 LEGISLATOR ABRAHAMS: The County  
10 guarantee insures that we're not going to  
11 go to everyone else. All you folks that  
12 got a higher bill than you should have  
13 gotten, you're going to get a reduced  
14 bill and then the County just eats the  
15 1.5.

16 ACTING ASSESSOR CRONIN: If you vote  
17 on it when the Correction of Error is  
18 presented to you, yes.

19 LEGISLATOR ABRAHAMS: Can you  
20 describe the most egregious case of  
21 someone that received a higher bill? We  
22 had heard stories of someone's bill being  
23 doubled to the tune of \$15,000 more.

24 ACTING ASSESSOR CRONIN: I didn't  
25 see any. I don't have a receipt of any

1  
2 tax bills. I don't. So I didn't see the  
3 actual bills themselves.

4 LEGISLATOR ABRAHAMS: Well, I mean,  
5 I guess that will come when you have the  
6 Correction of Error and you have present  
7 to us, correct?

8 ACTING ASSESSOR CRONIN: Yeah.

9 LEGISLATOR ABRAHAMS: Well, we have  
10 heard cases where bills have been doubled  
11 to \$15,000 and those folks have clearly  
12 said we're not going able to pay. I don't  
13 have anything further.

14 PRESIDING OFFICER NICOLELLO: Thank  
15 you. Just some follow-up questions.

16 So, as a result of a mistake, these  
17 842 homeowners received bills in which  
18 they were erroneously going to have to  
19 pay more than they should have, correct?

20 ACTING ASSESSOR CRONIN: Correct.

21 PRESIDING OFFICER NICOLELLO: We're  
22 talking, apparently in a range of  
23 thousands or up to \$15,000, correct?

24 ACTING ASSESSOR CRONIN: Correct,  
25 correct.

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PRESIDING OFFICER NICOLELLO: So if the County did not alert the receivers and/or the homeowners and they went and paid that money, if they could, they'd be out that money till June.

ACTING ASSESSOR CRONIN: Right.

PRESIDING OFFICER NICOLELLO: So you attempted to act proactively to prevent that from happening, to prevent those taxpayers from being out thousands of dollars till June, when the County got around to refunding them?

ACTING ASSESSOR CRONIN: Right.

PRESIDING OFFICER NICOLELLO: Okay. So you sent a data file to the receivers of taxes. My understanding is the County Executive has sent a letter to all 842 homeowner alerting them to the issue.

ACTING ASSESSOR CRONIN: I did.

PRESIDING OFFICER NICOLELLO: You did. Okay, all right. So you were proactive. You didn't wait until the 24th and then all those people paying their taxes out that money, you wanted to act

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proactively.

ACTING ASSESSOR CRONIN: Right.

PRESIDING OFFICER NICOLELLO: Let me ask you this: Can you get us the Correction of Errors?

ACTING ASSESSOR CRONIN: To clarify, I created the letter. The letter was sent to the receivers of taxes and I said: If you would like to send this to you the 842, that's what we will send, so that's where we are right now.

PRESIDING OFFICER NICOLELLO: I'm confused. Did a letter go to the 842 people?

ACTING ASSESSOR CRONIN: Not right now, no. Because my intention with the letter was to have it go, once it was ready for approval by the Legislature, to go with the bill so that the questions come in my direction.

PRESIDING OFFICER NICOLELLO: Can you get that Correction of Errors before the 24th? We don't have a meeting scheduled, but we can always have an

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emergency meeting.

ACTING ASSESSOR CRONIN: Of course.

PRESIDING OFFICER NICOLELLO: As soon as you can get that to us, we'll schedule a meeting and get it done.

ACTING ASSESSOR CRONIN: I'd appreciate that.

PRESIDING OFFICER NICOLELLO: I mean, do they have it available now? I mean what are we talking about?

DEPUTY ASSESSOR SPARA: We don't have it currently it's complete form. There has to be a staff summary, things like that. But we certainly can have it to you by the end of the week.

PRESIDING OFFICER NICOLELLO: All right, we do an emergency meeting. I think it's 12 hours notice. So basically, we can turn this around overnight if we need to.

ACTING ASSESSOR CRONIN: That'll be great, that'll be great. Thank you.

LEGISLATOR ABRAHAMS: Just by my calculation, Mr. Cronin, we were trying

1  
2 to figure out the average per household.  
3 I took the 1.5, divided by 842. I came  
4 to the total of 1781.

5 ACTING ASSESSOR CRONIN: That's for  
6 the full-year. Approximately.

7 LEGISLATOR ABRAHAMS: So, roughly,  
8 for the full-year these 842 people were  
9 seeing an average per household or per  
10 parcel \$1781.

11 ACTING ASSESSOR CRONIN: Yes.  
12 That's the mathematics.

13 LEGISLATOR ABRAHAMS: I just got to  
14 tell you, I mean if that was me that got  
15 that, I don't think I could swing \$1781  
16 just like that, So I mean it's I would  
17 envision, most people are not going to be  
18 able to pay it. Especially, those that  
19 may not have the benefit, like most of us  
20 up here, they are not seniors; well, some  
21 of us are seniors (laughter). But all of  
22 us are not on fixed incomes. So from that  
23 standpoint, I would envision most people  
24 are not going to pay.

25 ACTING ASSESSOR CRONIN: Right.

1  
2 That's, once again, why we put them out  
3 there and we wanted the receivers to know  
4 and put the best foot forward, and --

5 LEGISLATOR ABRAHAMS: I just want to  
6 say something. Being completely fair, I  
7 have to imagine it wasn't easy for you to  
8 come here today.

9 ACTING ASSESSOR CRONIN: No.

10 LEGISLATOR ABRAHAMS: Because you  
11 knew I was going to come and ask you  
12 these tough questions. But you did, and I  
13 respect that. Even though I don't agree  
14 with all your responses, I respect the  
15 fact that you came here, you took the  
16 shots, you took the hits and you're still  
17 here. So from that standpoint, I  
18 appreciate you.

19 ACTING ASSESSOR CRONIN: I  
20 appreciate that.

21 LEGISLATOR ABRAHAMS: Many  
22 colleagues in your government would not  
23 do that. It's not personal, we just have  
24 to get to the bottom of it.

25 ACTING ASSESSOR CRONIN: I



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understand.

LEGISLATOR ABRAHAMS: But I respect  
the fact that you actually did that. I  
wanted to make sure I said that to you.

ACTING ASSESSOR CRONIN: Thank you.  
I do appreciate that very much.

PRESIDING OFFICER NICOLELLO: After  
we beat you up, we might even hire you  
(laughter).

ACTING ASSESSOR CRONIN: Oh, boy. I  
have a child expecting any day now. Any  
day. I'm waiting for the phone call, so  
I have my first on the way, so a lot of  
activity, but thank you.

PRESIDING OFFICER NICOLELLO: Anyone  
else?

ACTING ASSESSOR CRONIN: Any budget  
questions (laughter)?

PRESIDING OFFICER NICOLELLO:  
Legislator Mule.

LEGISLATGOR MULE: We talked a lot  
about people on fixed incomes and some  
people, they want to get their bills  
taken care of and they get their bill and

1  
2 they send it off. Some of those people  
3 are probably going to be on fixed incomes  
4 and those increases are really not  
5 something that they should wait until  
6 June for. Is there any way of expediting  
7 that so that they can get -- Because  
8 that's sounds like maybe a small matter  
9 to us, but it's it's not a small matter  
10 to people who truly are on fixed incomes.  
11 It's not right what happened and it needs  
12 to be remedied for those people. I don't  
13 know how many people that would be.

14 DEPUTY ASSESSOR SPARA: That would  
15 be something that the County Treasurer's  
16 Office would have to do, since they are  
17 the ones that actually issue the refund.  
18 Generally, the way it works is when the  
19 receivers return the warrant to the  
20 Treasurer's Office, they then look at the  
21 shortages and make the school districts  
22 whole. That's why it has to go through  
23 the entire year. We can certainly reach  
24 out to the Treasurer and speak to them  
25 about that. They would have to work with

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the receivers. The receivers would have to identify who has paid in full and work with the Treasurer. I don't know that we can speak for the Treasurer.

LEGISLATGOR MULE: I hope you can do that, because it's not right.

DEPUTY ASSESSOR SPARA: We will.

LEGISLATGOR MULE: Thank you.

PRESIDING OFFICER NICOLELLO: Anyone else?

(Whereupon, no verbal response.)

PRESIDING OFFICER NICOLELLO: Thank you very much.

ACTING ASSESSOR CRONIN: Thank you, everybody. I appreciate it.

1  
2 PRESIDING OFFICER NICOLELLO: Next  
3 up, Department of Health, Dr. Irina  
4 Gelman.

5 LEGISLATOR KOPEL: You can start  
6 whenever you're ready.

7 (Whereupon, technical  
8 difficulties with Zoom audio  
9 for Dr. Gelman.)

10 DEPUTY COMMISSIONER CONIGOILAO: Good  
11 afternoon, let me introduce us. I am  
12 Debbie Conigoilao, I'm the Deputy  
13 Commissioner for Administration for the  
14 Health Department. This is Denen  
15 Jenkins, our Fiscal Director, and Shelly  
16 Schechter, Director of Maternal and  
17 Child's Health and that is our new  
18 commissioner, Irina Gelman. She is  
19 currently up in Clayton, New York, at  
20 NYSACH, the New York State Association  
21 for County Health at their Public Health  
22 Leaders conference. So that's where she  
23 is.

24 So, our budget is a slight increase  
25 from last year and that is due to the

1  
2 preschool increase that the New York  
3 State has given to the providers.

4 LEGISLATOR KOPEL: Is that you're  
5 done?

6 DEPUTY COMMISSIONER CONIGOILAO:  
7 Yeah. Pretty much.

8 LEGISLATOR KOPEL: Excellent.  
9 Concise, to the point.

10 Anyone have any questions?

11 LEGISLATOR BYNOE: Greetings. So  
12 let's start with the big drop of  
13 information you just gave us. It's  
14 increase based on what? Is it early  
15 childhood intervention or is it  
16 preschool?

17 DEPUTY COMMISSIONER CONIGOILAO:  
18 Preschool.

19 LEGISLATOR BYNOE: Could you explain  
20 that a little more?

21 MS. SCHECHTER: Sure, I'd be happy to  
22 sell. Good to see you again.

23 Preschool is the State Ed Funded  
24 Program for children three and four years  
25 old. As different from early

1  
2 intervention, which is zero to three-year  
3 olds?

4 LEGISLATOR BYNOE: Okay, so it's  
5 it's a part of early intervention, just  
6 the preschool component; am I correct?

7 MS. SCHECHTER: Well, they are two  
8 very different programs. Early  
9 intervention is funded and legally  
10 operates under State health. Pre-school  
11 is funded and legally operates through  
12 State Ed.

13 LEGISLATOR BYNOE: Early  
14 intervention was identified in the  
15 Comptroller's budget as a risk. Do you  
16 know why? Is there going to be any  
17 change in the formula and how are you  
18 being reimbursed there?

19 MS. SCHECHTER: No. I know NYSACH is  
20 looking for a five percent increase in  
21 providers services, but I don't  
22 understand what the risk would be.

23 LEGISLATOR BYNOE: It's not until  
24 2024 and it's at 2.8, in any event.

25 So I kind of wanted to hear from you

1  
2 a little bit about where we were on COVID  
3 and what we're planning for the upcoming  
4 year, relative to continuing our efforts  
5 to make sure that folks are vaccinated  
6 for the regular flu, and as well as  
7 making sure that we're continuing to roll  
8 out the boosters. They say the booster  
9 numbers are flat and at this last round  
10 of the booster that was just put out, I  
11 guess, or that they're trying to get  
12 people to take, really deals with the  
13 last set of variants. And so are we  
14 really having a public campaign to make  
15 sure that people do both the flu and the  
16 COVID booster?

17 MS. SCHECHTER: Actually we do have  
18 plans for a public campaign in the  
19 immunization program to do more public  
20 education on immunizations in general,  
21 childhood immunizations. As you, polio  
22 has become a big issue right now as well.  
23 So on all the immunizations. I believe  
24 we're funded over a million dollars for  
25 that.

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MS. JENKINS: Yeah, we got a grant that gave us funding that we could do to do outreach for various vaccinations. So I think we're planning on doing some bus adds and some other things to help get people vaccinated.

LEGISLATOR BYNOE: The big push I'm hearing is really going to be the flu. I took my shot.

MS. SCHECHTER: I got one on each arm, but it's low. You're right.

LEGISLATOR BYNOE: We really need to do a significant campaign to make sure that people don't get lax even just getting the flu vaccine.

MS. SCHECHTER: Correct. And we've seen, you know, vaccine preventable diseases have seemed to come back on a number of fronts. You're right.

LEGISLATOR BYNOE: So where are we with this polio? I know that we've found so trace amounts in wastewater. Have we identified any polio cases?

