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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, June 18, 2018
1:14 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

11

12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

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5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR ELLEN BIRNBAUM

9 10th Legislative District

10

11 LEGISLATOR DELIA DERIGGI-WHITTON

12 11th Legislative District

13

14 LEGISLATOR JAMES KENNEDY

15 12th Legislative District

16

17 LEGISLATOR THOMAS MCKEVITT

18 13th Legislative District

19

20 LEGISLATOR LAURA SCHAEFER

21 14th Legislative District

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23 LEGISLATOR JOHN FERRETTI, JR.

24 15th Legislative District

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2 LEGISLATOR ANDREW DRUCKER

3 16th Legislative District

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5 LEGISLATOR ROSE WALKER

6 17th Legislative District

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8 LEGISLATOR JOSHUA LAFAZAN

9 18th Legislative District

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11 LEGISLATOR STEVEN RHOADS

12 19th Legislative District

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14 MICHAEL PULITZER

15 Clerk of the Legislature

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1 Full Leg - 06-18-18

2 LEGISLATOR NICOLELLO: Call to
3 order the meeting. Legislator Gaylor could
4 you lead us in the Pledge of Allegiance.

5 (Whereupon Pledge of Allegiance was
6 recited.)

7 LEGISLATOR NICOLELLO: Thank you
8 Legislator Gaylor.

9 Would you please call the roll.

10 MR. PULITZER: Thank you
11 Mr. Nicolello. Deputy Presiding Officer
12 Howard Kopel.

13 LEGISLATOR KOPEL: Here.

14 MR. PULITZER: Alternate Deputy
15 Presiding Officer Denise Ford.

16 LEGISLATOR FORD: Here.

17 MR. PULITZER: Legislator Siela
18 Bynoe.

19 LEGISLATOR BYNOE: Here.

20 MR. PULITZER: Legislator Carrie
21 Solages.

22 MR. PULITZER: Legislator Debra
23 Mule.

24 LEGISLATOR MULE: Here.

25 MR. PULITZER: Legislator C.

1 Full Leg - 06-18-18

2 William Gaylor III.

3 LEGISLATOR GAYLOR: Present.

4 MR. PULITZER: Legislator Vincent
5 Muscarella. Legislator Ellen Birnbaum.

6 LEGISLATOR BIRNBAUM: Here.

7 MR. PULITZER: Legislator Delia
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON:
10 Here.

11 MR. PULITZER: Legislator James
12 Kennedy.

13 LEGISLATOR KENNEDY: Here.

14 MR. PULITZER: Legislator Thomas
15 McKevitt.

16 LEGISLATOR MCKEVITT: Here.

17 MR. PULITZER: Legislator Laura
18 Schaefer.

19 LEGISLATOR SCHAEFER: Here.

20 MR. PULITZER: Legislator John
21 Ferretti, Jr.

22 LEGISLATOR FERRETTI: Here.

23 MR. PULITZER: Legislator Arnold
24 Drucker.

25 LEGISLATOR DRUCKER: Here.

1 Full Leg - 06-18-18

2 MR. PULITZER: Legislator Rose
3 Marie Walker.

4 LEGISLATOR WALKER: Here.

5 MR. PULITZER: Legislator Joshua
6 Lafazan.

7 LEGISLATOR LAFAZAN: Here.

8 MR. PULITZER: Legislator Steven
9 Rhoads.

10 LEGISLATOR RHOADS: Present.

11 MR. PULITZER: Minority Leader
12 Kevan Abrahams.

13 LEGISLATOR ABRAHAMS: Here.

14 MR. PULITZER: Presiding Officer
15 Richard Nicolello.

16 LEGISLATOR NICOLELLO: Here.

17 MR. PULITZER: We have a quorum
18 sir.

19 LEGISLATOR NICOLELLO: Thank you
20 Mr. Pulitzer. We have a couple of
21 presentations to make before we move into
22 public comment. The plan for today is we will
23 do the presentations involving the top cops.
24 We have some special presentations to several
25 individuals who have been honored and inducted

1 Full Leg - 06-18-18
2 into the New York State Veterans Hall of
3 Fame. After that we will have a half hour of
4 public comment and then the consent calendar
5 and then after that we are going to consider
6 the emergency items which relate, at least
7 two, to home rule requests.

8 Start things off let's do the honor
9 to have a presentation on the top cops. Jimmy
10 McDermott here?

11 MR. MCDERMOTT: Thank you for
12 having us. Thank you to the legislature for
13 honoring our top cops which you do every
14 month.

15 On April 20, 2018 at approximately
16 3:45 p.m. officers Anthony Albanese and
17 Roberto Varela were working in the Fourth
18 Precinct station house when a civilian ran
19 into the station house and said his friend,
20 Paul Breslin, was in the car outside. They
21 were on the way to the doctor. He passed out
22 and he is unresponsive.

23 So officer Albanese and officer
24 Varela ran outside to the car. They checked
25 on him and saw he wasn't breathing. He didn't

1 Full Leg - 06-18-18
2 have a pulse. Officer Albanese immediately
3 began CPR and they hooked up the defibrillator
4 with the assistance of desk officer James
5 Crawford. They continued CPR. They got a
6 pulse back. The officers put the aided in a
7 police ambulance. The aided was transported
8 to South Nassau Hospital and he's alive today
9 because of their quick and decisive actions.
10 We are here today to honor Officers Anthony
11 Albanese and Roberto Varela for their hard
12 work and dedication in saving Paul's life.

13 Paul is not here today. He wanted
14 to be here but Paul is a volunteer fireman in
15 the Hewlett Fire Department and he's an EMT
16 and he saves lives. Basically by saving his
17 life you're saving others.

