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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

RICHARD NICOLELLO,  
Presiding Officer

**(EXCERPT OF ITEMS 9 AND 10)**

1550 Franklin Avenue  
Mineola, New York

Monday, March 26, 2018  
3:13 P.M.

1

2     A P P E A R A N C E S:3     RICHARD NICOLELLO,  
4         Presiding Officer5     HOWARD KOPEL,  
6         Alternate Deputy Presiding Officer7     DENISE FORD, Alt. Deputy Presiding Officer  
8         (Not present)

9     STEVEN RHOADS

10    DEBRA MULE

11    C. WILLIAM GAYLOR III

12    VINCENT MUSCARELLA

13    ELLEN BIRNBAUM

14    LAURA SCHAEFER

15    THOMAS MCKEVITT

16    KEVAN ABRAHAMS,  
17         Minority Leader

18    ROSE MARIE WALKER

19    JOHN FERRETTI, JR.

20    JOSHUA LAFAZAN

21    ARNOLD DRUCKER

22    JAMES KENNEDY

23    DELIA DERIGGI-WHITTON (Not Present)

24    CARRIE SOLAGES

25    SIELA BYNOE

26    MICHAEL PULITZER,  
27         Clerk of the Legislature

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LIST OF SPEAKERS

ANDY PERSICH . . . . .	5
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1 Full Leg/3-26-18 (excerpt)

2 CHAIRMAN NICOLELLO: Thank you.

3 Let's proceed with the calendar. We are  
4 going to consider the bonding for assessment  
5 contracts and then jump into the  
6 appointments.

7 Items 9 and 10. 9 is an  
8 ordinance to amend the ordinance number 13  
9 of 2016 adopting the capital plan for the  
10 year 2016 for the County of Nassau;

11 Item 10 is Ordinance Number 19, a  
12 bond ordinance providing for a capital  
13 expenditure to finance the capital projects  
14 identified herein within the County of  
15 Nassau and authorizing \$2,200,000 of bonds  
16 of the County to finance such expenditures.

17 LEGISLATOR MUSCARELLA: So moved.

18 LEGISLATOR SCHAEFER: Second.

19 CHAIRMAN NICOLELLO: Moved by  
20 Legislator Muscarella, seconded by  
21 Legislator Schaefer. Those items are before  
22 the Full Legislature, those ordinances. Do  
23 we have a speaker from the administration?

24 MS. ROTHSCILD: We do. Leslie  
25 Rothschild, Legislative Affairs. We have

1 Full Leg/3-26-18 (excerpt)

2 Conal Denion and Deputy County Executive  
3 John Chiara.

4 CHAIRMAN NICOLELLO: I guess the  
5 first question is, before you start, the  
6 first question is to explain how it is that  
7 funding for the contracts having to do with  
8 the systematic review are appropriate for  
9 bonding.

10 MR. PERSICH: Andy Persich,  
11 Office of Management and Budget. Yes. They  
12 are appropriate for bonding. They have an  
13 estimated useful life of more than a year.  
14 This is an ongoing project so it fits the  
15 requirements to be bonded.

16 CHAIRMAN NICOLELLO: I guess the  
17 second question is, was this expense the  
18 expense for the contracts, within the 2018  
19 budget?

20 MR. PERSICH: Not in the  
21 operating budget, no. It was not funded in  
22 the operating budget, no.

23 CHAIRMAN NICOLELLO: It wasn't  
24 funded in the operating budget and it's  
25 appropriate under the law for borrowing?

1 Full Leg/3-26-18 (excerpt)

2 MR. PERSICH: I would defer to my  
3 counsel but it fits the requirements to be a  
4 capital item.

5 CHAIRMAN NICOLELLO: Did you want  
6 to add anything, Mr. Denion?

7 MR. DENION: No, that's correct.

8 CHAIRMAN NICOLELLO: Does anyone  
9 have any questions for the speakers from the  
10 county? Legislator Ferretti.

11 LEGISLATOR FERRETTI: Thank you,  
12 Presiding Officer. Just to rewind back to  
13 Restivo judgement, back when that was in  
14 front of this Legislature, we were talking  
15 fund balance, and I might not be exact on  
16 the numbers but we had a fund balance  
17 somewhere in the range of \$170 million of  
18 which approximately \$46.8 million was  
19 available to pay that judgement.

20 At that time this board voted for  
21 bonding of \$23 million so that only  
22 approximately \$22 million of that  
23 available \$46.8 million would be needed to go  
24 to that judgement and the reasoning that we  
25 were given, as you're aware because you gave

1 Full Leg/3-26-18 (excerpt)

2 it, was that we didn't want to leave that  
3 fund balance down with only \$1.8 million to  
4 spend.

5 So, my question is, when this  
6 board granted the \$23 million in bonding  
7 then, what is that money being used for?  
8 And why do you need this money now? Can  
9 some of that money that was bonded be used  
10 for this?