MS. SCHECHTER: No cases. We have a



1  
2 fairly well vaccinated population for  
3 polio. Polio is the one children get  
4 three doses as an infant and then one  
5 booster before they go. We have very  
6 good rates on polio, not that it couldn't  
7 happen at all. But we have very good  
8 rates.

9 LEGISLATOR BYNOE: To that point,  
10 groundwater samples and testing, there  
11 was a law that was passed by this Body,  
12 that requires that the County engage a  
13 consultant to work to compile all of the  
14 water sampling from all providers across  
15 Nassau County so that we can have a  
16 snapshot of the conditions and so that we  
17 can help in some ways identify emerging  
18 contaminants or maybe plumes or anything  
19 that's occurring as far as water, the  
20 water sample. So now what I learned in  
21 2021, was that we did not do it in 2020  
22 because of it COVID, a little thing like  
23 COVID stopped us but understandable,  
24 right. And then 2021, I'm understanding  
25 because of the different variants that

1  
2 then started to become a problem, we  
3 didn't do it again. But I want to know  
4 where we are. There's still time in 2022  
5 to compile that report.

6 MS. SCHECHTER: We are gathering  
7 together the RFP process as we speak.

8 MS. JENKINS: We started the  
9 process, so we could put out a bid to see  
10 if we can get an outside consultant to do  
11 the report for us.

12 LEGISLATOR BYNOE: An outside  
13 consultant to do the compilation of the  
14 report and then give you an analysis.

15 MS. JENKINS: Yes.

16 LEGISLATOR BYNOE: And so when do we  
17 think this Body would receive such a  
18 contract for our view, based on where you  
19 are in the process?

20 MS. JENKINS: I think we just  
21 started to put it in the the system for  
22 it to be routed so we can get approval to  
23 get it done, and then we have to go  
24 through a whole process. So it might be  
25 hopefully maybe by the end of the year.

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LEGISLATOR BYNOE: And this is for them to compile the a report for 2022?

DEPUTY COMMISSIONER CONIGOILAO:  
This is for the organization to be picked to do --

LEGISLATOR BYNOE: I understand that. To do what study? Can they go back and look at 2021 for us and 2022? Or was it just for the look back to 2022?

MS. JENKINS: I think they are going to try to go back to try and do 2021 and '22.

LEGISLATOR BYNOE: That would be optimal that we go back and look at '20. Because I know what we did do for 2020, a portion of that money that should have been used for that study, we pushed it into the sprinkler system. So I'm not asking you to go back to 2020, but I am asking for '21 and '22.

MS. JENKINS: We do have the money in the budget for it. Okay. I think that would be imperative. Thank you very much. I don't have any other further questions.

1  
2                   LEGISLATOR WALKER:  When we spoke  
3                   about the vaccines, what are we doing to  
4                   try to assist those who are coming into  
5                   this country, but our communities, who  
6                   possibly don't have any vaccines,  
7                   especially since we've had, like the  
8                   polio issue. But many of them are coming  
9                   here and they don't have any. I mean they  
10                  not only don't have COVID, but they don't  
11                  have any other vaccines that our  
12                  children, have received over the years  
13                  and we have received over the years. How  
14                  can we reach out to be able to address  
15                  them and assist them?

16                 MS. SCHECHTER:  That's a great  
17                 question, obviously not a new question.  
18                 These systems that receive the newly  
19                 immigrant people would be the systems  
20                 that we would work with to make sure that  
21                 they have the vaccines they need. But  
22                 you're absolutely right, it's not a solid  
23                 plan at this point and we need to really  
24                 do better with them. You know it's it's  
25                 not just the local health department,

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obviously, that has that reach.

LEGISLATOR WALKER: Exactly. I'm sure in some ways it's a difficult issue to address, but something we do need to address.

MS. SCHECHTER: Absolutely.

LEGISLATOR WALKER: You will keep us updated?

MS. SCHECHTER: Yes, I will. And then when you said too about the rise in the need to early intervention with our preschoolers -- my background is actually education. It was actually early childhood education -- are we finding that there's many, many more children in that age-group I mean, it seems that's what.

MS. SCHECHTER: Absolutely.

LEGISLATOR WALKER: I don't know if that was also due to COVID and that we might have realized that when they were not preschool age. But now those little ones are preschool age and so we need to address those.

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MS. SCHECHTER: Right. Yes, we definitely saw a decline during the '20 and '21 COVID years, if you will. And and strong increase back now. One of our big challenges is that the use of Telehealth, video therapies, has really been difficult to break now. A lot of the therapists want to do, for example, speech therapy, to a two-year old via i-pad. Now that might have been the only way to do it in '20 and 21. But we're really trying to pull to to you know, deincentivise that now and get face-to-face back. That's a challenge.

LEGISLATOR WALKER: It is a challenge. Because I know my grandson that would get speech, and now he's now in fifth grade, but during the COVID time and he was doing it via an i-pad, they don't even like it. They they want to be with that person, because then the interaction between that person and the child is so important.

MS. SCHECHTER: Right. We've been

1  
2 working with the State Health Department  
3 to encourage them to issue some guidance  
4 about going back or having two payment,  
5 two reimbursement models. There's a lot  
6 of ways you can do that, but the State  
7 has to do that in early intervention. So  
8 we're pushing. Because we don't like it  
9 either. We have many, many families who  
10 need to speech therapy for their kids and  
11 are waiting for face-to-face rather than  
12 accept virtual for those obvious reasons.

13 LEGISLATOR WALKER: And then  
14 obviously that holding up that child  
15 because they're getting no services now,  
16 while you're waiting for that to happen.

17 MS. SCHECHTER: Correct. It's been  
18 kind of the after wash, if you will, of  
19 COVID.

20 LEGISLATOR WALKER: Unfortunately, I  
21 think it's the effect in many areas. I  
22 mean a lot of people don't want to come  
23 back to work. They'd rather work via  
24 their computer.

25 MS. SCHECHTER: Right. It is, it's a

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challenge.

LEGISLATOR WALKER: Okay. Thank you very much.

LEGISLATOR FORD: Good afternoon. I'm looking at your staffing analysis and I guess as this year you have a 156 employees and you have in the budget that you want to increase it to 181? Am I reading this correctly?

MS. JENKINS: Yes, that's correct now.

LEGISLATOR FORD: Do you have active lists to pick these employees from, or do you have to issue any civil service test?

DEPUTY COMMISSIONER CONIGOILAO: Some civil service lists have already been established and others have not.

LEGISLATOR FORD: Are there any obstacles in your way of bringing this head count up to what you would like it to be? Because, obviously, when I look at some of the jobs you want them to look at, whether or not they're seasonal or full time. I know with seasonal you're



1  
2 going up, you want to increase it by 13,  
3 Correct. I'm looking at the budget.

4 MS. SCHECHTER: Generally, we have  
5 19 seasonal.

6 LEGISLATOR FORD: Currently, you  
7 have 19, but you're looking to increase  
8 it to 33, correct?

9 MS. SCHECHTER: When this snapshot  
10 was -- some had left, so that's why it  
11 looks like we're looking for 13, but  
12 every year the seasonal program is 19  
13 employees.

14 LEGISLATOR FORD: I'm not -- I'm  
15 just hoping that you could get them on  
16 board, because you're very important.

17 MS. SCHECHTER: Recruitment has been  
18 a little difficult.

19 LEGISLATOR FORD: I'm in support of  
20 your asking for people. Trust me. And I  
21 would like it so that if you, especially  
22 in the full-time side, that you have  
23 lists and there is nothing in the way of  
24 you hiring the people that are necessary  
25 for you to do the job that you need to

1  
2 do, you know I see that they're looking  
3 at, like you do food safety. That's  
4 something that you oversee and my concern  
5 sometimes when I think about that, with  
6 the food insecurity with people, that the  
7 cost of food being so high that sometimes  
8 families may try to hang on to food as  
9 long as they can and maybe it expired or  
10 something like that and they shouldn't be  
11 eating it. So that is a concern to me  
12 that this can happen. It's just, you  
13 know, try to get the message out.

14 Also I think you're looking to also  
15 hire, bring on, another early  
16 intervention service coordinator which I  
17 120% support the early intervention  
18 programs. I really do. It helped my  
19 nephew who didn't speak, now we can't  
20 shut him up, but you know what we're  
21 happy he's speaking.

22 So when I look at everything that  
23 you bring to the County, we do count on  
24 you. You guided us through COVID. You  
25 helped to coordinate a lot of stuff. So

1  
2           you're very integral to us. That's why  
3           I'm hoping that if there isn't a list  
4           that Civil Service will work with you in  
5           a timely fashion to establish that test,  
6           give it, and then establish that list so  
7           that you're able to bring candidates in  
8           and hire the employees to be able to do  
9           the services that are necessary.

10           And I just want to, Doctor -- I'm  
11           going to say her name wrong, but I met  
12           with her and during this training and I  
13           will be reaching out to the doctor as  
14           well as you, because I know one of my  
15           concerns that we talk about in  
16           emergencies and with Sandy, the one thing  
17           that I think fell short, especially for  
18           those that were impacted in the areas  
19           where they were flooding, there was no  
20           need of communication, no cell towers, to  
21           see what can we do to help alleviate the  
22           fears and concerns of people if they feel  
23           like her going to be cut-off from  
24           information that they need to have. So  
25           I'm hoping that we'll be able to work

1  
2 together on that with OEM who is in the  
3 back. Commissioner Corbett it is very  
4 good at his job and you are good at your  
5 job. So I'm hoping that we'll be able to  
6 work through something like that and come  
7 up with the plan. But thank you very  
8 much.

9 DEPUTY COMMISSIONER CONIGOILAO:  
10 Thank you and thank you for recognizing  
11 the work that we do.

12 LEGISLATOR FORD: Always.

13 LEGISLATOR BYNOE: I'm sorry, I  
14 still have another question.

15 Back to early childhood intervention  
16 and preschool. Back -- I want to say  
17 maybe even around this time last year, we  
18 had a real, all hands-on deck meeting  
19 regarding creating a framework for more  
20 access and awareness for the program and  
21 maybe doing some work to ensure that new  
22 mothers understood the different stages  
23 and benchmarks that children should be  
24 hitting so that they knew whether the  
25 child was progressing properly or there

1  
2 needed to be some level of intervention.  
3 I had used an example of a brand new  
4 mother in the district. She had never  
5 really been around infants. She didn't  
6 have any younger brothers, sisters,  
7 cousins, and so she really didn't know  
8 the benchmarks. And then we were in the  
9 middle of COVID and, therefore, the baby  
10 wasn't seeing the doctor as often as she  
11 would typically, and so there was some  
12 delays that were identified later on and  
13 and it was just right outside of the  
14 opportunity for -- forgive me if I get  
15 this all wrong -- getting the help at the  
16 early intervention piece but then had to  
17 wait for the preschool.

18 MS. SCHECHTER: I remember that.

19 LEGISLATOR BYNOE: You remember me  
20 reaching out about that. So that started  
21 a whole discussion about having some  
22 public service announcements, working  
23 with technology, working with some of the  
24 hospitals that are delivering the babies  
25 and the pediatric doctors and even

1  
2 incorporating even the dentist, because  
3 it was the dentist who actually  
4 identified the threatened delay.  
5 Apparently, there's something that  
6 happens in the oral region and it can  
7 sometimes mimic tonsillitis type of thing.  
8 But it really is a delay and I can't put  
9 it all together in this very moment. But  
10 we talked about making sure that all  
11 these folks that are charged with the  
12 care and support of the infant and the  
13 family to engage them in this process.  
14 And so I'd love to hear if we've taken  
15 those plans, and been able to work to  
16 bring anything to fruition.

17 MS. SCHECHTER: There have been a  
18 lot of effort on universal screening.  
19 Help Me Grow, Docs For Tots; there's a  
20 lot of agencies out there now that are  
21 that are fostering universal screening.  
22 That's really what you need to do. You  
23 need to make sure that universal  
24 screening is like getting your  
25 immunizations and doing all -- that you

1  
2 look at developmental progress through  
3 the first and early years.

4 The other part of that problem is  
5 families that get referred to early  
6 intervention and don't take it. We've put  
7 a real press on -- they haven't they  
8 haven't refused it until you've had a  
9 discussion with them. You know that kind  
10 of stuff. Because very many moms will be  
11 too challenged and too busy to actually  
12 take the early intervention referral and  
13 and work with us.

14 So we have an enhanced, you know,  
15 early intervention model now where we  
16 actually go out and work with them and  
17 try to get them to yes. To try to get  
18 them to, okay, I'll take the eval, I'll  
19 take a look at the services.

20 But you're right, the beginning of  
21 all that is universal screening. And we  
22 we send mailers out to every newborn  
23 every month. We do about 1000, little  
24 more than 1000, paper mailings to every  
25 every newborn.

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LEGISLATOR BYNOE: Well, if you mail me anything to my house, you want me to miss it.