18 I also wanted to make note that he
19 was in the Fourth Precinct station house when
20 he came and that's a fully operational and
21 fully staffed precinct. They had the manpower
22 and training to save Paul's life. Thank God
23 for that and we have these two officers here
24 today and congratulations guys.

25 LEGISLATOR NICOLELLO:

1 Full Leg - 06-18-18

2 Commissioner Ryder would you like to say a few
3 words.

4 COMMISSIONER RYDER: Good
5 afternoon and thank you once. Again it shows
6 that the training that our officers go through
7 is one of the best. The facilities that we
8 give them to train in we are hoping to improve
9 on them going forward with our new police
10 academy. I want to commend both of these
11 officers. Their professionalism and heroic
12 acts is what make us shine every day.
13 Sometimes we get put in a bad light because of
14 a few but the majority of these officers in
15 our county are doing an excellent job and it's
16 all because of everything that you have given
17 then. Thank you very much.

18 LEGISLATOR NICOLELLO: Thank you
19 Commissioner.

20 MR. VARELA: I just want to thank
21 you guys for honoring us today. I think I
22 speak for both us, we don't do this for the
23 awards. This is our job. This is what we
24 love to do. The training that the county
25 provided us allowed us to make a difference

1 Full Leg - 06-18-18

2 and save somebody's life. I want to thank you
3 guys for that.

4 LEGISLATOR NICOLELLO: I just
5 wanted to add it points up to two things. The
6 training and professionalism of Nassau
7 County's fine police department and one of the
8 best, if not the best, in the nation. But
9 also for these individual officers, officers
10 Albanese and Varela, you're quick thinking,
11 you're calm under pressure and it's truly
12 inspirational to all of us. Thank you for
13 what you've done.

14 MR. MCDERMOTT: Thank you.

15 LEGISLATOR NICOLELLO: We going
16 to move on to the superior officers and then
17 have everyone up for a photograph.

18 MR. BLACK: Thank you for having
19 us today and thank you for doing these awards
20 on a monthly basis. I'm here today with
21 Sergeant James Crawford, who was the third
22 member of the three people who went out to
23 save Mr. Breslin's life.

24 They were on the desk at a quarter
25 to four on the 20th of April when Mr.

1 Full Leg - 06-18-18

2 Breslin's friend came running in saying his
3 friend was having some type of medical
4 emergency in the car. Sergeant Crawford,
5 Officer Varela and Officer Albanese responded
6 like a team like they've been trained to.
7 They carried the proper equipment with them.
8 They brought the portable AED with them. They
9 checked for a pulse. Found no pulse. They
10 set up the AED. Started CPR. Sergeant
11 Crawford called for immediate assistance from
12 a county bus and any other available resources
13 that would have been needed.

14 The result we have is that
15 Mr. Breslin is alive and well today thanks to
16 the training received and the quick actions by
17 Sergeant Crawford and the two officers. As
18 Jim McDermott said, who wouldn't normally be
19 at a police precinct center but were in a
20 fully staffed command.

21 On behalf of the SOA thank you for
22 what you provide us with every day so we can
23 go out and do the job and help the citizens.
24 Thank you.

25 LEGISLATOR NICOLELLO:

1 Full Leg - 06-18-18

2 Commissioner.

3 COMMISSIONER RYDER: Again I will
4 be real brief. The men and woman of this
5 department the leadership comes from the men
6 and women that sit to your left, my right.
7 Some of those that you will be dealing with
8 today in one of your issues. But it's leaders
9 that men and women want to follow because they
10 respect them. James Crawford is one of those
11 leaders and we very much congratulate him for
12 the work he's done for us. Thank you.

13 MR. CRAWFORD: I'd just like to
14 say thank you and the police officers I was
15 working with that day I couldn't have ask for
16 a better group. They jumped into action.
17 Working as a team and couldn't ask for a
18 better outcome than we had. Thank you.

19 LEGISLATOR NICOLELLO: Thank you
20 Sergeant Crawford. I would also want to
21 congratulate you and thank you for your
22 actions that helped saved this individual's
23 life. As said before, by saving his life in
24 fact there's a ripple affect because he saves
25 others lives.

1 Full Leg - 06-18-18

2 Also we don't get the SOA up here
3 as often, superior officers, because of the
4 nature of the job being the supervisory work
5 you do inside the precinct. But certainly the
6 success of this department is due in great
7 measure to the work that our supervisors, our
8 sergeant et cetera are doing for the police
9 department. Thank you very much. It was
10 great to have you here.

11 Invite up John Wighaus and
12 Detectives Association for a presentation.

13 MR. MALONEY: John Wighaus, the
14 president, extends his regards. He was not
15 able to make it here he had a personal
16 matter.

17 My name is detective Michael
18 Maloney, sergeant at arms of the Detectives
19 Association. I would like to thank Presiding
20 Officer Nicolello, Minority Leader Abrahams
21 and full legislative body for honoring for
22 detective Padawano today.

23 Detective Padawano, while working
24 with Homeland Security, began an investigation
25 into AMS World Inc., which is a company

1 Full Leg - 06-18-18

2 located in Wantagh, in the Legislative 19th
3 district. The company is in the business of
4 assembling and repairing various Apple and
5 Samsung cell phones through imported goods and
6 parts from China.

7 During a five month investigation
8 Detective Padawano was able to identify two
9 individuals as the owners of AMS World. Their
10 business was being operated from a residence
11 and from an office, both located in Wantagh.
12 The individuals were purchasing various cell
13 phone parts and accessories direct from China
14 and were being imported through JFK and being
15 delivered to the residence located in
16 Wantagh.