11 MR. PERSICH: I know this is a  
12 different item but I will address it.

13 Part of the money that was  
14 reserved in fund balance is used to pay back  
15 some of the tax cert in this year, okay?  
16 That was part of the funding. So our fund  
17 balance is at \$10 million as it sits right  
18 now. Right now without unaudited financial  
19 statements.

20 We need the \$23 million just for  
21 the bonding authorization just as a place  
22 holder in case we needed to bond for it. We  
23 don't know what the future is going to hold  
24 but that's why we asked for the bonding --  
25 for you to approve the bonding.

1 Full Leg/3-26-18 (excerpt)

2 Our fund balance is not very  
3 healthy but we are trying to make the budget  
4 balanced by doing certain things that we  
5 proposed. It's not final yet, but that's  
6 what we're working on.

7 LEGISLATOR FERRETTI: What is the  
8 \$23 million that was made available to you?  
9 Has it been borrowed yet?

10 MR. PERSICH: It hasn't been  
11 borrowed, no.

12 In order for to us make the  
13 payment though, to get the item that's in  
14 question, what we are doing now is a  
15 temporary place holder for -- I forget what  
16 item number it is. It's up on the calendar.

17 All we're doing is taking money  
18 from fringe benefits temporarily because we  
19 had to pay out the settlement with an  
20 appropriation. That's how we do budgets.  
21 We pay out of expenses with appropriations.

22 So we're moving money from a  
23 temporary funding source to fund this  
24 payment so it gives us some room to make  
25 other settlements out.



1 Full Leg/3-26-18 (excerpt)

2 Then we will come with a better  
3 budget modification somewhere in the near  
4 future to replenish that money and move  
5 stuff around. We didn't bond for it. We  
6 asked for the authorization for that  
7 bonding.

8 LEGISLATOR FERRETTI: So you were  
9 authorized to bond for \$23 million which you  
10 have yet to do, and now asking for an  
11 authorization for additional bonding prior  
12 to ever --

13 MR. PERSICH: I'm not asking for  
14 additional borrowing on Restivo. This is  
15 for the assessment.

16 LEGISLATOR FERRETTI: I  
17 understand it's for a different purpose. I  
18 guess my question is, can you borrow based  
19 on that authorization for \$23 million?

20 MR. PERSICH: I would have to go  
21 through a lot -- I need NIFA approval first.

22 LEGISLATOR FERRETTI: What is the  
23 amount in the fund balance currently  
24 available?

25 MR. PERSICH: I couldn't tell you

1 Full Leg/3-26-18 (excerpt)

2 at this point. We are closing the year out  
3 so we will know probably in the next few  
4 weeks what it will be, but it will be lower.

5 LEGISLATOR FERRETTI: Lower than  
6 the?

7 MR. PERSICH: The 46. I don't  
8 have an estimate right now. There are so  
9 many moving parts when you close out the  
10 year. I don't want to be held to a number  
11 at this point. It wouldn't be fair to  
12 anyone here.

13 LEGISLATOR FERRETTI: Okay. We  
14 had a number though a couple of months when  
15 we were looking --

16 MR. PERSICH: You had it at the  
17 close of 2016 is what you had the number --  
18 that's what you had it at. We are closing  
19 '17 out. It's up to the Comptroller's  
20 Office to realize that the year end process  
21 is slow. It takes a long time to gather  
22 information and there is a lot of accounting  
23 entries that get done that are very complex,  
24 and change numbers, and swing different  
25 ways.

1 Full Leg/3-26-18 (excerpt)

2 LEGISLATOR FERRETTI: Thank you.

3 CHAIRMAN NICOLELLO: We don't  
4 need to get into the Restivo issue now,  
5 however, one thing you said, maybe it's a  
6 matter of terminology such as temporary  
7 placeholder and things of that nature, we  
8 were very specific. We authorized that  
9 borrowing for one very specific purpose.

10 To the extent that that  
11 administration tries to use that or tries to  
12 substitute that or does anything else other  
13 than use that \$23 million to pay the Restivo  
14 judgment there will be resistance from this  
15 Legislature.

16 MR. PERSICH: I don't think we  
17 can because it's bonded for a specific  
18 purpose. I was talking about the board  
19 transfer that's coming before this body.  
20 That's what I was referring to as a  
21 temporary place holder. Let me clarify the  
22 record.

23 CHAIRMAN NICOLELLO: Okay. Thank  
24 you, Andy. Any other questions? Legislator  
25 Solages.

1 Full Leg/3-26-18 (excerpt)

2 LEGISLATOR SOLAGES: Thank you,  
3 Presiding Officer. Good afternoon. If  
4 bonding for this is not available today,  
5 what funding source will you take from in  
6 order to effectuate this change in the  
7 assessment system?

8 MR. PERSICH: Where would I get  
9 the funding source? I would have to go back  
10 and look at everybody's budget to see if I  
11 can fund it that way.

12 I don't have -- it's been bonded  
13 previously. It qualifies as a bonding  
14 resource, that's what the game plan is right  
15 now.