MS. SCHECHTER: Right. I know it's not good enough. You're right.

LEGISLATOR BYNOE: But if you e-mail me, you text me. That's why we're started talking about technology acting in place of that paper mailing. I mean we got these new mothers who are harried and trying to be all that they can for this new baby. And you know a paper coming in the mail is not as responded to as an e-mail or text message on their phone.

MS. SCHECHTER: Once we get them in one of the programs, once we get them in WIC, we text them all the time. But you're right, it's very tough. The birth registry information doesn't come with a cellphone number.

LEGISLATOR BYNOE: And we were talking about trying to find better ways to insure that registry was fine tuned or that we even created a secondary



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registry. I remember the conversation like it happened yesterday.

MS. SCHECHTER: I think it was pre-COVID.

LEGISLATOR BYNOE: No, no. I actually think we had some masks on. But nonetheless, we talked about even engaging child care, doing training for some of the childcare employees. We talked about engaging --

MS. SCHECHTER: Right. I think Social Services was there with us.

LEGISLATOR BYNOE: It was a mixed bag. It was Social Services, you, like I said, all hands-on deck. There was many members of that particular administration. I'd just like that conversation to get started again. I think as identified by Legislator Walker COVID definitely would have had some impact on furthering those delays, and so I think we need to get back on track with having that conversation.

To that end, I'm going to just ask a

1  
2 question regarding legislation that the  
3 County is pursuing in an attempt to cap  
4 or mitigate the local cost of preschool  
5 and early intervention services. Can you  
6 tell me what that legislation looks like?

7 MS. SCHECHTER: I think that's from  
8 NYSACH. NYSACH is bringing that forward.

9 LEGISLATOR BYNOE: Is it that NYSACH  
10 is bringing it and they're looking for  
11 County partners?

12 MS. SCHECHTER: No. I don't know if  
13 it's early intervention. I think it might  
14 be preschool. The real money user, if  
15 you will, is preschool not early  
16 intervention. Early intervention is \$25  
17 million, pre-school is \$125 million.

18 LEGISLATOR BYNOE: Yeah, it's in  
19 OMB's budget book on page 152. The County  
20 is pursuing state legislation to cap or  
21 mitigate the local cost of preschool and  
22 early intervention services.

23 MS. SCHECHTER: I can't speak to  
24 that.

25 LEGISLATOR BYNOE: As a former

1  
2 school board member, as my colleague  
3 Debbie Mule probably could attest to,  
4 when the children don't get those  
5 services, they end up in school with IEPs  
6 and they end up in programs that are 10  
7 times more costly than getting involved  
8 in providing the intervention earlier on.  
9 But more importantly, we really reduce  
10 the opportunities for folks to right size  
11 out of these challenges the longer we  
12 delay them from getting services and  
13 capping and mitigating cost and all that  
14 stuff, and get it is costly to us, but I  
15 don't want us as a county to adopt a  
16 policy that we're looking to get out of  
17 our responsibility.

18 MS. SCHECHTER: That would be  
19 outside the County scope anyway. Well,  
20 it's in the County's book.

21 MS. SCHECHTER: I didn't write it.

22 LEGISLATOR BYNOE: And so I've been  
23 here before where I identified five  
24 million dollars was going from this early  
25 childhood preschool intervention into the

1  
2 police line. And so you've heard of the  
3 school to prison pipeline, that couldn't  
4 be more illustrated when you look at a  
5 budget that's taking that money and  
6 putting it into the police line. So I  
7 don't and I made some noise about it,  
8 this caucus did, and they put the money  
9 back and the money remained there. And  
10 now we're seeing that we need even more  
11 money. So had we taken that five million  
12 dollars some years ago and moved it into  
13 that line, we really would be in a  
14 significant deficit.

15 So one of the other things that I'm  
16 wondering is whether this department, for  
17 this purpose has received any ARPA money  
18 so that maybe we can actually expend  
19 services as opposed to be looking at ways  
20 to cap and mitigate, because we've got to  
21 know. As my colleague has already said,  
22 COVID plays a roll in how these kids are  
23 progressing. Have has this department  
24 received any ARPA money for this  
25 particular endeavor?

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DEPUTY COMMISSIONER CONIGOILAO: No.

LEGISLATOR BYNOE: Yeah, we should be. These are highly impacted members of our community. We should definitely be getting ARPA money to expand services. We shouldn't have people on weight list trying to get services. We should find other providers and be offering additional services. So please take that into account and know that I would much appreciate that. I think that's getting some head nods. So let's see, I think the body might also be in support of that.

LEGISLATOR FORD: Anyone else?

(Whereupon, no verbal response.)

LEGISLATOR FORD: I see none. Thank you very much for your presentation. Thank you really appreciate waiting so long.

I don't now if she could hear us. Thank you very much, Dr. Gelman.

1  
2                   LEGISLATOR FORD: We're going to now  
3 here from the Department of Information  
4 Technology. Good afternoon. Thank you  
5 very much. Well, introduce yourselves,  
6 let's get on with this.

7                   COMMISSIONER STANTON: Good  
8 afternoon, Nancy Stanton IT Commissioner.  
9 Thank you for your time today. The 2023  
10 budget is inline with our previous year's  
11 submission. There is a \$2.5 million  
12 uptick from 2022, primarily attributed to  
13 several key initiatives:

14                   1. Cyber Security. First and  
15 foremost cyber security has been and  
16 continues to be our highest priority; a  
17 number of key enhancements have been  
18 completed as well. We continue on a daily  
19 basis to monitor our environment,  
20 infrastructure, and network. We have  
21 recently contracted with an incident  
22 response company as well. Thanks to the  
23 County Executive's office, we have been  
24 working on an RFP to help bring in  
25 additional resources to evaluate our

1  
2 environment, help support us on  
3 penetration testing and remediation.

4 2. Peoplesoft. We are currently  
5 working to move to the cloud as well. We  
6 are working to upgrade or will be working  
7 to upgrade to the latest version.

8 3. Geographic Information Systems.  
9 We continue to work with Assessment,  
10 FireCom, DPW and PD to provide  
11 state-of-the-art tools.

12 Hiring continues to be an issue.  
13 OMB continues to approve PRFs. We have  
14 several pending PRFs to replace retired  
15 staff. However, it is extremely difficult  
16 to retain staff as well, hire staff at  
17 the current CSEA salaries. The salaries  
18 in it are not competitive. We are hoping  
19 this can be addressed in the near future.

20 Thank you.

21 LEGISLATOR FORD: Thank you. It  
22 seems to be the mantra of so many  
23 departments dealing with hiring employees  
24 and keeping them. All in all, it's  
25 always the issue of whatever grades these

1  
2 employees are on and the salaries that  
3 they're making. Have you reached out to  
4 Civil Service and to the Administration  
5 in the hopes of trying to get these  
6 salaries increased?

7 COMMISSIONER STANTON: Yes, I have.

8 LEGISLATOR FORD: All right, I mean  
9 because we're I'm pushing. I honestly  
10 believe that this is crazy. What is the  
11 starting salary normally?

12 COMMISSIONER STANTON: It depends on  
13 the title, but some could be as low as  
14 \$40,000. But to bring in an IT  
15 professional at \$60,000 it's just not  
16 working. Not only that, we bring people  
17 in and then the school districts or  
18 another district takes them at \$20,000  
19 higher a year. It's not sustainable. We  
20 train people. I have fabulous team, we  
21 work hard, they're motivated. I just  
22 can't keep them and if I lose them I  
23 can't replace them.

24 LEGISLATOR FORD: Wow. Because  
25 there's no pool of candidates that you



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could choose from?

COMMISSIONER STANTON: They say no. They decline us. We canvas all the time and we get constant, rejects, salary, salary, salary.

LEGISLATOR FORD: It's insane.

COMMISSIONER STANTON: It is insane.

LEGISLATOR FORD: This has been an issue, but I think this year more so than ever.

COMMISSIONER STANTON: Yes.

LEGISLATOR FORD: We see where you actually look at some of the salaries, you cringe.

COMMISSIONER STANTON: We do, you do. It's almost embarrassing. And I feel bad. You know they come to me and they say we don't want to leave, but I have a family, I have children. I can't stop them. I say, we have great benefits and you know it's a great opportunity. You try, but I can't. I have a few actually, one in particular, two in particular, one that works for the clerk and one that

1  
2 works in parks, and they came to me and  
3 they said we're going to stay. We're  
4 hoping that something will happen in the  
5 near future. We love what we do, we love  
6 working with this team and we're going to  
7 stay.

8 LEGISLATOR FORD: Well, I wish you  
9 luck. I'll partner with you.

10 COMMISSIONER STANTON: Thank you.  
11 Thank you. Thank you. Anything you can  
12 do, I would appreciate it.

13 LEGISLATOR FORD: I'm fighting about  
14 a couple of things already. I might as  
15 well bring this on too, but it really is  
16 something -- we need to keep a vibrant  
17 workforce here in the County. It's very  
18 very, very important. The solution is  
19 not always to privatize departments. The  
20 solution then work with CSEA to work with  
21 the workforce that we have and with the  
22 supervisors that we trust.

23 COMMISSIONER STANTON: Yes. Yes.

24 LEGISLATOR FORD: And to say if this  
25 is an issue and problem, let's correct

1  
2 it, let's work on it. Let's do what we  
3 have to do.

4 COMMISSIONER STANTON: Just to give  
5 you one little example, GIS. You know  
6 it's very hard to bring people in at  
7 those salaries. So we work with civil  
8 service and we just developed GIS trainee  
9 titles. So it's kids coming out, kids,  
10 coming out of school with bachelor  
11 degrees, with some kind of internship,  
12 and we're actually hiring two of them. So  
13 that's great. But that doesn't help me. I  
14 need people that are in this already that  
15 know how to work in this environment,  
16 can't always train everyone.

17 LEGISLATOR FORD: I understand, I  
18 understand. Does anybody else?

19 LEGISLATOR DERIGGI-WHITTON: First,  
20 I wanted to thank you because I heard  
21 from my staff how you've been helping  
22 with the CRP program.

23 COMMISSIONER STANTON: Yes. We're  
24 very excited about that.

25 LEGISLATOR DERIGGI-WHITTON: If we

1  
2 can make that process easier, you're  
3 going to have 19 happy people up here.

4 COMMISSIONER STANTON: Yes.

5 LEGISLATOR DERIGGI-WHITTON: Another  
6 thing, in a non techi language so I can  
7 follow you. Do you know what happened  
8 with Suffolk County?

9 COMMISSIONER STANTON: I've spoken  
10 to the commissioner a few times, but they  
11 are not giving up information and I don't  
12 blame them. They're in the midst of  
13 disaster. We've helped them, we've sent  
14 them some equipment. I've sent them staff  
15 to help, but I would be lying if I told  
16 you I knew what happened. I've heard  
17 rumors and I can, you know, come up with  
18 my own conclusion, but I would rather not  
19 say anything about Suffolk at this time.

20 LEGISLATOR DERIGGI-WHITTON: I hope  
21 at some point we can get more  
22 information.

23 COMMISSIONER STANTON: We will.  
24 They said that they would talk to me.  
25 They're just not ready.

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LEGISLATOR DERIGGI-WHITTON: Maybe  
you can report to us.

COMMISSIONER STANTON: Without a  
doubt.

LEGISLATOR DERIGGI-WHITTON: If we  
even have to allocate more funds for  
that, it would really be worth while.

COMMISSIONER STANTON: Yes, yes.

LEGISLATOR DERIGGI-WHITTON: It is.  
The other thing that someone else in our  
staff just brought up. I don't know how  
much of a role you play in this, but  
we've had those keyless entry and they're  
not complete yet.

COMMISSIONER STANTON: The new ones  
that are being put in. I think it's four  
doors, two doors, four doors. Yeah, we  
are working on it. I'll make a phone call  
tomorrow and see what the date is. I know  
DPW had some work to do and then we have  
some work to do, but it's definitely in  
the works. Parts were difficult to get  
for that installation. So yeah, that's  
what delayed it.

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LEGISLATOR DERIGGI-WHITTON: Thank  
you.

COMMISSIONER STANTON: You're  
welcome.

LEGISLATOR BYNOE: Hi. Good day,  
Commissioner. How are you?

COMMISSIONER STANTON: Good. Thank  
you.

LEGISLATOR BYNOE: Good. I'm sorry I  
stepped out of the chambers for a second,  
but I do believe someone asked you about  
trying to get as many people on board as  
possible and there's been uphill battle.  
I know you know it's a challenge for you,  
but specifically around areas of cyber  
security, experience and expertise, what  
does our staffing level look like as it  
relates specifically to people with five  
years or more with cyber security  
experience. Well, I have, Al Perez Deputy  
Commissioner, he handles cyber security;  
Steve Barry, Senior Engineer who has been  
with the County for 34 years. They are my  
senior staff that handles all of it and

1  
2           there are other people under them that  
3           work with them. We have a team that are  
4           doing it. We would love to bring in cyber  
5           security staff, but at these salaries I'm  
6           not going to get them.