17 During his investigation, numerous
18 shipments from China were inspected which were
19 being shipped to AMS World and to the
20 individuals identified. Those shipments were
21 carefully inspected and deemed counterfeit
22 through the origins of the shipment. The
23 packing of the products with black tape
24 covering the trademarks, logos and the
25 products themselves, which are not authorized

1 Full Leg - 06-18-18

2 to be sold by China from Apple and Samsung.
3 All shipments had samples removed and were
4 deemed counterfeit through Apple and Samsung
5 personnel after being dismantled and carefully
6 inspected.

7 These shipments included Apple and
8 Samsung cell phones, screens, batteries,
9 cameras, backs, unlabeled boxes, labels,
10 chargers, ear plugs being sold to the general
11 public as real genuine products.

12 The only way to gain access to the
13 office suite, which was being used as a cell
14 phone store, was by appointment. Detective
15 Padawano made contact with one of the subjects
16 through Facebook and made an appointment to go
17 to the office suite. Detective Padawano met
18 with one of the subjects and purchased four
19 iPhones along with accessories and received a
20 sales receipt for the agreed price. The
21 purchased products were then examined by Apple
22 personnel and deemed counterfeit.

23 While present in the office suite
24 Detective Padawano observed numerous boxes
25 containing Apple and Samsung items.

1 Full Leg - 06-18-18

2 Surveillance was conducted by members of the
3 Asset Forfeiture Bureau and the individuals
4 identified were observed doing banking, moving
5 and shipping and inspecting boxes of
6 counterfeit goods from the residence to the
7 office location and the individuals were
8 making numerous deliveries with their vehicles
9 to serviceable repair cell phone locations
10 throughout Nassau County.

11 Search warrants were then obtained
12 and executed at both locations and two
13 subjects were arrested at the scene. Recovery
14 during the execution of the search warrants
15 was approximately \$1.2 million in US currency,
16 along with over 1,000 models of iPhones, Apple
17 cell phones and counterfeit labels, cell phone
18 parts and accessories. Over 300 Samsung cell
19 phones along with cell phone parts and
20 accessories. The property seized was deemed
21 counterfeit by Apple and Samsung personnel and
22 had a value of over \$1 million US currency.
23 Both defendants were charged with two counts
24 of E felony and a conspiracy in the fifth
25 degree misdemeanor.

1 Full Leg - 06-18-18

2 On behalf of John Wighaus and
3 myself and the rest of the Detectives
4 Association we would like to thank detective
5 Padawano for his hard work and the full
6 legislative body for meeting with us recently
7 and listening to our concerns of the status of
8 the detective division and also for your
9 continued support for the detectives in Nassau
10 County. I present Detective Padawano.

11 MR. PADAWANO: I would just like
12 to thank the legislature for taking the time
13 out and thank the commissioner for honoring
14 myself and our colleagues that are in the room
15 today. The officers and the sergeant that
16 saved the gentleman's life. Thank you again
17 for your time.

18 COMMISSIONER RYDER: For the
19 record, you heard Wantagh mentioned twice.
20 Legislator Rhoads nor I were involved in that
21 investigation at all.

22 But again, you know what forfeiture
23 does for us. Joe was one of my guys that I
24 chose to come over to asset forfeiture, again,
25 from the fourth squad. Looks like it's a day

1 Full Leg - 06-18-18

2 in the life of the Fourth Precinct here.

3 But that money is used to fight
4 gangs, opiates, crime in general and
5 terrorism. The work that he did, I had some
6 knowledge on that investigation, he did an
7 outstanding job and the forfeiture work
8 supports everything we do and so we thank him
9 very much.

10 LEGISLATOR NICOLELLO: Why don't
11 you guys come up. Thank you detective for
12 your hard work, your dedication. It shows you
13 the range of skills, the range of
14 accomplishments that our police department is
15 able to achieve.

16 Moving right along. We are going
17 to take the opportunity today to recognize
18 three very special Nassau County residents who
19 were recently inducted into the New York State
20 Veterans Hall of Fame. Actually one of the
21 gentleman was unable to join us Mr. Cologne
22 but I would invite Ms. Burgess and Mr. Ralph
23 Esposito to come to the podium.

24 MR. ESPOSITO: Selinthia had to
25 leave. We had clients.

1 Full Leg - 06-18-18

2 LEGISLATOR NICOLELLO: Did
3 Ms. Burgess leave too?

4 MR. ESPOSITO: Yes.

5 LEGISLATOR NICOLELLO: Maybe I
6 will say a few words about you.

7 Ralph enlisted in the United States
8 Navy in 1961 and served on the Ticonderoga CVA
9 14 aircraft carrier. Here in Nassau County he
10 has served as a first responder for 43 years
11 as a member of the Elmont Fire Department and
12 is very dedicated to veterans' causes as a
13 member of the American Legion and VFW. Ralph
14 is currently the director of the Nassau County
15 Veteran Services Agency.

16 Today we want to reiterate our
17 thankfulness, gratefulness and admiration for
18 all that you have done for our nation and for
19 our county and most importantly for the
20 veterans who are here in Nassau County. Thank
21 you Ralph.

22 MR. ESPOSITO: I want to thank
23 the legislators also. Thank you for being
24 always there for all our veterans. The 70,000
25 veterans that we serve in Nassau County.

1 Full Leg - 06-18-18

2 Truthfully, I don't deserve this. My agency
3 deserves it. They're the ones that really do
4 the work.

5 LEGISLATOR NICOLELLO: We now are
6 going to have public comments which will last
7 30 minutes. Each member of the public who's
8 called we ask to do your very best to keep
9 within the three minutes. If you hit the
10 three minute limit then we ask you to wrap up
11 at that point. If we keep everyone to within
12 three minutes I believe we can finish off
13 everyone who has put a slip in so that we are
14 not having anyone wait until after the
15 legislature's business is done.