16 LEGISLATOR SOLAGES: So despite  
17 if this body does not pass the bonding for  
18 this, this plan will still go forward; is  
19 that correct?

20 MR. PERSICH: We are going to  
21 have to figure out a way to fund it. It  
22 changes the dynamic here, yes.

23 LEGISLATOR SOLAGES: But it will  
24 go forward?

25 MR. PERSICH: I don't want to

1 Full Leg/3-26-18 (excerpt)

2 speak to that.

3 MR. CHIARA: Deputy County  
4 Executive John Chiara. At this point if we  
5 don't have the funding, we are going to have  
6 to try to find the money which will include  
7 possibly cutting other things and that's  
8 something that we would have to look at.

9 Obviously the County Executive is  
10 the -- one of her most important goals is  
11 making the tax assessment fair to all the  
12 residents but that is a very difficult  
13 thing, would be a very difficult challenge  
14 if the funding didn't go through today  
15 especially because of the timing of it.

16 As I think the Presiding Officer  
17 said previously, and this has been  
18 discussed, if this isn't approved today, it  
19 would further delay the work being done by  
20 the other contracts and that would put us  
21 against a very challenging deadline to have  
22 new tentative rolls for 2019.

23 It would create a very  
24 challenging and difficult problem to not  
25 push us back a complete year.

1 Full Leg/3-26-18 (excerpt)

2 LEGISLATOR SOLAGES: You stated  
3 that the County Executive has an interest in  
4 making sure that there's a fair assessment  
5 system.

6 Did you hear the remarks prior in  
7 the public comments part from Tracy Edwards,  
8 the regional Long Island director for the  
9 NAACP, were you present?

10 MR. CHIARA: I was.

11 LEGISLATOR SOLAGES: Her concerns  
12 were made very clear to this letter as well  
13 and also a meeting in which your colleague  
14 was on Saturday this past weekend, along  
15 with Kevan Abrahams and myself and  
16 Legislator Bynoe, in which various members  
17 of the NAACP expressed that this system,  
18 this change in the system my, in fact, have  
19 an adverse impact upon areas where residents  
20 have not challenged their assessment.

21 Your administration today on  
22 March 26th provided a document stating  
23 frequently asked question on residential  
24 assessments.

25 Number eight says in point, "why

1 Full Leg/3-26-18 (excerpt)

2 should the county do anything considering  
3 the six percent and 20 percent limits?  
4 Using updated market values will  
5 nevertheless begin to make the assessment  
6 rule more equitable right away, residents  
7 who haven't been grieving their taxes over  
8 the last eight years and were overassessed  
9 will see reductions in tax burden compared  
10 to grieverers continue to absorb a bigger  
11 relative burden."

12 Based on the research conducted  
13 by my office, also research that was shared  
14 to me by Legislator Bynoe and other  
15 questions I've asked upon the vendor and  
16 individuals, I believe that is incorrect.

17 Those who have not grieved have  
18 an assessed value closer to the full market  
19 value and therefore will see an increase in  
20 a short amount of time compared to those who  
21 have successfully grieved their taxes and  
22 have a lower assessed value who, in essence,  
23 under your new system, which is just as  
24 broken, will take more years before we see,  
25 several years before we their values reach

1 Full Leg/3-26-18 (excerpt)

2 full market value.

3 This is as Ms. Edwards explained  
4 so clearly and eloquently, exchanging one  
5 broken system for another broken system. I  
6 admire the effort to change; however, this  
7 under research that has been clearly  
8 described also in a Newsday report marked  
9 separate and unequal, will continue to have  
10 placed an unfair burden upon communities  
11 where individuals don't grieve their taxes.  
12 Can you please comment on that?

13 CHAIRMAN NICOLELLO: No, he  
14 can't, because you're talking about  
15 something that was previously approved.  
16 Those contracts have been approved by this  
17 Legislature.

18 Today the only focus is the  
19 funding of those contracts. The contracts  
20 themselves were in place.

21 We are not going to re-debate  
22 whether there is merit to those contracts or  
23 not, they are in the place.

24 LEGISLATOR SOLAGES: -- upon the  
25 impact of this contract?



1 Full Leg/3-26-18 (excerpt)

2 CHAIRMAN NICOLELLO: That's  
3 exactly right. We already approved the  
4 contract. They're in place. You can ask  
5 whatever questions you want about the  
6 borrowing that's going to fund these  
7 contracts but the contracts are already  
8 approved.

9 Any legislator can state their  
10 positions when they're voting or otherwise  
11 but we are not going have that same meeting  
12 again that we had several weeks ago in which  
13 we passed the contracts. They have been  
14 passed.

15 This is about how you fund it;  
16 either pay it out of the operating or pay it  
17 out of the borrowing. That is the sole  
18 focus of this meeting again. You want to  
19 make whatever statement you can, that's  
20 fine. But we are not changing this into a  
21 re-debate of this issue.