7           Now we're working with the County  
8           Executive's Office on an RFP that  
9           hopefully will allow us to bring in some  
10          people to help us with that kind of  
11          stuff. But you know we would love to  
12          bring in cyber security people, but not  
13          at these salaries. You're not going to  
14          find them.

15          LEGISLATOR BYNOE: So they are in  
16          certain positions -- aren't there  
17          ordinance positions or non-competitive  
18          positions within your framework where you  
19          could bring in the salary individuals  
20          that you --

21          COMMISSIONER STANTON: Sure. With  
22          approval, sure. Yeah.

23          LEGISLATOR BYNOE: And so to that  
24          end, have -- does the gentleman here, you  
25          have a lengthy experience in cyber

1  
2 security.

3 MR. PEREZ: Yes. I have 39 years of  
4 IT experience.

5 LEGISLATOR BYNOE: Cyber security  
6 and cyber resiliency.

7 MR. PEREZ: Cyber security, network  
8 training for microsoft. I have  
9 approximately 39 years of IT experience  
10 and have been exposed to and working with  
11 and in the security space for over 20  
12 years.

13 LEGISLATOR BYNOE: And so, cyber  
14 resiliency and security: Two different  
15 things, and everyone's saying that we  
16 should be doing both. The security aspect  
17 is to harden it, tighten it, make sure  
18 people don't get in. The resiliency is,  
19 is all of the exercises that one would  
20 have to take in the event one gets in  
21 that keeps us up and mobile and able to  
22 function as a county so that we don't  
23 have to shut down and be able to work as  
24 a liaison between all of the different  
25 law enforcement agencies and departments



1  
2 to make sure that they're functioning. So  
3 in terms of this specialist that you're  
4 looking to hire, what would a timeline  
5 look like for having that person?

6 COMMISSIONER STANTON: I was not on  
7 the committee. However, these gentlemen  
8 were, and I believe a vendor has been  
9 chosen. I'm not sure it's been awarded  
10 yet, but I believe -- is that correct?

11 MR. BARRY: It's not been awarded  
12 yet. They're still going through the  
13 vetting process, but once it's awarded it  
14 should be a fairly quick process to get  
15 it through.

16 COMMISSIONER STANTON: It's a key  
17 priority of the County Executive.

18 LEGISLATOR BYNOE: Can you talk a  
19 little bit about what services we  
20 would --

21 MR. BARRY: So they'll they'll be  
22 providing penetration testing,  
23 application testing, any internal web  
24 testing, they'll be augmenting any of our  
25 staff if we need them to remediate any

1  
2 findings that they come up with. And  
3 it's two-year contract with option to  
4 renew for additional two years.

5 LEGISLATOR BYNOE: And would this  
6 also consist of ensuring that our vital  
7 and key departments have the ability to  
8 come off of the central system and maybe  
9 operate in silos so that they can still  
10 still function?

11 MR. BARRY: I think that's one of  
12 the main goals for that: To look at the  
13 plan to create resiliency for all the  
14 different departments.

15 LEGISLATOR BYNOE: And they would be  
16 working directly with you two gentlemen?

17 MR. BARRY: Us plus the rest of the  
18 IT staff. We have several engineers out  
19 of the data center they be working with.

20 MR. PEREZ: And the police and the  
21 DA.

22 COMMISSIONER STANTON: Yeah. I was  
23 going to say the police and the DA are  
24 separate from us, but working with the  
25 same vendor, which is nice, because then

1  
2           you get consistencies throughout.

3           LEGISLATOR BYNOE: Absolutely, and  
4           so each department has their own IT  
5           person, so those folks would also then be  
6           part of a larger team that would work to  
7           identify.

8           COMMISSIONER STANTON: I wouldn't say  
9           every department has their own IT support  
10          staff, but some do, and we have a pool of  
11          technicians that travel around to the  
12          other departments, but they're all cross  
13          trained.

14          LEGISLATOR BYNOE: Every department  
15          would be represented in this process?

16          COMMISSIONER STANTON: For sure, for  
17          sure.

18          LEGISLATOR BYNOE: Really interested  
19          to see that come to fruition. I suspect  
20          that you've isolated and identified some  
21          funding for equipment and the like in  
22          this budget.

23          COMMISSIONER STANTON: Yes, we have.

24          LEGISLATOR BYNOE: Based on doing  
25          doing some forecasting on what would be

1  
2 suggested. So we have some funds that are  
3 set aside?

4 COMMISSIONER STANTON: Yes, we do.  
5 We also asked for a million dollars in  
6 capital funds, which I don't think that's  
7 been approved yet, but we'd like to have  
8 that as well.

9 LEGISLATOR BYNOE: Okay. Our  
10 limited research indicates that ARPA  
11 after money also could be used for that  
12 type of, security and resiliency,  
13 insomuch that some of things that we used  
14 to do in person we're doing remotely and  
15 the like, and so to my understanding,  
16 ARPA can be used for that as well.

17 COMMISSIONER STANTON: Thank you.  
18 Great to know.

19 LEGISLATOR BYNOE: I think that does  
20 it. Thank you.

21 COMMISSIONER STANTON: Thank you.

22 LEGISLATOR KOPEL: Thank you for a  
23 wonderful presentation and thank you.  
24 You're done.

25 COMMISSIONER STANTON: Thank you.

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LEGISLATOR KOPEL: Now we have social services, and that would be Nancy, Commissioner Nancy Nunziata.

Good afternoon, sorry, you've been you've been sitting here for many hours and have undoubtedly enjoyed listening to everyone else.

Anyway, why don't you go go ahead.

COMMISSIONER NUNZIATA: Good afternoon, everyone. So I'm Nancy Nunziata, I'm the DSS Commissioner.

Just to speak a little bit about the budget. Currently, our proposed budget is for about \$498 million, which is \$27 million increase over the 2022 budget. Much of that is as a result of additional staffing that we've needed, particularly in our child protective services unit. And also we have several contracts. We do provide some contractual services and there's been a minor increase in that, and that's mostly because of ECOLA.

Our approved head count last year was 555 and this year for '23, it's 559,

1  
2 a total of four. I've been listening to  
3 my colleagues. We're running into the  
4 same problem everybody is: Hard to  
5 recruit people. We currently have 472  
6 folks on staff, so we're down by 87  
7 people. Much of that number also has to  
8 do with the fact that DSS has an older  
9 employee population and I'm not talking  
10 chronologically, I'm talking people with  
11 many, many years of service. So this year  
12 alone, we had 40 people who retired. We  
13 have four more coming up at the end of  
14 this month and five more coming up by the  
15 end of the year. So that's you know, it's  
16 really hard to replace when you have that  
17 many retirees.

18 When I came into the position, it's  
19 going to be three years now, 65% of the  
20 workforce at DSS could have retired at  
21 any moment. They all had their years in  
22 and they had age. So that's one of the  
23 battles that we're up against all the  
24 time. And you know part of what happens  
25 when they leave is that's a lot of

1  
2 institutional knowledge that goes out the  
3 door. That's not to say that we don't  
4 have succession planning and that we  
5 don't have people that we're essentially  
6 training and grooming to to move up. But  
7 you know it's hard when you have almost  
8 50 people with 25 years or more walking  
9 out the door.

10 Much like my other colleagues said,  
11 the salaries are rough. Many people do  
12 not accept the job because of the  
13 salaries, and unfortunately at times  
14 we're competing with other county  
15 departments. So it's not even like we're  
16 competing with the outside. One of our  
17 biggest competitions is probation.  
18 Probation pays their caseworkers a lot  
19 more than we pay. So that's tough.

20 And just to give you an example of  
21 of the salaries and we've been doing what  
22 some of my other colleagues have said is  
23 we've been requesting salary waivers. So  
24 let's take, for example, a caseworker  
25 position. The actual base salary for a

1  
2 caseworker is \$32,855. So what we did is  
3 we requested a salary waiver to bump it  
4 up to \$44,555, and even at that salary we  
5 had 18 applicants and we were only able  
6 to hire five. Everybody else turned down  
7 the salary. We now have a waiver in for  
8 \$49,000, we submitted that in June and  
9 we're still waiting on the approval of  
10 that. But I'm giving you caseworkers as  
11 an example. But forgot to introduce my  
12 colleague.

13 MS. SIN LU: My name is May Sin Lu,  
14 I'm the senior accountant for DSS.

15 COMMISSIONER NUNZIATA: And May, is  
16 also, we have accountants and it's very,  
17 very difficult to hire because the  
18 salaries are so low. I felt comforted  
19 actually listening because I thought,  
20 okay, we're not the only ones that are  
21 going through this.

22 But essentially our budget is the  
23 same. We work closely with OMB whenever  
24 we've needed to increase staffing in  
25 different units. We've been able to work



1  
2 with them to get that again. One of our  
3 biggest concerns is CPS and making sure  
4 that our caseloads are within state  
5 mandates, and I'm happy to report that  
6 they are. We are averaging 12 cases per  
7 worker, which is a far cry from where we  
8 were a couple of years ago when we were  
9 averaging 18 and 20 cases per worker.  
10 And we monitor that very closely.

11 Actually, one of the things that we  
12 developed is a monitoring tool. So I get  
13 this report. I could look at it every day  
14 or every month we update it. Gives you  
15 every caseworkers name, how many cases  
16 they have, whether cases overdue, et  
17 cetera. So at a moment's glance we know  
18 where we are with staffing in that  
19 particular unit, which is probably one of  
20 the most critical units that we have in  
21 DSS.

22 Is there anything, May, on the  
23 budget that you want to add?

24 MS. SIN LU: I'm open for question.

25 LEGISLATGOR MULE: Yes, good

1  
2           afternoon. Commissioner, right over here.

3           Just two quick questions. The first  
4           is, according to my summary. Excuse me,  
5           it's a \$2.7 million increase. But you  
6           said \$27 million, which is correct?

7           COMMISSIONER NUNZIATA: It's a \$27.3  
8           million increase compared to 2022  
9           expenses.

10          LEGISLATGOR MULE: The budget to  
11          budget increase. Okay. This is  
12          incorrect. Okay, thank you.

13          The second thing is, I'm so pleased  
14          to hear that the caseworker assignment  
15          loads are are down to where they are,  
16          because I mean we're all reading about  
17          the tragedy of Thomas Valva and we never  
18          ever want something like that to happen  
19          here, not to anybody.

20          COMMISSIONER NUNZIATA: Yeah, I  
21          mean, I have to tell you if there's  
22          anything that keeps me awake at night,  
23          it's a case, God forbid, like that. We do  
24          get high profile cases. I have three of  
25          them right now. But I have to say, I

1  
2 have a great group of staff. And we have  
3 a new CPS director who I promoted a  
4 couple of months back and she's doing a  
5 great job.

6 LEGISLATGOR MULE: Thank you.  
7 That's all for me.

8 LEGISLATOR WALKER: Hello,  
9 commissioner.

10 COMMISSIONER NUNZIATA: Hello.

11 LEGISLATOR WALKER: I know you and I  
12 have spoken many times during the  
13 craziness of COVID, not that it's totally  
14 behind us, but now, thank God that our  
15 kids are back in school, I worried about  
16 that a lot during COVID, because first of  
17 all it wasn't easy to have children out  
18 of school at home. Moms and dads had to  
19 somewhat be teachers and teacher helpers  
20 and whatever at the same time they're  
21 trying to do work or whatever. You know,  
22 even situations where children are in a  
23 very safe household, you know parents  
24 were getting frazzled a bit. But for  
25 those who are in situations that were not

1  
2 good, I really worried about those  
3 children because school was a safe haven  
4 for them. And now they were not there  
5 and they didn't have the schools either  
6 to bring you know incidences to you that  
7 they were suspicious of. Now that they  
8 are back in school, are we finding that  
9 we're getting a lot more information?

10 COMMISSIONER NUNZIATA: Yeah, for  
11 sure. During the whole time of COVID,  
12 when we're in the midst of this, a lot of  
13 the calls were down because, as you said,  
14 school is a main source of reporting for  
15 us. But as I look at the numbers:

16 In July, July 15th we had 774 active  
17 cases; August it dipped down a bit to  
18 569; and now it's back up again in  
19 September to 657.

20 So we're definitely getting more  
21 frequent calls. And I think with the  
22 Valva case going on, we're anticipating  
23 more calls. Because as people become  
24 more aware of how serious the problem is  
25 and how they're next door neighbor seems

1  
2 to be a great person, you know decent  
3 family, beautiful home, there could be  
4 really bad things going on behind the  
5 doors.

6 LEGISLATOR WALKER: Of course it's  
7 just information that we're reading in a  
8 newspaper whatever, but it seems that the  
9 schools reached out to DSS in Suffolk and  
10 obviously it didn't go anywhere. Again,  
11 I would never want to think that would  
12 ever happen here. So I'm happy to see  
13 that our caseloads have decreased for our  
14 case workers and that there's a lot of  
15 focus on what is going on.