16 Before we hit the public comment,
17 we do have one more presentation to make. I
18 would ask our county attorney, who is here.

19 MR. KASSCHAU: Mr. Presiding
20 Officer, Mr. Minority Leader, dear
21 legislature, thank you for allowing me the
22 opportunity to talk with you today.

23 My greatest privilege as your
24 county attorney is the opportunity to work
25 with truly fantastic legal staff in the county

1 Full Leg - 06-18-18

2 attorney's office. This collegial group of
3 smart, dedicated attorneys who work behind the
4 scenes with quiet determination to facilitate
5 much of what the county does on a daily
6 basis. Many of these hard working individuals
7 have gone on to do great things outside of the
8 county attorney's office. Some have gone on
9 to become jurists of one kind or another. In
10 fact, I saw Judge Vogel here a moment ago.
11 Others have gone on to build lucrative careers
12 in private practice. Sometime by suing their
13 former employer. Much to our chagrin. And
14 still other have gone on to areas of public
15 service such as legislators, Legislator
16 Rhoads, FBI agents, town attorneys and
17 legislative counsel.

18 Very few however stay on throughout
19 their entire career carrying the torch and
20 shepparding the institutional knowledge that
21 helps guide the county from one generation to
22 the next.

23 In just a few short days Nassau
24 County will be losing one of its greatest
25 torch carriers. On June 21, 2018 will be

1 Full Leg - 06-18-18
2 deputy county attorney Gerald "Jerry" Podlesak
3 last day in the county attorney's office.
4 Over his nearly 40 years of public service to
5 the county Jerry has taken on a role bigger
6 than he is. And he is not a small man.
7 Serving as office historian, mentor and
8 friend.

9 Jerry started his truly astonishing
10 career at the county attorney's office as a
11 law intern in June of 1981. I was three years
12 old at the time. He was promoted to the title
13 of law assistant in 1982 and was designated
14 deputy county attorney in 1983. Jerry has
15 continued in that role -- save for a brief
16 break working in Washington D.C. -- For the
17 last 35 years.

18 In June 2011 Jerry began working in
19 the appeals and legal counsel bureau where he
20 was eventually promoted to bureau chief.
21 Since that time Jerry has shaped in some way
22 every piece of legislation that has come
23 before this honorable legislature.

24 Jerry, there are few people who are
25 as caring, selfless and dedicated as you are.

1 Full Leg - 06-18-18

2 You are a fantastic attorney and have been a
3 tremendous friend and asset both to your
4 coworkers and to this county. We will miss
5 you dearly but wish you nothing but the best
6 in your retirement. Thanks Jerry.

7 LEGISLATOR NICOLELLO: Before you
8 speak I wanted to say on behalf of the
9 majority -- I'm sure the minority will have
10 remarks -- it's been a pleasure to work with
11 you. There were many, many long days, long
12 evenings. You have been great in terms of
13 getting us the information that we've needed.
14 You've been courteous at all times,
15 professional at all times. You have done a
16 magnificent job in the roll that you have here
17 and I know that before you did what you did
18 with the legislative liaison you did
19 tremendous work in appeals. I thank you for
20 your service to the county and I thank you for
21 all that you have done on our behalf to keep
22 the legislature moving.

23 LEGISLATOR ABRAHAMS: Before you
24 start, I just wanted to take this opportunity
25 as well. Serving in the legislator now for

1 Full Leg - 06-18-18

2 the last 16 years and being able to witness
3 Jerry has come to the podium many times. And
4 for our public that may not have had the
5 opportunity to hear Jerry at the podium, he is
6 not shy about telling you what he thinks. So
7 from that standpoint we appreciate his
8 opinion, his direction. Sometimes we didn't
9 always agree with it, but we felt that we knew
10 he was giving it to us straight from the
11 perspective of the county.

12 We wish you nothing but the best
13 Jerry. Hopefully there will be much greener
14 pastures and a very warm climate. Get out of
15 these New York winters. Either way, we want
16 to wish you the best.

17 MR. PODLESACK: Thank you very
18 much. I wanted to let you all know that I am
19 now going into the ice cream business. I will
20 be distributing ice cream. That will be my
21 new career after leaving the county. But
22 seriously, thank you all very much.

23 LEGISLATOR NICOLELLO: We will
24 proceed with public comment. There was just
25 one slip I wanted to mention this, this slip

1 Full Leg - 06-18-18
2 is towards the back. I won't be calling it
3 for a while. Just to let you know, Jane
4 Thomas has put a slip in for LICAP, which is
5 on the calendar but it's not being called
6 today. Of course you are welcome to stay and
7 give your remarks but just to let you know
8 that the LICAP legislation is not being called
9 on today's calendar.

10 First speaker, Dina Epstein,
11 trustee of Sea Cliff.

12 MS. EPSTEIN: Good afternoon. My
13 name is Dina Epstein. I am a trustee of the
14 village of Sea Cliff. I'm here to speak in
15 favor of a plastic bag ordinance. We have in
16 Sea Cliff what we call a carry out bag law.
17 Our law was passed and went into effect on
18 Earth Day this year. I am asking that the
19 county enact such a law county-wide, as
20 Suffolk County did, because you will see that
21 your constituents really want it, need it and
22 it's going to get to the point where they're
23 going to demand it. So I'm asking for the
24 legislature to give the people what they want
25 before they get to the point where they do

1 Full Leg - 06-18-18

2 demand it.

3 We have had nothing but success and
4 accolades in our village because of our carry
5 out bag law. It came to our attention by an
6 advocacy group and we didn't just pass the
7 law, we explored it, we educated our
8 constituents and we took this as an
9 opportunity to kind of change people's
10 behavior. The future is going to be
11 plastic-free, so we thought we would ease the
12 way for our residents. So our residents have
13 received this really well.