22 LEGISLATOR SOLAGES: I  
23 respectfully disagree, Presiding Officer.  
24 That meeting was only available to committee  
25 members. Today the subject is before the

1 Full Leg/3-26-18 (excerpt)

2 body and I can have on behalf of my  
3 constituents in my district ask questions  
4 regarding the impact of this contract.

5 If this contract will have an  
6 impact upon communities that do not grieve  
7 or those individuals who do not grieve  
8 versus those communities that do grieve, I  
9 think that's a fair question.

10 CHAIRMAN NICOLELLO: I'll say it  
11 again. The contract has been approved. You  
12 may not agree with that, but it was approved  
13 and it's in place. They're moving forward.  
14 The only question today is how do we pay for  
15 it.

16 LEGISLATOR SOLAGES: Then why  
17 would the County Executive issue a statement  
18 dated today that mentions as I just read a  
19 point that is incorrect?

20 CHAIRMAN NICOLELLO: The County  
21 Executive from now, as this process unfolds,  
22 is going to be issuing a ton of stuff. It  
23 simply has no bearing on what these  
24 particular ordinances are about.

25 Do we bond, do we not bond? The

1 Full Leg/3-26-18 (excerpt)

2 contract is already in place and we are not  
3 going to re-debate it.

4 LEGISLATOR SOLAGES: Would you  
5 care to answer any of those questions,  
6 please?

7 CHAIRMAN NICOLELLO: No, we are  
8 not getting into that debate. If you want  
9 to make a statement, you are more than --  
10 obviously you are a legislator, you are  
11 entitled to make whatever statement you  
12 want, but I'm telling you this item that's  
13 before us is a very narrow focus.

14 You want to talk about what  
15 effect bonding has or not borrowing, that's  
16 fine. If you want to talk about what  
17 programs may be jeopardized if we force them  
18 to pay for this operating, we can talk about  
19 that.

20 But we are not re-debating the  
21 merits of moving forward on assessment.  
22 That contract is already passed -- those  
23 contracts.

24 LEGISLATOR SOLAGES: This is a  
25 fair question upon the administration. I

1 Full Leg/3-26-18 (excerpt)

2 don't see why you would block an effort if  
3 it has to do with this issue and --

4 CHAIRMAN NICOLELLO: If it has to  
5 do with whether we should borrow or not or  
6 pay this out of operating, ask away.

7 If we are going again into the  
8 merits of the contract which already passed,  
9 we are not going to go there.

10 LEGISLATOR SOLAGES: That is a  
11 fair question. It goes as to whether or not  
12 this is a good use of county money. I think  
13 the public has the right to learn about this  
14 use of money.

15 CHAIRMAN NICOLELLO: The  
16 contracts have passed. It's going to be a  
17 use of county money whether it's bonded or  
18 out of operating. Either way. That  
19 question goes to the merits of the contracts  
20 which were passed two weeks ago.

21 Again, when you vote, you have an  
22 opportunity to say why you don't think we  
23 should borrow or whatever else you want to  
24 say. You have 100 percent vote opportunity  
25 to do that.

1 Full Leg/3-26-18 (excerpt)

2 But the focus of this, of what  
3 we're doing now, is simply whether to borrow  
4 or whether to force the administration to  
5 pay out of operating.

6 LEGISLATOR SOLAGES: The county  
7 executive and the administration released a  
8 statement today that states information  
9 about how this will not lead to a tax burden  
10 or increase the tax burden for those who  
11 have not grieved and I think that is  
12 factually incorrect and I'm stating that for  
13 the record. Thank you.

14 CHAIRMAN NICOLELLO: Minority  
15 Leader Abrahams.

16 LEGISLATOR ABRAHAMS: With all  
17 due respect, I think a couple of things have  
18 changed.

19 I respect the fact that the  
20 Presiding Officer is holding a high standard  
21 of protocol as it pertains to the bonding.

22 But, since that time, and this is  
23 why I'm asking for consideration, the County  
24 Executive has had a dialogue with the NAACP,  
25 Long Island Regional Director, which I

1 Full Leg/3-26-18 (excerpt)

2 understand we're considering now the  
3 bonding, the merits of the contract have  
4 already passed.

5 However, you've already heard  
6 from the administration that if the bonding  
7 does not pass they have to figure out  
8 another way to implement the contract, if at  
9 all.

10 If this was an opportunity for  
11 those members of the NAACP to have their  
12 opportunity to be heard, I think now would  
13 be the time to be heard.

14 They're having an opportunity to  
15 ask the Legislature, this is kind of like  
16 the eleventh hour, they're asking the  
17 Legislature to pump the breaks on the  
18 bonding in the hopes that they get an  
19 opportunity to further discuss this with the  
20 County Executive.

21 I understand that you're saying  
22 Legislator Solages' questions were more  
23 appropriate in Rules. He doesn't serve on  
24 Rules, so he's asking these questions now on  
25 Full Legislature, but, that being said, I

1 Full Leg/3-26-18 (excerpt)

2 think we have to I guess take off the tunnel  
3 vision and focus on the fact that, yes, we  
4 understand that the bonding is tied to the  
5 contract going forward and that's why there  
6 are people here from Long Island NAACP who  
7 are here to speak in the hopes that that can  
8 be the case.