16 I know too that we had spoken about  
17 this many times before too, in other  
18 services that we offer through DSS and  
19 you're out and about with our families,  
20 you see issues that you could then bring  
21 forward to our health department in  
22 regard to like early interventions and  
23 things like that. So that's something we  
24 stay close with them, hopefully. Because  
25 the numbers in pre-school they said

1  
2 intervention has dramatically increased.

3 When they see things that need to be  
4 addressed to DSS and when you see things  
5 that need to be addressed to the Health  
6 Department. I hope we really are keeping  
7 that communication open with each other.

8 COMMISSIONER NUNZIATA: The good  
9 thing is we have several people from the  
10 early intervention program on sight at  
11 DSS from the Department of Health so the  
12 referrals flow back and forth. But you're  
13 right, we need to do that.

14 Just so that you know, in the other  
15 areas of DSS, our numbers have been  
16 climbing. Our SNAP applications are up  
17 about eight percent, or public assistance  
18 applications are up to 15%. Again we  
19 suspect that the tougher the economy  
20 becomes, more people are applying for  
21 services. So we're busy. You know we were  
22 busy all through COVID and we're still  
23 busy.

24 LEGISLATOR SCHAEFER: Good  
25 afternoon. How are you?

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COMMISSIONER NUNZIATA: Good.

LEGISLATOR SCHAEFER: Good.

I just had a couple of questions about the some of your vacancies, so there's approximately 87 vacancies right now; is that correct?

COMMISSIONER NUNZIATA: Throughout all of DSS.

LEGISLATOR SCHAEFER: So it's not more specific titles, it's really kind of everywhere.

COMMISSIONER NUNZIATA: It's all titles. We have it in accounting and in all areas. In CPS, I think right now we have like eight or something like that, but we're still keeping our caseload.

LEGISLATOR SCHAEFER: How many did you say you have?

COMMISSIONER NUNZIATA: How many do I have? I have 12 vacancies.

LEGISLATOR SCHAEFER: I know obviously as was mentioned the Thomas Valva case, the number of cases per case worker has changed since then; is that

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correct?

COMMISSIONER NUNZIATA: Oh yes, we  
were --

LEGISLATOR SCHAEFER: Forced by the  
State to reduce.

COMMISSIONER NUNZIATA: Well, yeah.  
The State recommends between 12 and 15  
cases per worker. That is standard, and  
right now we're hovering around 12.  
They're maybe a worker who has a little  
bit more or a little bit less, but our  
average is within keeping with State  
mandates.

LEGISLATOR SCHAEFER: How has that  
been for them to maintain? Is it a little  
easier?

COMMISSIONER NUNZIATA: I have to  
tell you, it's a combination things:

One, that's obviously extra staffing  
which we were able to bring on board. So  
we've brought on, I think, about probably  
10 more caseworkers since then.

It also is a question of making sure  
that we keep within the mandate to



1  
2 investigate cases and then make a  
3 determination. So we have "x" amount of  
4 time to investigate a case. We have 60  
5 days to investigate a case and make a  
6 decision whether it's founded or  
7 unfounded. What was happening earlier  
8 when I first got here is we had a lot of  
9 cases that will open well beyond the 60  
10 days, so cases weren't being closed out,  
11 either closed out or indicated and then  
12 provided services.

13 So one of the things that our new  
14 CPS director has been working on closely  
15 with me is making sure that we're meeting  
16 those time frames, and that also helps.  
17 So it's not only doing the investigation,  
18 but it's making timely decisions about  
19 whether there's grounds to indicate a  
20 case or not.

21 LEGISLATOR SCHAEFER: And have there  
22 been any changes implemented for the  
23 employees to assist them, because it's a  
24 very difficult job?

25 COMMISSIONER NUNZIATA: Yeah, it's a

1  
2 tough job. And we recently had an  
3 employee who was who was essentially  
4 attacked on a visit. She had to make a  
5 home visit and when she went to the house  
6 the guy was the father and he locked her  
7 in the house and then she tried to break  
8 out and she hurt herself. So staff are  
9 really concerned about about safety.  
10 There are plans being worked on to issue  
11 different types of cellphones with the  
12 ability to contact police immediately.  
13 We're also talking about getting more  
14 county cars because a lot of our staff go  
15 in their own vehicle, which also could be  
16 dangerous. Someone could get your license  
17 plate. So we need to do that.

18 Ultimately, I would love to see us  
19 to be able to send two people out per  
20 visit, but that would definitely require  
21 some more staffing.

22 LEGISLATOR SCHAEFER: Are those like  
23 plans that you would work out in  
24 conjunction with the Police Department,  
25 the phones and --

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COMMISSIONER NUNZIATA: Yeah, and the CSEA is also working closely with the administration on doing that, because it's one of their members.

LEGISLATOR SCHAEFER: So that seems to be moving forward?

COMMISSIONER NUNZIATA: Yes.

LEGISLATOR SCHAEFER: And you're continuously looking, I guess, for more caseworkers? Obviously all these vacancies are open.

COMMISSIONER NUNZIATA: Always, and you know, part of the problem, even for all the other positions, is Civil Service. Not necessarily our Civil Service, the State. They don't have tests. If there is a test, it takes them months to get us the scores. Which I don't understand, they're Scantron cards, I teach. In five minutes, when you give an exam, you put the Scantron through and you get the results. But we're waiting months and by the you're losing people.

I've spoken to Martha about it here,

1  
2 but as I also spoke to other  
3 commissioners, it's really a statewide  
4 problem and it's at the State. They are  
5 the ones who issue the exams, not us. We  
6 put in the request, but they issue the  
7 and the score them. So it's a big  
8 problem.

9 LEGISLATOR SCHAEFER: Yeah. Okay.  
10 That's all I have. Thank you.

11 LEGISLATOR WALKER: I just had a  
12 question regarding students who are in  
13 college and going for social work, are we  
14 able to utilize them in any way? We were  
15 saying we have workforce money that  
16 possibly maybe some of these students  
17 would come in and be able to work with  
18 DSS, get a salary. It might not be the  
19 salary that they hope to eventually have,  
20 but possibly even help them to further  
21 their education. I don't know exactly  
22 how we can utilize it, but even if they  
23 could be somehow assisting the department  
24 and learn while they're you know, while  
25 they're assisting.

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COMMISSIONER NUNZIATA: Yeah. We have social work interns who generally do 21 hours a week. It's unpaid. I think if we were going to try to bring in people, we'd have to talk with the CSEA because they'd probably may not be too happy with bringing people in for work that they feel members could do. Even with the interns we really have to work out with them what the interns can do and what they can't do. So that's where I think the sticky part would be.

LEGISLATOR BYNOE: So I'm very happy that you're able to keep the number down on the cases. I remember at some point there was a State preferred max cap for for caseloads.

COMMISSIONER NUNZIATA: Yes, 12 to 15.

LEGISLATOR BYNOE: And you said on average, we have 12 --

COMMISSIONER NUNZIATA: We have some people that have a little bit more like 13 or 14, but yeah, we're within the

1  
2 State recommended average.

3 LEGISLATOR BYNOE: And I suspect  
4 that the APS staff also is met with a lot  
5 of challenges.

6 COMMISSIONER NUNZIATA: Yeah.

7 LEGISLATOR BYNOE: Are we seeing an  
8 increase in the need to oversee folks  
9 income and paying their bills, and all of  
10 those things?

11 COMMISSIONER NUNZIATA: Yes, we have  
12 a number of cases. They're called  
13 guardianship cases, where we go to court.  
14 We had very, really so proud of our Legal  
15 Department and our APS Department. They  
16 brought a case recently, a woman who in  
17 her late seventies/eighties, and a worker  
18 who used to help around and do little  
19 repair jobs. Well, this woman had a lot  
20 of money. She was worth a couple of  
21 million dollars. So what did he do? He  
22 decided he was going to marry her. So he  
23 was a 40 something year-old guy and he  
24 got somebody paid some one to marry them.  
25 And of course it came to our attention

1  
2 because there was a report called in.  
3 And I have to tell you, our Legal  
4 Department did an amazing job and it's a  
5 landmark case where we got that marriage  
6 annuled and this woman now, her money is  
7 being used to care for her as opposed to  
8 going to this man who was purely taking  
9 advantage of her. So it made all the law  
10 journals and our attorneys were very,  
11 very proud. It was weeks of trial, but we  
12 did it.

13 But we are seeing a lot of cases, a  
14 lot of financial mismanagement and abuse,  
15 but also a lot of physical abuse and a  
16 lot of hoarding and also older people,  
17 just being left in their apartments, not  
18 eating properly, nobody caring for them.  
19 What people do to older and younger  
20 people is dreadful.

21 LEGISLATOR BYNOE: I was hearing an  
22 uptick from friends that are working at  
23 public housing authorities, specifically  
24 around seniors. So just hopeful that we  
25 can keep up with all the cases there.

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And so the other thing I wanted to know is: In processing, you said there was an uptick in SNAP. Are we able to turn those around quickly so that people are able to get the services they need?

COMMISSIONER NUNZIATA: Yeah. Right now, you know sometimes we're making it by a slim margin. But again, we have to turn these cases within 30 days. You have to move them. If not, we have Empire Justice who breathes down our back. But we've been doing it both on the SNAP and the TA side.

LEGISLATOR BYNOE: So the mandate is 30 days?

COMMISSIONER NUNZIATA: The mandate is 30 days from when an application comes in. You have to make a decision whether they qualify or not, and that's a quick turn around.

LEGISLATOR BYNOE: And then on the homeless housing.

COMMISSIONER NUNZIATA: Must have read my mind. I was just going to say



1  
2 what I've failed to talk about is an area  
3 that's really increasing, which is our  
4 homeless issue. Homeless problem.

5 Nassau County has a pretty  
6 significant homeless problem, just to  
7 give you some numbers:

8 Currently we have 1134 adults and  
9 children that we are taking care of an  
10 emergency housing, and that could mean  
11 they're in shelter or they're in hotels.  
12 All of the categories of homeless  
13 arising.

14 Homeless men: We had 319 last year  
15 and already this year we have 374  
16 homeless single men that we're dealing  
17 with.

18 Women: On the rise as well. We had  
19 a 143 single women in shelter last year  
20 and this year so far we have 175.

21 Children: The one number that's  
22 gone down a bit. It's probably because  
23 the families are a little smaller as the  
24 children. We had 402 children in shelter  
25 last year. We have 369 as of today. These

1  
2 "As of" today are all as of today.

3 Families: We have a 183 families  
4 that are in shelter.

5 And just so that you know, a lot of  
6 our, especially the individuals, although  
7 a number of families wind up in hotels  
8 just because we don't have enough shelter  
9 space. So as of today we have 404 in  
10 shelter and 328 people in hotels. So  
11 that's varied around the county.

12 Clearly, the numbers going up. And  
13 especially with the single men, they  
14 often have mental health issues,  
15 substance abuse issues. We're seeing  
16 what everybody else is seeing.

17 And of course now we'll have Code  
18 Blue, that's going to be starting very  
19 soon. And for those of you who may not  
20 know, it's whenever the field  
21 temperature's 32 or below, we must house  
22 everybody, so even people that are  
23 undocumented. And speaking of that, I  
24 mean we have a big homeless, undocumented  
25 population out there, and the problem

1  
2 with that is that they don't qualify for  
3 any of our services. You have to be  
4 qualified. So when you're undocumented,  
5 you're not qualified. However, we did  
6 apply -- New York State has what they  
7 call their rental supplement program.  
8 Every county was allocated money. I think  
9 ours is \$2.9 million and we had to submit  
10 a plan. So right now, our plan that we  
11 submitted -- we have a lot of these  
12 homeless singles that have been in hotels  
13 a year, two years, three years, that  
14 hotel room has essentially become their  
15 home. So even though we may not want it  
16 to be their home, but it is where they  
17 are comfortable. So one of the things  
18 we're looking to do is we've talked to at  
19 least two of the hotel owners to convert  
20 some of those rooms into efficiency units  
21 so that people will be able to cook a  
22 meal and they'll have refrigeration and  
23 the things that they need to sustain  
24 themselves and essentially make it  
25 permanent housing.

1  
2           We also have had recently, and DCE  
3           Moore knows about this. We met with two  
4           different providers who are among our  
5           better providers, who may be interested  
6           in doing some apartments. Part of the  
7           homeless problem is the lack of housing.  
8           The money that people get, even if you're  
9           on security, SSI, you just can't afford  
10          housing here and quite frankly, you can't  
11          afford it like anywhere. Even in New York  
12          City, New York state, everybody's  
13          struggling. So we're trying to get  
14          creative about ways in which we could  
15          help make someone homeless, get them some  
16          permanency. Because it's expensive.  
17          Homelessness is very expensive and in the  
18          end the goal is to have people have a  
19          decent, safe place to live. So we're  
20          trying to think outside the box.