14 What we did was we showed films,
15 showed a film called Bag It on three occasions
16 sponsored by the village. Also other
17 community groups showed this film. We had
18 community-wide discussions. We had newspaper
19 articles and we had a lot of public comment.
20 We sent letters out to all of the businesses
21 that were going to be affected and we invited
22 them to comment at our public hearing for the
23 law.

24 I'm going to tell you we have
25 controversy in our village. We have contested

1 Full Leg - 06-18-18

2 elections and we have a lot of different
3 opinions. Everything we wanted to do really
4 raises hackles and there's back and forth. No
5 different than this body. When we presented
6 the plastic bag law to the village of Sea
7 Cliff we had zero opposition. None. Nobody
8 spoke in opposition to this law. None of the
9 businesses. There were no emails. There were
10 no phone calls. Nobody came to speak out
11 against this law.

12 And I'm telling you that it's a
13 good idea, people want it, and I'm urging this
14 body to enact it for Nassau County. I think
15 it's a winner, and I think you will see that
16 it will make you popular back with your
17 people.

18 We are a waterfront community but
19 all of Long Island is a waterfront community.
20 Nobody wants to go to the beaches and see
21 plastic debris and see bags waiving in the
22 branches. If you can be in the forefront of
23 that I think it would be a great thing. Thank
24 you and have a good evening.

25 LEGISLATOR NICOLELLO: Thank

1 Full Leg - 06-18-18

2 you. Carol Berglie.

3 MS. BERGLIE: I'm a new board
4 member with the Coalition to Save Hempstead
5 Harbor, and I'm speaking here for that
6 organization. We are hoping that you will
7 push ahead with the Mule suggestion for the
8 take out bag legislation. Suffolk County has
9 legislation. Forty countries all over the
10 world have introduced measures to take control
11 of the use of plastic. The reason for that is
12 that 1,000,000 birds and 100,000 sea mammals
13 are killed every year because of plastic
14 either by being tangled in it or consuming
15 it. It really is a bandwagon thing. Even the
16 queen of England is pushing for plastic
17 controls. It really seems perfectly natural
18 that Nassau County would want to be part of
19 it.

20 I understand there's some
21 opposition to it because of the cost. A bag
22 can have advertising on it. Perhaps if you
23 work with companies who want that kind of
24 advertising you can give away the bags in the
25 stores to people and they can reuse them. All

1 Full Leg - 06-18-18

2 of these things are worthy of consideration.

3 Thank you.

4 LEGISLATOR NICOLELLO: Thank you
5 Carol. Pete Gaffney.

6 MR. GAFFNEY: Good afternoon
7 everyone. I wish I had 30 minutes but I only
8 have three minutes just to tell you what's on
9 my mind. Basically the expression see
10 something and say something it needs to be
11 changed. It needs to be see something do
12 something.

13 The Long Island third rail
14 project. Get involved. It's happening very
15 quickly and the contractor's design and build
16 philosophy is making dynamic changes to what's
17 happening within the Long Island Railroad
18 right away. It's going to affect all of us
19 right away. So please get involved everyone.

20 What about the future? The county
21 should be having discussions with the Long
22 Island Railroad and state about the idea of
23 light rail systems going north and south. No
24 one wants to take a bus after riding on the
25 train for half an hour to an hour. It needs

1 Full Leg - 06-18-18

2 to be smoothless and seamless. We need to get
3 that going. It's going to help get some of
4 the vehicles off the road.

5 Overall the county roads are a
6 disaster. Even the county executive says so.
7 About three months ago she asked for a study
8 on the shape of county roads. I wonder how
9 that's going? Has it been completed? I
10 understand the county is not in the best shape
11 financially and they need to get rid of NIFA
12 but we got to be able to provide funds for
13 roads. They're just a total disaster.

14 The federal and state government
15 they've offered some serious dollars to offset
16 the high cost of road repair. Since 2016
17 about \$8 billion has been made available. I
18 wonder if Long Island is getting our fair
19 share. Are we? That's what I would like to
20 know.

21 The other thing is utilities. They
22 are digging up our roadways and not repairing
23 them properly. They are creating a big
24 problem and major expense. They will do the
25 road and do a quick surface thing and half the

1 Full Leg - 06-18-18

2 time they don't even come back to seal it the
3 proper way. Who is checking on that from our
4 roads? It's costing us money for the way they
5 are deteriorating.

6 A couple of things. Two roads that
7 I want to talk about, Glen Cove Road and Old
8 Country Road. Glen Cove was repaved about two
9 or three years ago. There are over 30 surface
10 cracks, transverse cracks on the roadways.
11 They are actually deteriorating now to the
12 point it's developing pot holes. So, why
13 can't we have this thing done again? See
14 something do something. I have called them on
15 three different occasions. Nothing's been
16 done. We need to have it taken care of.

17 Old Country Road is a joke. Have
18 you seen the mile long transverse cracks on
19 both sides?

20 We also need to do some mitigation
21 as far as the roadway is concerned. The
22 traffic is ridiculous. Especially during rush
23 hour and also on weekends. We need to do
24 something. People don't want to shop like in
25 Roosevelt Field or in some of the retail

1 Full Leg - 06-18-18

2 locations. It's even become so bad in
3 Roosevelt Field now they've taken on a border
4 and actually have about 200 cars.

5 MR. PULITZER: Sir your time has
6 expired.

7 MR. GAFFNEY: Will do.

8 Again, all I just want to say is
9 see something do something. Thank you.

10 LEGISLATOR NICOLELLO: Thank you
11 Mr. Gaffney. Just one thing real briefly is
12 Old Country Road unfortunately is not
13 scheduled to be repaved until 2019. We had
14 asked about it. Unfortunately, again, there
15 are roads in Nassau County that are even in
16 worse shape. They are doing those roads and
17 Old Country Road is scheduled to be repaved in
18 2019.