9 That's what they are trying to  
10 stress to the majority of us is that they  
11 believe that if the county goes forward with  
12 it's review which will be supported by a  
13 bonding that they will be -- our  
14 communities, their communities, will be  
15 unjustifiably hurt to a greater situation  
16 than what is going on now. I think they  
17 deserve that.

18 They came down here, they have  
19 been down here since 12:30, 1 o'clock, they  
20 deserve the opportunity to have their issue  
21 heard. And if no one decides to go forward  
22 with it so be it, but I think they at least  
23 deserve that opportunity. They've sat here  
24 just like everybody else for the last three  
25 hours.

1 Full Leg/3-26-18 (excerpt)

2 CHAIRMAN NICOLELLO: Certainly  
3 members of the public and we had two members  
4 speak earlier, I'm not going to stop members  
5 of the public speaking about whatever they  
6 want, but, again, the focus of what we are  
7 doing as legislators here is deciding  
8 whether or not to borrow for this item or  
9 force the administration to pay for this  
10 through operating expenses. That's all  
11 that's before us.

12 Again, I didn't stop anybody  
13 before and I'm not going to stop anybody  
14 now. If any member wants to come up and  
15 express their opinions, they're entitled to  
16 do so.

17 If legislators want to express  
18 their opinions now or later about the merits  
19 of this, I'm not going to stop anyone  
20 obviously. I don't know that I have the  
21 power to do that. And it's different than  
22 letting a legislator speak their mind about  
23 what they feel about something when they're  
24 voting, as opposed to trying to turn a  
25 consideration of a bonding issue into a full



1 Full Leg/3-26-18 (excerpt)  
2 consideration of a contract that's already  
3 been passed.

4 Again, do you have any other  
5 questions? Once the legislators are  
6 finished, any member of the public will have  
7 their right to say whatever they want.

8 LEGISLATOR SOLAGES: Just one  
9 more question. In pursuing bonding here, I  
10 guess that has to be the umbrella we discuss  
11 this under, pursuing of bonding for this,  
12 has your administration had any conversation  
13 or discussions or meeting with any state  
14 officials on this issue?

15 MR. PERSICH: With respect to the  
16 bonding?

17 LEGISLATOR SOLAGES: Yes.

18 MR. PERSICH: Not that I'm aware  
19 of, no. It's our bond. We issue them. We  
20 go out to the market once a year for our  
21 general obligation bond, so no.

22 LEGISLATOR SOLAGES: So you are  
23 asking for bonding on this reassessment plan  
24 which could have a considerable long term  
25 effect upon tax paying residents of Nassau

1 Full Leg/3-26-18 (excerpt)

2 County, yet the administration has not  
3 proposed or discussed any other solution  
4 with any state officials on this issue?

5 MR. CHIARA: The administration  
6 has come to this body for the bonding. This  
7 body is the proper place to request the  
8 bonding.

9 LEGISLATOR SOLAGES: But whether  
10 or not this body is the proper place to  
11 receive that bonding, this issue, if we were  
12 to have state support on this issue, we  
13 could have at least had bonding for any  
14 other number of solutions.

15 Have you had the opportunity to  
16 at least discuss with any state officials  
17 any other possible solutions rather than the  
18 bonding we are asking for here now?

19 MR. CHIARA: The administration  
20 has taken an approach of doing many many  
21 different things. I think this legislative  
22 body knows of -- in regards to this very  
23 challenging and difficult problem, but if  
24 you're talking about specifically about  
25 bonding out, paying for this, the position

1 Full Leg/3-26-18 (excerpt)

2 of the administration is that this is the  
3 proper place to get funding for contracts  
4 that should be bonded out.

5 LEGISLATOR SOLAGES: So basically  
6 bonding is the only way out of this  
7 assessment mess?

8 MR. CHIARA: That's not what I  
9 said. Bonding is the proper place to pay  
10 for these contracts.

11 LEGISLATOR SOLAGES: I guess my  
12 colleagues have some questions. Thank you.

13 CHAIRMAN NICOLELLO: Legislator  
14 Bynoe.

15 LEGISLATOR BYNOE: Thank you,  
16 Presiding Officer. Good afternoon  
17 gentleman. In the spirit of Minority Leader  
18 Kevan Abrahams' comments earlier stating  
19 there have been changes, some new  
20 developments relative to this plan since we  
21 all last met, I would like to ask you three  
22 gentleman if you had an opportunity to read  
23 the Newsday article that came out that said,  
24 that was titled, "separate and unequal  
25 questions raised over Nassau County's

1 Full Leg/3-26-18 (excerpt)

2 assessment fix."

3 MR. CHIARA: I read Newsday every  
4 day. I think as a county employee it's  
5 required.

6 LEGISLATOR BYNOE: I would agree.  
7 You would be surprised how many don't.

8 In that article there were some  
9 subtitles. Under the subtitle "risk and  
10 uncertainties" there were two well renowned  
11 experts that were quoted in that article  
12 that stated there were some real concerns  
13 about how Nassau County was moving forward  
14 with this plan.