21                 LEGISLATOR BYNOE: Prior to this,  
22                 \$20 million, and I'll want some  
23                 clarification on that. I know during  
24                 COVID there was no money available for  
25                 unhoused folks until some COVID recovery

1  
2 money came down. Attorneys of this  
3 caucus did the research on my behalf and  
4 then presented it to the County  
5 Administration that found that little  
6 loophole where they could actually house  
7 some folks. But it couldn't be directly.  
8 It had to be by way of giving it --

9 COMMISSIONER NUNZIATA: Had to give  
10 it to a non profit.

11 LEGISLATOR BYNOE: We gave it to the  
12 Inn.

13 COMMISSIONER NUNZIATA: Yup. And  
14 that was great.

15 LEGISLATOR BYNOE: Is that money --

16 COMMISSIONER NUNZIATA: That money  
17 is gone. It was used up. That's the  
18 problem. We don't have that. That was  
19 great.

20 LEGISLATOR BYNOE: Those folks were  
21 sleeping in front of supermarkets and  
22 parking garages and it was in tents and  
23 wooded areas, and it was really heart  
24 breaking to see and hear. And, more  
25 importantly, we're susceptible for

1  
2 contracting and spreading COVID at the  
3 time, and so we were able to place some  
4 of those folks. Now you're saying there's  
5 29 -- the whole \$29 million could be used  
6 for --

7 COMMISSIONER NUNZIATA: It's not \$29  
8 million, it's like 2.9.

9 LEGISLATOR BYNOE: It's 2.9.

10 COMMISSIONER NUNZIATA: If it was  
11 29, I'd be doing a happy dance.

12 LEGISLATOR BYNOE: Only for  
13 undocumented?

14 COMMISSIONER NUNZIATA: No, it's for  
15 anyone, but the good thing about this is  
16 that it allows us to help someone who's  
17 undocumented.

18 LEGISLATOR BYNOE: So that will  
19 supplement the money that we receive for  
20 other homeless.

21 COMMISSIONER NUNZIATA: Yeah. So we  
22 have the allocation this year. And the  
23 State, when I spoke with them, they said  
24 they anticipate that this will happen  
25 every year. So it's every county and,

1  
2           like I said, we didn't have to compete  
3           for this money. They gave you an  
4           allocation based on size and all of that.

5           LEGISLATOR BYNOE: Is it going to be  
6           that same income guideline? Because when  
7           we talked -- I mean, I can't believe the  
8           income guidelines. If you have any  
9           income, you don't qualify.

10          COMMISSIONER NUNZIATA: But this  
11          it's not necessarily income  
12          qualification. But you're right. Federal  
13          poverty guidelines are so outdated, they  
14          are so low that hardly anyone qualifies  
15          for our services.

16          LEGISLATOR BYNOE: And so one final  
17          question regarding those that are  
18          homeless and being housed in hotels: Do  
19          they have a requirement to leave every  
20          day?

21          COMMISSIONER NUNZIATA: They had  
22          thought it was pretty inhuman, so nixed  
23          that when I first got here.

24          LEGISLATOR BYNOE: And there's no  
25          transportation services provided to

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individuals.

COMMISSIONER NUNZIATA: No.

LEGISLATOR BYNOE: The reason I ask is because that Jericho Motel in Edgewood where I believe some are staying, there is no bus line in proximity, so they're walking down the turnpike, which has no sidewalks and walking long distances in inclement weather and the like and causing some concerns for the folks that live nearby. So I was just wondering if they have to go to a doctor or or anything like that, there's no stipend or do we engage --

COMMISSIONER NUNZIATA: Well, they can qualify for the NICE bus or something like that. But we don't provide transportation. And it's funny you mentioned that because when we had the other plan for Jericho, we were working on creating a bus line and having a bus route established there.

LEGISLATOR BYNOE: I hope, when we take into account when, when we start to



1  
2 consider these type of alternative  
3 lodging for them, that we look for spaces  
4 that might be a little more convenient  
5 for people to move around, because, I  
6 believe, their ability to gain upward  
7 mobility and maybe get jobs and get  
8 counseling on a regular basis and all  
9 that other stuff doesn't happen as  
10 effectively if they're isolated  
11 nationally and don't have the ability to  
12 get around.

13 COMMISSIONER NUNZIATA: Yeah,  
14 absolutely. One of the parts of this plan  
15 that we submitted to the State also  
16 includes caseworkers to go out and work  
17 with people. Which would be something  
18 different, because right now we don't  
19 have that capability. We use other  
20 agencies sometimes to do that, but we'll  
21 be able to hire. They're not going to be  
22 DSS staff. Whatever nonprofit we choose,  
23 They will then have caseworkers that go  
24 out, because that's what folks need. They  
25 need someone to kind of help them along.

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LEGISLATOR BYNOE: We don't want them to stay stopped, we want them to mobilize and gain some level of self-sufficiency.

So these not for profits that are doing work on the behalf of DSS, are any of them being funded through ARPA money?

COMMISSIONER NUNZIATA: The funds, several of our current contractual agencies applied. One of the things that happened back in March of this year was the CSEA issued their Section 32 objection to basically every ARPA contract that was being proposed. So we met with them in March, there was another meeting in April, and the final meeting was in June and we finally were able to negotiate with the CSEA. Basically, one of the agencies that had applied, we really did, after careful consideration, feel that our own people could do the work. So there were agreements made. Now was not part of these negotiations, but there was an agreement made between the

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CSEA, Office of Labor Relations and us so  
that a lot of this Section 32 objections  
were removed. And so we're hoping now  
that those contracts go forward.

LEGISLATOR BYNOE: Thank you.  
Commissioner.

LEGISLATOR KOPEL: Okay. Thank you.

COMMISSIONER NUNZIATA: Okay. Thank  
you.

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LEGISLATOR KOPEL: Now we have  
Office of Emergency Management,  
Commissioner Corbett.

ACTING COMMISSIONER CORBETT: Go  
ahead, please, soon as you're ready.

ACTING COMMISSIONER CORBETT: Yes,  
sir. Good evening, everybody.

LEGISLATOR KOPEL: Thank you for  
your patience.

ACTING COMMISSIONER CORBETT: Thank  
you for staying here to see us this  
evening. I'm Richard Corbett. I'm the  
Acting Commissioner of OEM. I was hired  
as the Deputy Commissioner in January and  
I have been in the Acting Commissioner  
since July. First, I want to thank OMB  
and the Comptroller's Office for their  
assistance in helping us prepare all this  
and teaching me a lot about how the  
County finances run. With me is Tom  
Delaney, he's my Finance Chief in our  
section, and I'd like to thank him for  
teaching me as well.

I just want to go over a couple of

1  
2 things. Nassau County OEM is one of only  
3 15 of the 16 counties in New York state  
4 that certified in emergency management.  
5 We're also the largest county that's  
6 certified. What that means is our plans  
7 have been reviewed by our peers in the  
8 New York State Department of Homeland  
9 Security and Emergency Services and  
10 approved by FEMA, which in turn, if there  
11 ever is a major disaster or emergency in  
12 Nassau County, New York State and FEMA  
13 will start deploying resources this way  
14 if they know something is coming, because  
15 they know the points of contact, they  
16 know all of our staging areas.

17 Nassau County is also the sixth most  
18 densely populated county in New York and  
19 the 28th most densely populated in the  
20 United States.

21 Since I've been here, we've done  
22 numerous trainings with the senior  
23 community for hurricane and emergency  
24 preparedness. We're trying to get some  
25 tables, tablecloths with our logo on it

1  
2 to make it look a little bit more  
3 professional, but that doesn't seem to  
4 stop anybody from showing up. We've  
5 supported multiple legislative events,  
6 including Juneteenth national night out  
7 and meeting with some constituents with  
8 them.

9 Our CERT Program was recently  
10 recognized. CERT is the Community  
11 Emergency Response Team; it's a group of  
12 volunteers that works out of OEM. They  
13 were recently recognized by the State for  
14 the professionalism and how well the  
15 program is run. It's one of the best run  
16 in the state.

17 They recently started a new class of  
18 recruits of volunteers. It's being  
19 conducted at the Rockville Centre  
20 Recreation Center. And what's different  
21 about this class is it's mostly members  
22 of the Latino community and they actually  
23 have translators there teaching everybody  
24 how to work within the CERT system. So  
25 that's pretty impressive.

1  
2 We work with many community  
3 departments providing support and  
4 supplies. We supported a lot of fire  
5 department mass gatherings, parades and  
6 emergencies. Our department receives  
7 numerous grants for the police  
8 department, fire departments and fire  
9 marshals to better protect our residence.  
10 We have multiple trainings within our  
11 department. Our members are trained  
12 throughout New York State and the country  
13 to prepare our residents for emergencies.

14 We work closely with our partners in  
15 Suffolk, New York City, Westchester, Port  
16 Authority, and the MTA, so we're all on  
17 the same page. We are constantly rotating  
18 stock of all our essential items for  
19 emergencies, such as PPE, ready to eat  
20 meals, sheltering supplies, and pet  
21 sheltering supplies.

22 We are in the process of updating  
23 our fleet just before last week. Our  
24 newest piece of equipment was a 2015  
25 vehicle and we have vehicles that are

1  
2 old, but I'm not going to complain  
3 because they're army surplus, from the  
4 1990's.

5 We're designing a new  
6 state-of-the-art command post and we are  
7 actually in the process of -- we have a  
8 newer command post with an older command  
9 post. We are taking equipment off that  
10 vehicle and putting it on to the smaller  
11 vehicle, which in turn will, in disaster  
12 or emergency, it will provide broadband  
13 and satellite communication. So like in  
14 Long Beach, Legislator Ford, I grew up  
15 there, when we had Hurricane Sandy, we  
16 had no phone and we had no internet. We  
17 could bring that truck down there and it  
18 can provide internet access for about 800  
19 people. Hopefully, the newer command  
20 vehicle will be more state-of-the-art  
21 because, as we all know, technology is  
22 changing day by day.

23 One of the big things that I'm  
24 working on is operational continuity.  
25 Right now we have two members that are



1  
2 eligible to walk out the door at any  
3 time. They are one bad day away of saying  
4 goodbye, and unfortunately it's my two  
5 senior finance people. We are working on  
6 replacing them. We have somebody that's  
7 coming in and I'm working with OMB to  
8 have her transferred to my department.

9 I know a lot of discussion here was  
10 about keeping people working for the  
11 County. I had that issue when I first  
12 started here. We had two positions. It  
13 was Emergency Management Trainee and  
14 Emergency Manager 1. I've worked closely  
15 with the CSEA and Civil Service. So we  
16 are providing a career path where we're  
17 going to have Emergency Manager Trainee,  
18 Emergency Manager 1, 2 and 3, because  
19 what I've seen is like everybody else,  
20 people come out of school, they start  
21 low. To get hired Emergency Management  
22 as a trainee you need a bachelor's degree  
23 and I looked to change that and we did.  
24 But stopping the career at an Emergency  
25 Manager 1, there was no where to go. So

1  
2 people would take the thousands of hours  
3 that they have invested in training here  
4 at Nassau County, which we provide,  
5 everything they learned from Nassau  
6 County, and just go to the private  
7 sector. So I think we figured out a  
8 continuity issue and retention, so we're  
9 going to go with that.

10 Our head count has remained the  
11 same. But I'm just hoping to supplement  
12 my finance team in the new near future.  
13 And I absolutely love doing what I do.  
14 I'm a guy who comes to work smiling and  
15 I'm grateful for a job. I'm happy to come  
16 to work every single day.

17 Thank you and this is Tom Delaney,  
18 he's the finance chief. And our budget  
19 is pretty much flat from last year.

20 LEGISLATOR DERIGGI-WHITTON: I have  
21 one selfish question: You have December  
22 fourth on your calendar for Toys for  
23 Tots, it's at the Coliseum?

24 ACTING COMMISSIONER CORBETT: I have  
25 so many dates on my account of different

1  
2 toys for tots.

3 That was just brought to our  
4 attention and Major Kilbride. He will  
5 make sure that he has everything he  
6 needs. He'll take everything he needs  
7 from us. As you know, OEM is a big  
8 supporter of the Toys for Tots. Just  
9 about every member of our staff  
10 volunteers hours to work with Major  
11 Kilbride.

12 LEGISLATOR DERIGGI-WHITTON: We  
13 actually started that in Glen Cove around  
14 13 years ago, and it's now the largest  
15 collection in the whole nation. We  
16 collect enough toys for not only Nassau  
17 County and Suffolk, but part of the five  
18 boroughs. Okay.

19 ACTING COMMISSIONER CORBETT: I'm  
20 proud to be part of that.

21 LEGISLATOR DERIGGI-WHITTON: Can we  
22 work on the weather, like I'd like a nice  
23 warm --

24 ACTING COMMISSIONER CORBETT: We're  
25 trying to get a dome to cover the county

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for the winter, so we'll see how that goes (laughter).