19 Gene Monahan.

20 MR. MONAHAN: I'm here to talk
21 about the ordinance that was passed this past
22 fall prohibiting gasoline deliveries to boats
23 and a letter in now going out to boaters
24 saying it's not allowed according to the New
25 York State Fire Code. That's only a partial

1 Full Leg - 06-18-18

2 truth and that seems to be all the information
3 that happens is partial and incomplete
4 information. It actually is allowed in the
5 New York State Fire Code. We are not trying
6 to be an approved marine fueling facility.
7 Which is the regulation that's quoted. There
8 is a specific thing for tank trucks and it
9 says in the beginning of the fire code, where
10 there is a conflict between a general
11 requirement and a specific requirement the
12 specific requirement shall be applicable.

13 All of these codes are taken from
14 the international fire code.

15 Up and down the east coast, from
16 Massachusetts to Florida, there are other
17 states that allow this. Here it's just taken
18 by the word of the fire marshal that this is
19 the way it should be done. He's made comments
20 that Nassau is different because it's more
21 congested. Yet the city of Miami puts out
22 bids to have gasoline delivered to their fire
23 boats, police boats.

24 Other misinformation from the fire
25 marshal, he stated in court that all marinas

1 Full Leg - 06-18-18

2 have overhead fire suppression. Not true.

3 That marinas have a boom in the
4 water ready to be deployed around boats. Not
5 true. When he came and arrested me for
6 delivering gas to boats he said due to his
7 knowledge and experience my truck was not
8 grounded. I don't carry a spill kit. Then in
9 court he testified he has no training and
10 knowledge of tank trucks because the
11 manufacturer testified it is grounded and
12 we've always carry a spill kit.

13 At your next safety meeting I would
14 appreciate it if you would like to hear
15 honest, complete answers ask us to show up and
16 we will be happy to give you the whole truth
17 as to what's going on with this and that would
18 allow your constituents to save some money and
19 stop sending you the letters to have this
20 ordinance repealed. Thank you.

21 LEGISLATOR KOPEL: Thank you.
22 Mr. Allan Hunter.

23 MR. HUNTER: Hello. I'm Allan
24 Hunter, treasurer for the Nassau County Green
25 Party, and I wish to address the proposed

1 Full Leg - 06-18-18

2 plastic bag fee. I understand some people are
3 opposed to it because they think it will
4 impose an inconvenience and hardship on people
5 shopping in Nassau County. I wouldn't call it
6 a hardship but we do want and need it to be
7 enough of an inconvenience to prompt a change
8 in people's habits. We have that having to
9 forking over a nickel for each plastic bag at
10 the checkout counter will lead to people they
11 stocking their cars with canvass bags and
12 automatically grabbing a handful of them
13 before entering the store.

14 As it stands now, the lasting
15 imagine that some visitors will have of Long
16 Island consists of rows of winter trees with
17 plastic bags waving in the branches and
18 flooded streets and gutters clogged with nasty
19 clots of plastic bags and debris.

20 The process of producing plastic
21 bags is environmentally destructive and then
22 the bags persist in the environment not only
23 as an eyesore, plastic bags end up in our
24 oceans. It hurts the fishing. It affects
25 other species who are strangled by it or eat

1 Full Leg - 06-18-18

2 it and then can't digest. Or whose food
3 sources are impaired by it.

4 I have been told that this measure
5 may be bottled up in the Nassau County
6 Legislature due to the fact that we have a
7 Republican majority. But this shouldn't be a
8 partisan issue. Yes, I appear before you as a
9 Green but my dad, who used to describe himself
10 somewhere to the right of Jessie Helms and
11 Strom Thurmond, likes to tell the story of
12 going camping in the river and seeing some
13 young men throwing a bag of trash in the river
14 as they were striking camp. My dad and his
15 friend confronted them telling them you pick
16 that up. They made them wade out into the
17 river and retrieve their waste and pack it up
18 with them. Conservatives have their own
19 ecological tradition. Leave the nothing but
20 your footprints. Leave the place nice for
21 future generations to enjoy. Be responsible
22 stewards of our natural resources.

23 The plastic bag fee is an idea
24 whose time has come. Just like the 1960s laws
25 that prohibited littering. People used to

1 Full Leg - 06-18-18

2 toss trash out their car window without
3 thinking. It was normal. Then an issue was
4 made of it. Laws and policies were set down
5 and may change public awareness and habits
6 changed. Thank you for your time.

7 LEGISLATOR KOPEL: Thank you.
8 Gerald Ottavino.

9 MR. OTTAVINO: Good afternoon.
10 Gerald Ottavino. I'm a member of Water for
11 Long Island and cochair of Beach Bay Civic
12 Association's Environmental Committee and a
13 resident of Point Lookout on Long Beach
14 barrier island. This morning I emailed most
15 of you a full testimony, and I hope you
16 received it and read it before now.

17 I'm here to speak primarily on
18 Resolution 146-18, which I know has been
19 postponed, but I must inform you, and I will
20 be frank, you cannot have it both ways. You
21 cannot be for protecting your respective
22 constituencies, the environment and Nassau
23 County's sole source aquifer system and our
24 drinking water and still vote in favor for
25 Resolution 146-18. That would be impossible,

1 Full Leg - 06-18-18

2 a gross contradiction, and in some cases a
3 full misrepresentation of your stated
4 positions on this vital issue.