15 In fact, one of those that was  
16 quoted in this article is the actual  
17 contract -- that the contract received  
18 approval last week to move forward in  
19 utilizing a plan, or I should say utilizing  
20 the executive order of the County Executive  
21 that removes from any play, any opportunity  
22 for the level of assessments to be engaged  
23 as we move forward.

24 In a report, Standard Value  
25 Services, SVS, provided to Nassau County,

1 Full Leg/3-26-18 (excerpt)

2 they said that if Nassau County did not  
3 employ the 2003 assessment strategy, the  
4 report said that the state law would  
5 predominantly benefit higher value parcels  
6 at the expense of lower valued parcels and  
7 it could lead to a legal challenge.

8 Two things; number one, they're  
9 stating that we are disenfranchising those  
10 with lower value properties, and, second,  
11 it's saying that we are opening ourselves up  
12 to a lawsuit. We are actually exposing  
13 ourselves to being sued.

14 We're here trying to figure out  
15 how to make ends meet, but we are going to  
16 expose ourselves to a lawsuit that could be  
17 very costly.

18 So now I move on to the  
19 subsection "challenges ahead" to which we  
20 have two other prominent well renowned  
21 experts in the field of assessment, one in  
22 constitutional law and the other in  
23 assessment where they state very much the  
24 same thing. Leon Friedman, Professor of  
25 Constitutional Law at Hofstra states that

1 Full Leg/3-26-18 (excerpt)

2 this county could lead themselves into a  
3 lawsuit if this plan has any disparities  
4 based on racial ethnicity.

5 Martha Stark, a former New York  
6 Department of Parks Commissioner states that  
7 she would argue that this plan flies in the  
8 face of the notion of uniformity.

9 My question here today is why  
10 would we consider a plan that does not bring  
11 uniformity? Why would we consider a plan  
12 that to me is just bad government? Why we  
13 could consider a plan that would impact our  
14 most vulnerable population?

15 We sat here today and heard from  
16 individuals who are worried about being able  
17 to pay fees to play in our county parks  
18 because they're finding it hard to have  
19 their ends meet. We heard from them.  
20 They're on fixed incomes.

21 They don't know how they would  
22 pay a \$45 fee to play in a park. But we  
23 would engage in a plan that would  
24 significantly impact their ability to be  
25 able to stay in their homes. We talked

1 Full Leg/3-26-18 (excerpt)

2 about today warning our seniors to age in  
3 place here in Nassau County. I would say  
4 that that's almost impossible if we're going  
5 to move through a plan that we know will  
6 harm them.

7 I actually think it's deplorable  
8 that we would even consider this. I think  
9 we do need to pump the brakes. I think we  
10 do need to slow down.

11 This is an opportunity to fix the  
12 wrong that has been impacted, that our  
13 communities have been impacted with for  
14 years and years.

15 To move through something with  
16 speed for urgency I think is really hastily  
17 wasting our time and our money. I think we  
18 need to be very diligent, put together a  
19 blue ribbon panel, get some of these folks  
20 that are identified here in this newspaper  
21 as experts, get them to come here to Nassau  
22 County.

23 In this newspaper it also states  
24 that New York City is impacted in a very  
25 similar way. Let's join forces with New

1 Full Leg/3-26-18 (excerpt)

2 York City and take it the state and tell  
3 them we need their help. We need their help  
4 to deal with a very complex situation here.

5 This requires a tailored  
6 solution. Not something that can be just,  
7 as you would like to say, a uniform six  
8 percent. Because we know the six percent  
9 will affect those at the highest percentage  
10 of their market value more so than it will  
11 affect those that are at the lower end.

12 I say not today. We should not  
13 shield those who have benefitted from a  
14 system that was inappropriately allowed to  
15 make their values go down while others were  
16 increased, while others stayed at the top  
17 end.

18 This is the time, my colleagues.  
19 I'm telling you. This will not only impact  
20 majority minority communities. This is a  
21 systemic issue. This is going to impact  
22 every legislative district throughout Nassau  
23 County. This is the time. Let's slow it  
24 down. We have an opportunity to do this  
25 correctly. There's never a right time to do



1 Full Leg/3-26-18 (excerpt)

2 the wrong thing. Thank you.

3 CHAIRMAN NICOLELLO: Thank you,  
4 Legislator Bynoe. Any other legislators  
5 want to weigh in on this?

6 (No verbal response.)

7 Hearing none, are there any  
8 members of the public that would like to  
9 speak on this item?

10 MS. EDWARDS: Sir, here is what I  
11 want to say to you because I didn't know  
12 that I was going to be limited to talk about  
13 the bonding.