LEGISLATOR DERIGGI-WHITTON: Thank you.

LEGISLATOR BYNOE: Thank you. So you're acting?

ACTING COMMISSIONER CORBETT: Yes, Ma'am.

LEGISLATOR BYNOE: Since January.

ACTING COMMISSIONER CORBETT: I've been acting since July.

LEGISLATOR BYNOE: Well, welcome.

ACTING COMMISSIONER CORBETT: Thank you.

LEGISLATOR BYNOE: I guess we hope to have a confirmation in some short order, because I think what you guys do over there is way too important to have somebody in an acting position, and when I look at what you do with the limited people, it's just amazing. I've taken young people to visit OEM prior to your tenure. I'm proud to say two young people decided in careers of Office of Emergency

1  
2 Management: One is currently working in  
3 New York City and their emergency  
4 management, and one is getting their  
5 degree in it, and so what you do is  
6 extremely impactful. Even for those that  
7 didn't get to see you in inaction, but  
8 for those who got to see you in action  
9 during 2020 and 2021 during the pandemic,  
10 hats off to you. I was not here during  
11 Sandy or Irene, but I can only imagine  
12 our impact.

13 You do this with very little, only  
14 people and to only need two finance  
15 people seem shocking to me. Are there no  
16 other folks that we would look to maybe  
17 have some succession planning or --

18 ACTING COMMISSIONER CORBETT: That's  
19 what I'm in the process of doing now.  
20 I've been working on it but, as you know,  
21 finance people are hard to come by. Young  
22 finance people are chasing the money.  
23 Ideally, I would like somebody maybe as a  
24 second career that's going to be able to  
25 sit in the chair and do the job and that

1  
2 has some experience, that knows grants.  
3 But we are working on a succession plan.  
4 I do have somebody, hopefully that she  
5 will be coming over to us from OMB on a  
6 more permanent basis. She works with us  
7 two days a week and goes OMB three days a  
8 week. She is a breath of fresh air.  
9 She's able to do everything in finance,  
10 from recovery to the finance job.

11 LEGISLATOR BYNOE: Cause, it's more  
12 than just finance right, it's compliance,  
13 it's it's all the things that come along.

14 ACTING COMMISSIONER CORBETT: All  
15 the rules that go along with distributing  
16 the awards and everything and spending  
17 them.

18 LEGISLATOR BYNOE: You're almost  
19 fully funded through grant money?

20 MR. DELANEY: We use our grants to  
21 the largest extent possible to offset the  
22 General Fund expenses. I'm just looking  
23 at it right now, out of the 11 people  
24 that we have on our head count for  
25 General Fund, almost all of these people

1  
2 are going to be used. To utilize our  
3 Emergency Management Performance Grant  
4 we're allowed to spend up to 50%, salary  
5 and fringe with a cost match, though, of  
6 50%. So I need some funding on the  
7 General Fund for that cost match. It's an  
8 in-kind, obviously.

9 But on the grant side, we've got  
10 eight people that are currently a 100%  
11 grant funded between two different  
12 Homeland Security Grants that we have.  
13 The problem I have, though, is there's a  
14 personal cap on these grants. We're only  
15 allowed to spend 50% of the grant on  
16 personal costs, salary and fringe. But if  
17 we have recurring contractual costs, like  
18 we do with VEEP, for example, that also  
19 counts. Also PDs training and exercise  
20 that overtime which they use the grants  
21 for that, that at all counts for  
22 personnel too.

23 LEGISLATOR BYNOE: Are we using any  
24 ARPA money in your department?

25 MR. DELANEY. No.

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LEGISLATOR BYNOE: No ARPA money for emergency management?

MR. DELANEY: No one's asked us about anything that we would need that would fall under our guidance. I've got ideas, but not necessarily even for us.

LEGISLATOR BYNOE: As I'm looking at several departments that have come up during these budget hearings and the amount of money that's coming in, I'm finding that I think we could kind of broaden our use for it. I would think emergency management would be a good place to park some of that money and even if it was short-lived for the purpose of making sure there was some continuity and succession planning and the like, because it's not money that's going to be around forever, it's money that we can use in the shorter outer year period. So I think that that should be some place we can find some funding to take care of those financial positions that you need to backfill.



1  
2 In terms of equipment, I know you  
3 said you're getting a new truck.

4 ACTING COMMISSIONER CORBETT: We are  
5 designing a new truck right now and we're  
6 actually working with New York State  
7 because they have trucks that are that  
8 are deployed in certain areas. So one of  
9 the plans I have is to work with New York  
10 State and FEMA for them to stage a truck  
11 here, but for us to be responsible for  
12 it, because if we can get a million and a  
13 half dollar command post and we just put  
14 gas and change the oil in it, I think  
15 that would be a win-win. That's one of  
16 my long term plans, but, as you know,  
17 with government is a lot of red tape and  
18 stuff like that. But we are designing our  
19 own. It's actually going to mirror  
20 Suffolk counties. This way, if there  
21 ever is some sort of catastrophe, they  
22 can jump into ours or we can jump into  
23 theirs and know exactly where everything  
24 and how everything works.

25 LEGISLATOR BYNOE: Well, thank you

1  
2 for what you do. I'm a big fan of the  
3 work you do and if there's anything you  
4 can do, get some of that ARPA money and  
5 see if it can help.

6 ACTING COMMISSIONER CORBETT: I know  
7 you're a big fan of ours. Another thing  
8 is a lot of our guys, especially the guys  
9 in the warehouse. If anything breaks or  
10 anything isn't working right, they fix it  
11 themselves, they take out the manuals.  
12 And one of the things they recently did  
13 is with our light towers, we have light  
14 towers that about eight or nine years  
15 old. The bulbs are the regular  
16 incandescent bulbs. They researched along  
17 with Tom and one of our vendors to get  
18 LED bulbs. One of the ideas was by new  
19 light heads for them. That was about  
20 \$1200 for four of them. Tom and the  
21 logistics guys spoke to one of our  
22 vendors and we found four bulbs that were  
23 \$80 each and they give off just as much  
24 light and they're holding up just fine.

25 So we do a lot of research and

1  
2 development ourselves. We don't want  
3 everybody in our office -- we like to  
4 keep everything ready at the ready, but  
5 let us do it the way it should be done,  
6 type of people. The door is always open,  
7 but our staff is very, very dedicated.

8 LEGISLATOR BYNOE: Do you have a  
9 mechanic? Now that you said that, because  
10 you have a lot of trucks and stuff.

11 ACTING COMMISSIONER CORBETT: No.

12 LEGISLATOR BYNOE: So you're doing  
13 it all yourself?

14 ACTING COMMISSIONER CORBETT: Well,  
15 the mechanical stuff is done by the  
16 garages, but as far as the equipment, the  
17 generators, they will check the  
18 generators. We have service contracts  
19 with the bigger generators, but our guys  
20 try to keep everything in-house. They  
21 take a lot of pride. They treat it like  
22 it's their own.

23 LEGISLATOR BYNOE: Staff of 11.  
24 Okay, all right. Thank you.

25 LEGISLATOR FORD: Thank you very

1  
2 much for your presentation.

3 I have to agree with Legislator  
4 Bynoe in that I think we need to consider  
5 ARPA Funding and to see if there's  
6 anything that can be done. Because I  
7 think that all of the departments that  
8 would be very deserving it would be the  
9 Office of Emergency Management.

10 But that being said, and I'm going  
11 to be very brief. The Homeland Security  
12 Funds that come through New York state  
13 still go through all the counties, right?  
14 That you are responsible of funding and  
15 distribution of anything through homeland  
16 security within New York state? We used  
17 to?

18 MR. DELANEY: Well, I mean the  
19 funding that we have on the Homeland  
20 Security side originates from DHS/FEMA,  
21 pass-through New York State. One of the  
22 grants, State Homeland Security Program,  
23 is available to all counties. The Urban  
24 Area Security Initiative Grant, however,  
25 is only available in New York State to

1  
2 New York City, and a few of the  
3 contiguous counties and cities have  
4 Yonkers, Westchester, us, and Suffolk got  
5 brought in there.

6 LEGISLATOR FORD: They pushed their  
7 way in right.

8 MR. DELANEY: Well, Rockland would  
9 have liked to have right, but they  
10 didn't.

11 LEGISLATOR FORD: We used to have in  
12 in each legislative district there was a  
13 trail that was filled with supplies,  
14 emergency supplies. Do we still maintain  
15 those trailers or are we looking like a  
16 different way to respond to emergencies?

17 ACTING COMMISSIONER CORBETT: We  
18 still have those trails deployed. I would  
19 like to update certain things on them  
20 because times have changed. Those were  
21 pretty much deployed right after Sandy.  
22 There was basically bedding and water and  
23 cots put into those. So I'm sure that  
24 whoever opens those is going to get a  
25 face full.

1  
2           LEGISLATOR FORD: All right, because  
3           that's something, if we need to upgrade  
4           and update them that, whether or not, if  
5           there's funding within your budget, but  
6           if not, maybe that's something that we  
7           can consider to see if we look for  
8           funding elsewhere, because I think that  
9           to the benefit of all the residents here,  
10          absolutely in Nassau County. But thank  
11          you very much for your leadership, both  
12          of you. Thank you.

13           ACTING COMMISSIONER CORBETT: Thank  
14          you, Ms. Ford.

15           LEGISLATOR WALKER: I will be very,  
16          very quick. Commissioner, you said that  
17          you love your job, you love coming to  
18          work every day, and I could tell you that  
19          since you have been there, our employees  
20          that are there too love their job and  
21          love coming to work every day. So and  
22          that makes a difference, you have a small  
23          staff, but they work very, very hard.  
24          OEM happens to be in my district. So I  
25          saw you in action during Super Storm

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Sandy, which was totally, totally  
unbelievable, and then even during COVID,  
and since then. Like I said, anything we  
can assist you with, please let us know  
and just keep up the good work.

ACTING COMMISSIONER CORBETT: Thank  
you, ma'am. And I am only as good as my  
staff, so the credit goes to them. They  
make me look good.

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LEGISLATOR KOPEL: Last. Parks.

And you can start as soon as you're ready.

COMMISSIONER BELYEA: Good afternoon, everyone. Thank you for inviting us to come and see you today. You saved the best for the last I'd like think.

With me is Parks Deputy Commissioner, Tim Messner; our accountant is out sick today and she couldn't join us.

So 2022 has been a very exciting time for the Department Parks, Recreation and Museums. We just completed a sunny summer, only a couple of rain outs that had over 80 free events for our residents at six of our beautiful parks. Our Summer Recreation Program was held at two locations, providing 700 kids with a fun activity field camp experience.

Attendance is up at all of our museums, parks, and at Nickerson Beach, field rentals and park permits are steady



1  
2 and our five beautiful golf courses are  
3 busy seven days a week.

4 Thanks to the support all of you,  
5 and the support of the County Executive  
6 and his administration team as well as  
7 the Comptroller and her team, we now look  
8 forward to 2023.

9 Thank you also to the team from OMB  
10 for working with us to put together a  
11 budget that we think will serve as a  
12 solid plan as we move forward into next  
13 year.

14 We are relatively adequately staffed  
15 at the present time, although we  
16 continually seek to hire and fill gaps to  
17 ensure we have coverage and can maintain  
18 all facilities. As you well know, we  
19 operate seven days a week and typically  
20 16 hours per day.

21 We are working with Civil Service to  
22 fill areas of need and rehire through  
23 attrition and also to ensure that our  
24 employees are in the correct titles for  
25 the work that they're doing. And we're

1  
2 also working with OMB to get funding for  
3 that staff that we need.

4 As you'll note on our budget there  
5 is an increase in expenses this year.  
6 This is primarily due to the increased  
7 cost of the commodities we need to  
8 purchase to upkeep our facilities, as  
9 well as elevated costs of some of our  
10 contracts which I presented to you in the  
11 past, as well as labor rates as part of  
12 those contracts. That includes credit  
13 card processing, pool and rink  
14 maintenance, golf carts and our cleaning  
15 contract. All necessary expenses, though.

16 On the revenue side, our mid-year  
17 productions are slightly down at the  
18 moment. However, our focus in the new  
19 year will be on tweaking and enhancing  
20 many of the great things that we already  
21 are doing and looking to bring new ideas  
22 to fruition, with that will come new and  
23 increased revenue opportunities.

24 As we spoke about at Rules last  
25 week, LuminoCity will start on the ninth

1  
2 of November and run into the new year and  
3 they're already setting up in Eisenhower  
4 Park. And we're looking forward to a  
5 spectacular winter event.

6 The Grand Lanin (phonetic) will be  
7 opening out some point next year in  
8 Eisenhower Park replacing the Carlton.  
9 Renovations are already underway and  
10 we're thrilled to be working with our new  
11 partners there to make it the place to be  
12 in Nassau County.