5 Voting for Resolution 146-18 would
6 be voting to further aquifer system's demise
7 and drinking water depletion and degradation
8 in Nassau. In particular the Lloyd Aquifer
9 System on Long Beach barrier island. That's
10 where I reside. To protect your
11 constituencies, the underground environment,
12 the county's sole source aquifer system and
13 our drinking water you must vote against
14 Resolution 146-18. Which I know has been
15 postponed.

16 Further, it's the county, and
17 specifically this legislature, that are
18 ultimately charged with protecting the welfare
19 of the public trust and its groundwater
20 resources in Nassau County, not LICAP.
21 Passing the resolution would be surrendering
22 this charge and paramount responsibility to
23 protect the welfare of your constituencies and
24 that of the public trust resources. You would
25 be surrendering them to private interest.

1 Full Leg - 06-18-18

2 In addition, it would be a blatant
3 conflict of interest if the legislature
4 approves the legislation because it would be
5 an unconscionable violation of your
6 stewardship and the public's trust in it.

7 Basically, I'm asking you to vote
8 for drinking water here in Nassau County and
9 not for people whispering in other people's
10 ears behind closed doors. LICAP is a full
11 conflict of interest. It's using public
12 resources for private interest. Thank you for
13 your time.

14 LEGISLATOR KOPEL: Thank you.
15 Next is Susan Brockman.

16 MS. BROCKMAN: Thank you. Good
17 afternoon. I've met with several of you over
18 the last few weeks to talk to you about the
19 bag bill that is awaiting your vote. By now
20 you are well versed. You already know about
21 how well the bag bill is working in Suffolk
22 County. You know how well the bag bill is
23 working in Long Beach and Sea Cliff. You know
24 that many cities across this country are
25 taking steps to reduce plastic waste. You

1 Full Leg - 06-18-18

2 know about the science showing that there will
3 very soon be more plastic in the ocean than
4 fish. Let me repeat that. More pieces of
5 plastic in the ocean than fish.
6 Scientifically proven.

7 You must also must know that this
8 is the moment. You have the chance to make
9 important real change. Do it so the streets
10 you drive through every day will have less
11 garbage. Do it so your beach experience is
12 positive. Do it so your kids and grandkids
13 have the same clean beaches and a healthier
14 world. Do it for the marine life that is
15 suffering.

16 This is a nonpartisan issue as was
17 mentioned before and I really believe that.
18 There is no excuse for single use. The world
19 is moving in that direction. Nassau County
20 needs to do that as well.

21 And to help you get started on that
22 I have brought a reusable bag for each member
23 of the legislature. It's only for light
24 grocery shopping because it's not a big bag.
25 Inside is some very important literature and

1 Full Leg - 06-18-18

2 some photographs of the cases of some whales
3 and turtles and other sea creatures that are
4 suffering due to plastic. I hope you will
5 take a look at what's inside the bag. Maybe
6 it's the size of your lunch. But using it
7 every day, setting an example for those who
8 you live with, those you work with and for
9 your constituents. They see you are on the
10 vanguard of doing the right thing. It's where
11 we are. It's where the world is right now.
12 You can't go a day or two without seeing
13 something about plastic pollution in the
14 paper. It's our turn to do something about
15 it. Thank you.

16 LEGISLATOR KOPEL: Thank you.
17 You're going to distribute bags. With lunch?
18 Richard Clolery.

19 MR. CLOLERY: To the members of
20 the legislature, we certainly have had an
21 interesting winter this year. Our roads are a
22 complete mess. I'm sure you've heard about
23 the people in Hicksville having problems with
24 pot holes as well as everywhere in Nassau
25 County. You know what's interesting? is how

1 Full Leg - 06-18-18

2 much we as a county spend on roads every year
3 i.e. the Hicksville parking lot. Which still
4 is being rebid on for repairs by the way. Yet
5 we as a county cannot properly fund our bus
6 system.

7 Look, I get it. This town still
8 has a car culture going on. For that reason
9 there are still such reluctance on the issue
10 of buses. However, in this county there are
11 disabled people who can't afford to drive for
12 one reason or another. And the elderly who
13 can't drive anymore, because of their age or
14 medical condition. You understand what I'm
15 saying? Good.

16 I know that this is a topic because
17 of the current financial situation which is
18 why I have been making suggestions the last
19 couple of times seeing you people. Especially
20 collecting funding from traffic tickets.
21 Although, before you do that you might want to
22 reexamine the red light camera program.
23 There's been complaints rather than promoting
24 safety as it should it's pleasantly increasing
25 the county's coffers. Something that both

1 Full Leg - 06-18-18

2 parties may need to examine.

3 Listen everyone. Especially you
4 Laura Curran. The people of Nassau County
5 have voted for you and the legislature with
6 the understanding that you will work for
7 everyone, not just for the drivers or the
8 rich. We, the bus riders, need you and the
9 legislature to help find a way to fully fund
10 the buses. I don't mean to simple enough to
11 restore the bus lines that were cut, the M73,
12 M74, M47, M50, but to help fund late night and
13 weekend bus service for those of us who can't
14 afford a car and those who are disabled and
15 elderly. That all of us can experience Nassau
16 County. If you can't, well, come election
17 time we will find people who can. Thank you
18 and have a good day.

19 LEGISLATOR NICOLELLO: Thank
20 you. Joanne Borden.

21 MS. BORDEN: Good afternoon. I'm
22 here to ask for transgender equal protection
23 from harmful discrimination. Nothing
24 special. Just protection the same as what
25 everyone else has. Our pledge liberty and

1 Full Leg - 06-18-18

2 justice for all has no exceptions. No one.
3 That's what all means. Liberty and justice
4 for all has been a pledge as far as back as my
5 memory goes. I said those words in first
6 grade back in 1931. Roughly 40 years after
7 public schools first introduced the pledge.
8 You personally make that pledge here every
9 month.