14 CHAIRMAN NICOLELLO: You can  
15 speak your mind about whatever it is.

16 MS. EDWARDS: My concern is, what  
17 I believe that you have the opportunity to  
18 do is to not fund this bonding whereby it  
19 will then separate the executive order from  
20 the funding mechanism because, as the  
21 experts have said, they don't have any other  
22 way in order to do it. It will slow it down  
23 so it will be done correctly.

24 The frequently asked questions  
25 just came out today and it is not accurate

1 Full Leg/3-26-18 (excerpt)

2 because it's play on words.

3 What it actually says is that the  
4 administration believes that this is going  
5 to decrease the tax burden of your  
6 constituency.

7 But what it does not say is that  
8 there's not going to be a decrease to your  
9 constituency. In fact they are still going  
10 to get an increase in the level of tax  
11 assessment that they have.

12 So, please be very careful about  
13 the words that are being used in these  
14 frequently asked questions. Because the  
15 residents in your community that are paying  
16 say as an example 80 percent of their  
17 assessed valuation will get to a 100 percent  
18 very quickly, but those that have grieved  
19 and had the system to their advantage under  
20 the old administration, they could be at a  
21 50 percent assessed valuation and it is  
22 going to take them a very long time and some  
23 may never because of the 20 percent in five  
24 years.

25 So you are creating your own bad

1 Full Leg/3-26-18 (excerpt)

2 system by doing what you're doing today and  
3 by bonding it today.

4 So I want to make sure that I add  
5 to your frequently asked questions. I want  
6 to make sure that you very clearly know how  
7 you're going to face your constituency.

8 Why haven't you asked for a state  
9 intervention before moving on with this  
10 plan?

11 Why are you putting in an  
12 implementation date of 2019 when the data  
13 that you are just getting doesn't have any  
14 facts to bear it out?

15 Do you think it's appropriate  
16 that the action that you have that have a  
17 population that is currently  
18 disproportionately disadvantaged to reach  
19 100 percent of assessed valuation while  
20 others may then reach it in ten years or may  
21 never do that. I want you to add to your  
22 frequently asked questions because as the  
23 administration put out a communication, we  
24 are going to do that as well.

25 This is predominantly a minority

1 Full Leg/3-26-18 (excerpt)

2 issue that we are talking about but trust  
3 and believe that this affects all of the  
4 vulnerable and disenfranchised and senior  
5 residents within your communities and we are  
6 going to be doing whatever we can to make  
7 sure that every one understands what you are  
8 doing here today.

9 CHAIRMAN NICOLELLO: Mr. Mayers,  
10 did you want to add anything?

11 MR. MAYER: As I said before,  
12 I'm waiting for the appointment of the  
13 sheriff to speak for my time.

14 MS. KLEINMILL: Allison  
15 Kleinmill, Westbury. I just want to say one  
16 thing. As I look at the flags that are  
17 there, God bless America and God has blessed  
18 America.

19 Nassau County has been in some  
20 muck and mire for a number of years.

21 God is giving us a second chance  
22 to try to get right what was not done right  
23 previously.

24 If we allow greed to continue to  
25 take over this county we all will pay. This

1 Full Leg/3-26-18 (excerpt)

2 is a chance for us to get right what has not  
3 been done right previously.

4 Those young people that got on  
5 buses that went to Washington, D.C. are  
6 growing up to be voters.

7 Each one of you sitting there  
8 collecting a paycheck, enjoying what you're  
9 doing, their eyes are watching you. But,  
10 more so, God's eyes are watching you.

11 I suggest that you take the time  
12 to take a step back and give God the glory  
13 for allowing you to get up this morning,  
14 come here, sit in your seat, but do the  
15 right thing by your constituents. We are  
16 all fingers on a hand.

17 Stop and think about it. He's  
18 giving you a second chance to clean this  
19 mess up, this muck. Keep avoiding it and  
20 you're only going to sink deeper. Amen.

21 CHAIRMAN NICOLELLO: I have a  
22 request for a brief recess of the  
23 Legislature. I apologize to all the  
24 appointees that are out there. We will get  
25 back in here as soon as possible. Ms.

1 Full Leg/3-26-18 (excerpt)

2 Fludd, I know that you have many people here  
3 so we will try to get back here as soon as  
4 possible. We will be back in a moment.

5 (Whereupon, the Full Legislative  
6 Committee recessed at 3:53 p.m. and  
7 reconvened at 4:02 p.m.)

8 CHAIRMAN NICOLELLO: I would like  
9 to call the Legislature back to order,  
10 please, so we can move along. We had our  
11 public comment. We will now move to the  
12 vote. I forgot, Mr. McCloy.

13 MR. MCCLOY: Thank you. Jack  
14 McCloy. I would like to mention that this  
15 is regarding the bonding and not the actual  
16 assessment situation but I do want to point  
17 out that whenever the funding is arranged it  
18 seems like the assessment situation is no  
19 longer on the forefront of everyone's minds.

20 I think that when the next  
21 situation comes to be, however you're going  
22 to fund this, the assessment restructuring  
23 really needs to be completely overhauled.