13 The Summer Rec Program, as I  
14 mentioned, we had 700 kids last year.,  
15 were expanding to a third location on the  
16 North shore next year and look to  
17 increase enrollment to over a 1000  
18 children.

19 We're working to enhance Long Island  
20 Fair and other events at Old Bethpage,  
21 with the goal of boosting both attendance  
22 and revenue.

23 Chelsea Mansion. I found it to be an  
24 underused resource and we're working with  
25 our contractor there to increase bookings

1  
2 for events and also photo shoots.

3 And now that indoor events are  
4 becoming more comfortable for the masses,  
5 our museum directors are looking to  
6 expand their programming.

7 We're working with public works, as  
8 always for various facility improvements  
9 in capital projects as well as our  
10 continual golf course improvements, which  
11 will improve our services and increase  
12 our visitors.

13 We're looking to increase the number  
14 of permits we issue at all of our parks,  
15 which would result in both increased  
16 permit fees, as well as additional  
17 concessions in catering revenue.

18 We also look to increase rentals of  
19 our show mobile, which is an untapped  
20 resource. This can all be done simply by  
21 increasing the scope of advertising,  
22 which we've been doing, especially this  
23 past summer for a free concerts and  
24 increasing our social media presence.

25 We're also anticipating additional

1  
2 revenue should be realized at Nickerson  
3 this year coming up, cabanas and  
4 cabanettes (sic) are already being  
5 reserved for next year and beyond, and we  
6 anticipate a waiting list for the first  
7 time in many years. Campground  
8 Reservations there and also at Battle  
9 Row, we're also seeing a recent uptick.

10 We've been meeting all year with  
11 several groups in an effort to create  
12 exciting new public/private partnerships.  
13 One that I can share details with is the  
14 Atlantic Collegiate Baseball League, and  
15 I was hoping that Steve Rhoads would be  
16 here today. He'll be pleased to know that  
17 they're making Nassau County their home  
18 field starting next spring and they're  
19 comparable to the Cape Cod League and the  
20 Hamptons League for current college  
21 players. And this league provides housing  
22 and employment opportunities for their  
23 players. We're actually going to partner  
24 with them to gain some seasonal employees  
25 as well.

1  
2           We're also working to secure some  
3 large events to be held here in the  
4 county, some on an annual basis. I'll  
5 share details with you as they evolve.  
6 And were continuing to look to bring new  
7 sponsorship opportunities to all of our  
8 events as well as grant opportunities.

9           We were just granted yesterday an  
10 \$80,000 grant to purchase new AEDs  
11 (phonetic), so we're pleased with.

12           On the Gulf side, now that COVID is  
13 beyond us and group outings are more  
14 permissible, we're going to look to  
15 increase golf outing bookings as well.

16           In summary, I have thoroughly  
17 enjoyed my last nine and a half months  
18 here working with a great team in the  
19 Parks Department and with all of you as  
20 well, and I welcome any questions you  
21 have regarding our budget.

22           LEGISLATOR FORD: Good evening,  
23 thanks for staying all day, and yes, the  
24 best for last I guess.

25           According to this budget here,

1  
2 you're looking to bring on 11 more  
3 full-time, correct?

4 COMMISSIONER BELYEA: Correct.

5 LEGISLATOR FORD: And I see that you  
6 want to increase the seasonal by three to  
7 400 than you had over the previous years.

8 COMMISSIONER BELYEA: Correct.

9 LEGISLATOR FORD: And where would  
10 they be working?

11 COMMISSIONER BELYEA: All spread out  
12 throughout the whole system.

13 LEGISLATOR FORD: All right, and  
14 then the cost of them -- it wouldn't have  
15 been like maybe to reduce the seasonal  
16 and maybe bring on more full-time people?

17 COMMISSIONER BELYEA: That is an  
18 option that we that we're in  
19 conversations with OMB about. That  
20 option is open to us, yes.

21 LEGISLATOR FORD: Perfect. And then,  
22 when I'm looking at your revenues and you  
23 just testified, how, with the cabanas you  
24 expect an increase, that you're going to  
25 be renting more. But according to the

1  
2 revenues on this chart here 2021 it was  
3 \$1.4 million, 2022 was \$2.8, but for 2023  
4 it's zero. So we're not going to see any  
5 revenue from the cabanas.

6 COMMISSIONER BELYEA: We don't have  
7 that revenue. That's part of our contract  
8 with Dover. So we're going to see  
9 revenue there, but only by that  
10 percentage in the contract. I'm saying  
11 it will help us overall, with Nickerson  
12 flourishing, to up our income.

13 LEGISLATOR FORD: And what is the  
14 percentage that we get?

15 COMMISSIONER BELYEA: 10%.

16 LEGISLATOR FORD: It's 10% on the  
17 cabanas?

18 COMMISSIONER BELYEA: Yes.

19 LEGISLATOR FORD: Because I also  
20 noticed that even with the camping fees,  
21 we were reduced to from \$1 million to  
22 \$700,000. Is that also because of the  
23 camping?

24 COMMISSIONER BELYEA: Right. But we  
25 also have Battle Row, which is fully



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ours.

LEGISLATOR FORD: Right, okay, and that's 10% as well at Nickerson.

COMMISSIONER BELYEA: Yes.

LEGISLATOR FORD: But you're keeping the Hotel/Motel proceeds the same at \$1,600,000?

COMMISSIONER BELYEA: That's not set by us, that's based on the percentage that we receive from those fees each year.

LEGISLATOR FORD: All right. So it's been pretty much flat all these years.

COMMISSIONER BELYEA: But who knows what's going to happen for '23, based on 2022?

LEGISLATOR FORD: Right, because I see that you left it flat, the Hotel/Motel room tax, and it went from '21, from \$1.1 million to \$975,000.

The batting cage fees, it was \$70,000 in 2022, but in '23 you're only anticipating \$15,000?

COMMISSIONER BELYEA: Because that's

1  
2 a capital problem. The ones at  
3 Eisenhower Park, those machines are not  
4 operating right now, so we're only  
5 operating with batting cages at  
6 Cantiague. So we have to spend some  
7 capital funds to replace those  
8 batting/pitching machines.

9 LEGISLATOR FORD: We didn't realize  
10 \$70,000 in revenue --

11 COMMISSIONER BELYEA: I'm not quite  
12 sure where we are with that one this  
13 year.

14 LEGISLATOR FORD: You don't know.

15 COMMISSIONER BELYEA: I'm not sure  
16 how much I've taken in so far this year.  
17 I'm sorry. I could get back to you on  
18 that.

19 LEGISLATOR FORD: All right. And  
20 then, even with the concessions, you have  
21 an increase from it was \$866,000 and '21,  
22 then in '22 it was increased to \$1.2  
23 million, and then for '23 you're  
24 anticipating \$1.7 million. Which  
25 concessions are you talking about?

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COMMISSIONER BELYEA: The would be the entire Dover contract, and with them starting in early June, the way they did. They really had to focus on getting Nickerson up and running and couldn't fully capitalize on all the picnic bookings and catering opportunities that we had prior. So we're looking to really work with them and ramp up those permits and bring in more as a result.

LEGISLATOR FORD: So you anticipate that Dover, who's going to run all of the food concessions throughout all our parks, that we're going to realize \$1.7 million.

COMMISSIONER BELYEA: I hope so.

LEGISLATOR FORD: That's 10%. So he he anticipates to make \$17 million dollars?

COMMISSIONER BELYEA: Don't forget that they also cater all the picnics and events that we do. So every permit that we issue, if somebody wants to have an entertainment piece or a DJ or food, they

1  
2 go through Dover, we get that percentage  
3 back.

4 LEGISLATOR FORD: We anticipate, if  
5 it's 10%, we're putting in the budget  
6 that it's \$1.7 million we're going to  
7 get. That means he makes \$17 million. Am  
8 I missing something here?

9 COMMISSIONER BELYEA: That line is  
10 more than just Dover. We have Old  
11 Bethpage Village, which is Lessings, we  
12 have Chelsea Mansion, which is Culinart ,  
13 and we also in Twin Rinks and Morley  
14 Tennis under that line. It isn't all  
15 Dover.

16 LEGISLATOR FORD: Chelsea mansion  
17 and Twin Rink, we provide the food so we  
18 we realize a 100%? You want to speak to  
19 that, Tim?

20 MR. MESSNER: We consider those  
21 contracts our concessioners. They're not  
22 just prototypical what you may think as  
23 far as hot dogs and chicken nuggets.  
24 Chelsea Mansion, which is operated  
25 through Culinart, they do events, as far

1  
2 as weddings or bar mitzvah or any type of  
3 event. We consider them one of our  
4 concessioners, so we get a percentage of  
5 all their income. Same with Lessings at  
6 OBVI. We don't provide any of their  
7 services there.

8 LEGISLATOR FORD: Is that thing like  
9 Old Bethpage Golf Course, am I saying it  
10 right?

11 MR. MESSNER: Old Bethpage Village.  
12 It's the fairground building Lessings has  
13 a contract. They are the sole caterer  
14 within that fairground building.

15 LEGISLATOR FORD: What percentage do  
16 we get from them.

17 MR. MESSNER: I don't recall. I  
18 believe they are on the same percentage,  
19 10, 15 and 20% somewhere around there.

20 LEGISLATOR FORD: I'm just confused.  
21 Because then we're saying that we're  
22 going to receive from all of this \$1.7  
23 million, which would be 10% of what has  
24 been realized. They bring in all of these  
25 concessions, wherever they, whether it's

1  
2 the Barn or Dover that they then realize  
3 a total of \$17 million correct?

4 COMMISSIONER BELYEA: Could be.

5 MR. MESSNER: Well, yes. They  
6 provide all expenses for those  
7 operations. We don't pay any labor fee  
8 and associated costs. So, yes, their net  
9 revenue would be far less, but yes, their  
10 income that they --

11 LEGISLATOR FORD: So then we get a  
12 percentage on what they gros, not what  
13 they net.

14 COMMISSIONER BELYEA: Correct.

15 LEGISLATOR FORD: I think that  
16 there's one last thing. I noticed that  
17 with ice skating, there's somethings that  
18 all of a sudden we're not doing anymore.  
19 Ice skate lessons. In '22, we put down  
20 \$6,000, in '23 nothing; so we're not  
21 giving skating lessons anymore?

22 COMMISSIONER BELYEA: We actually  
23 don't have the ice time to be able to  
24 give lessons. The hockey programs gotten  
25 so big.

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LEGISLATOR FORD: It's rather sad. I know. I mean how do kids learn how to skate now? Thank you.

LEGISLATOR DERIGGI-WHITTON: Hi, Commissioner. Just the one thing I wanted focus on was the Hotel/Motel, and I understand that it's not your department, but I mean it is, but it's not your department that seems to be the holdup. Right now there's \$94,000 sitting in the line. I don't know what we can do to work with you and work with the administration just to get these grants moving.

COMMISSIONER BELYEA: I have two left. I have two left that we inherited. I actually just e-mailed both the presiding officer and the minority leader today with a proposed plan the process that I'd like to put it in place so that quarterly I'm getting your approvals so that we can bring them to you on a quarterly basis. It's more efficient.

LEGISLATOR DERIGGI-WHITTON: Is one

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Girls Rising?

COMMISSIONER BELYEA: I don't recall the second one, but one is Girls Rising. But those were all the carryovers that we've gotten through, but now we're a fresh slate, so get 'em in.

LEGISLATOR DERIGGI-WHITTON: All right when I run into them. I've known them for 50 years and I can't seem to avoid them.

COMMISSIONER BELYEA: I know I had a Zoom meeting with them about bringing an event here and I had the same uncomfortable feeling.

LEGISLATOR DERIGGI-WHITTON: Okay. That's really it. But at some point I'd like to just meet you. We have so many parks that when we have 78 parks?

COMMISSIONER BELYEA: Seventy four.

LEGISLATOR DERIGGI-WHITTON: Selia doesn't have any. I want to name a park for her.

COMMISSIONER BELYEA: I know. When I first met you you mentioned that. I



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said, did you want one if you remember.  
Tim can work on that for you.

LEGISLATOR DERIGGI-WHITTON: Get  
together with a good capital plan,  
because many of our parks really need  
some help. All right, thank you so much.

LEGISLATOR WALKER: Darcy, you're  
doing a great job.

COMMISSIONER BELYEA: Thank you very  
much.

LEGISLATOR KOPEL: We are done.

COMMISSIONER BELYEA: Thank you.

(Whereupon, meeting is  
adjourned, 5:45 p.m.)

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C E R T I F I C A T E

06:36:06PM

STATE OF NEW YORK                    )  
  :  SS.:  
COUNTY OF NASSAU                    )

I, KAREN LORENZO, a Notary Public for and  
within the State of New York, do hereby  
certify:

That the above is a correct transcription  
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 12th day of October, 2022.

Karen Lorenzo  
KAREN LORENZO

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