24 For those of you who are on the  
25 Legislature for a long time, you know I have

1 Full Leg/3-26-18 (excerpt)

2 mentioned this on a number of occasions.

3 For the benefit of those who are  
4 new, I would like to remind you that I have  
5 talked about assessment restructuring,  
6 changing the situation from the current  
7 subjective method to an objective situation  
8 of comparison.

9 Until that happens, you will  
10 always have challenges, you will always have  
11 disparities, you will always have only the  
12 assessment correction companies making money  
13 on it. No one else.

14 I would like to mention to those  
15 who are new on the Legislature that I had  
16 this discussion with former County Executive  
17 Tom Suozzi, Ed Mangano, reached out to  
18 member of Laura Curran's team, and I've  
19 spoken to assessors Jim Davis, Pat Foy, Ted  
20 Jenkowski, Harvey Levinson, this goes back  
21 well over a decade.

22 When you're talking about, as  
23 Ms. Bynoe and Mr. Solages mentioned, the  
24 disparity, if you change it to an objective  
25 series of comparison, where you're concerned

1 Full Leg/3-26-18 (excerpt)

2 with square footage, footprint of a home,  
3 how many stories it is, objective criteria,  
4 there's no way to interpret it as one  
5 segment of the community being shortchanged  
6 as opposed to another.

7 Once a system is established for  
8 true objective comparison, we can rid  
9 ourselves from the never ending process of  
10 assessment challenges with only the  
11 assessment companies making money on the  
12 situation.

13 Finally I would like to wrap up  
14 by mentioning that I have spoken to a man  
15 with over three decades of assessor  
16 experience, much of that in New York as the  
17 head assessor of Rochester, one of  
18 New York's largest cities has said that this  
19 system can be changed and the cycle can be  
20 broken.

21 I have mentioned this person to a  
22 number of people. It seems to have fallen  
23 on deaf ears. What I would like to do is  
24 when you're done deciding what you're doing  
25 today, I would like to sit down with both of



1 Full Leg/3-26-18 (excerpt)

2 the sides of this Legislature and explain  
3 this in more detail as to how we can get  
4 away from this system. Thank you.

5 CHAIRMAN NICOLELLO: Thank you,  
6 Mr. McCloy. The two items now are up for a  
7 vote. Mr. Pulitzer, will you please call  
8 the roll.

9 CLERK PULITZER: Thank you,  
10 Presiding Officer. Deputy Presiding Officer  
11 Kopel?

12 LEGISLATOR KOPEL: Yes.

13 CLERK PULITZER: Alternate Deputy  
14 Presiding Officer Denise Ford? Absent.  
15 Legislator Siela Bynoe?

16 LEGISLATOR BYNOE: No.

17 CLERK PULITZER: Legislator  
18 Carrie Solages?

19 LEGISLATOR SOLAGES: No.

20 CLERK PULITZER: Legislator Debra  
21 Mule?

22 LEGISLATOR MULE: Yes.

23 CLERK PULITZER: Legislator C.  
24 William Gaylor, III?

25 LEGISLATOR GAYLOR: Yes.

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2                   CLERK PULITZER:     Legislator

3   Vincent Muscarella?

4                   LEGISLATOR MUSCARELLA:   Yes.

5                   CLERK PULITZER:     Legislator

6   Ellen Birnbaum?

7                   LEGISLATOR BIRNBAUM:   Yes.

8                   CLERK PULITZER:     Legislator Delia

9   DeRiggi -- she's absent.   Legislator James

10  Kennedy?

11                   LEGISLATOR KENNEDY:    Yes.

12                   CLERK PULITZER:     Legislator

13  Thomas McKeivitt?

14                   LEGISLATOR MCKEVITT:   Yes.

15                   CLERK PULITZER:     Legislator Laura

16  Schaefer?

17                   LEGISLATOR SCHAEFER:   Yes.

18                   CLERK PULITZER:     Legislator John

19  Ferretti?

20                   LEGISLATOR FERRETTI:   Yes.

21                   CLERK PULITZER:     Legislator

22  Arnold Drucker?

23                   LEGISLATOR DRUCKER:    Yes.

24                   CLERK PULITZER:     Legislator

25  Rosemarie Walker?

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2 LEGISLATOR WALKER: Yes.  
3 CLERK PULITZER: Legislator  
4 Joshua Lafazan?  
5 LEGISLATOR LAFAZAN: Yes.  
6 CLERK PULITZER: Legislator  
7 Steven Rhoads?  
8 LEGISLATOR RHOADS: Aye.  
9 CLERK PULITZER: Minority Leader  
10 Kevan Abrahams?  
11 LEGISLATOR ABRAHAMS: No.  
12 CLERK PULITZER: Presiding  
13 Officer Richard Nicolello?  
14 CHAIRMAN NICOLELLO: Yes.  
15 CLERK PULITZER: Total vote is  
16 14 to 3.  
17 CHAIRMAN NICOLELLO: The items  
18 pass.  
19 (TIME NOTED: 4:14 P.M.)  
20  
21  
22  
23  
24  
25