10 So I'm asking you to apply those
11 same words to me, to transgender people.
12 Including transgender people is not only
13 American but is also in line with the
14 objective of people of all religions and the
15 obligation of their believers.

16 I often wonder what is the
17 resistant to granting a vote on a politically
18 benign amendment like the one proposed? An
19 amendment that simply defines the word gender
20 to include us. You're own legal counsel and
21 the county attorney agree the present law does
22 not protect us.

23 This is my 80th request before
24 you. In the past I have given you reason
25 after reason to vote for transgender people's

1 Full Leg - 06-18-18

2 inclusion in our county's life and have shown
3 every conceivable objection to giving us
4 protection groundless. This is reinforced by
5 the fact that there never were any complaints
6 from the more than 180 million people who live
7 under transgender protection laws. If you
8 feel the loss of a few votes from some haters
9 I can tell you I have followed over 100
10 transgender rights laws that were passed
11 elsewhere by Democratic and Republican
12 legislatures. Sometimes there are a few lost
13 hater votes but they are far outweighed by the
14 many LGBTQ and other votes gained by your
15 demonstrating a just administration of your
16 duties.

17 However, that is far less pertinent
18 that doing the right thing, the American
19 thing. Pass the transgender human rights law
20 now right now. Thank you for listening.

21 LEGISLATOR NICOLELLO: Thank you
22 Joanne. Meta Mereday.

23 MS. MEREDAY: Meta Mereday,
24 Baldwin resident. I echo all those who have
25 spoken with regard to the pot hole issue.

1 Full Leg - 06-18-18

2 It's been epidemic at this point, and I also
3 question what contractor is supposed to be
4 doing the spot shot pothole repairs. We
5 definitely need to get our money back for that
6 one.

7 Again, the parking is a concern
8 here even coming for these meetings, and I am
9 hopeful again that our elected officials are
10 looking into the situation where I believe
11 employees continue to take the spots that are
12 supposed to be designated for the visitors
13 that are here.

14 And I want to speak the bulk of my
15 time with regard to my concerns as it pertains
16 to I believe another resolution for this Long
17 Island commission on aquifer protection as to
18 what will be the genesis for this? What
19 funding, if any, is going to be appropriated
20 for this? Considering there is still a law on
21 the books as of 2016 the Veteran-owned
22 Business Act that was designed in a three part
23 process that has yet to be funded or
24 increased. And as I sit here, definitely I
25 support the earlier recognition of Ralph

1 Full Leg - 06-18-18

2 Esposito, but I continue to implore this body
3 to look at expanding. It's just the same old
4 same old that it provides to the veterans
5 services, as he said, for our close to 100,000
6 veterans that are here.

7 Again, about doing the numbers
8 because I know you all like to hear stuff
9 ideally before it hits Newsday, because you
10 have your own title 82 of the Miscellaneous
11 Law of Nassau County, the objective is to
12 expand opportunities for to service-disabled
13 veteran-owned business and you continue to
14 fail to do so. Again, you're in violation of
15 your own law.

16 I have a summary of recommendations
17 that I will definitely be willing to share
18 with regard to issues that I have brought up
19 that talk about leveraging new and existing
20 commitments as a vehicle to increase access to
21 capital, increasing contracting opportunities,
22 increasing awareness, access and utilization
23 of veteran-owned small businesses to develop
24 government-wide tools and information to
25 support buying activities.

1 Full Leg - 06-18-18

2 Okay, notwithstanding this does
3 pertain to federal doctrine, but this can be
4 scaled down to the county level considering
5 the extensive nature of this bill, of this
6 budget for this county and the fact that Long
7 Island has the largest veteran population in
8 New York State. It could, for a change, be a
9 model.

10 Lastly, as it pertains to
11 transportation, I have submitted information
12 with regard to doing a transportation summit,
13 which is something that we sorely need. We
14 need to get off of the dime or I should say
15 the dollars in Nassau County and effectively
16 fund projects and activities for our
17 veterans. I'm all for the aquifer protection,
18 but we've got veterans that have been waiting
19 to get some kind of resources and we're
20 waiting for you all to decide when you're
21 actually going to do it. Stop posing for the
22 pictures and the holidays and start making
23 some real, real tracks. Thank you.

24 LEGISLATOR NICOLELLO: Jane
25 Thomas. She may have left. She was here to

1 Full Leg - 06-18-18

2 speak on LICAP as well. Jim Brown.

3 MR. BROWN: Good afternoon. My
4 name is Jim Brown. I'm conservation cochair
5 of the South Shore Audubon Society. South
6 Shore Audubon Society is a chapter of the
7 National Audubon Society representing
8 approximately 1200 households island wide.

9 I'm here before the legislature to
10 urge you to pass the plastic bag control bill
11 now before you. A total ban on single use
12 plastic bags is perhaps the best approach to
13 the problems created by these ubiquitous,
14 harmful throw away containers. But the Nassau
15 bill is a good start in addressing this
16 important issue. Having shoppers pay a modest
17 price for plastic bags will go a long way to
18 cut down on this type of pollution.

19 In places where fees have been
20 established declines in the use of plastic
21 bags are often dramatic. As people are
22 incentivized to use recyclable bags, Suffolk
23 County has been mentioned here before, two
24 communities in Nassau County, Long Beach and
25 also Sea Cliff, have shown great strides in

1 Full Leg - 06-18-18

2 reducing this ubiquitous, horrible pollution
3 of plastic.

4 Plastic is created from petroleum
5 compounds and routinely harms wildlife and
6 damages both land and sea environments. An
7 example of this particularly haunting way in
8 which this plastic gets into our life stream
9 is it's impact on the albatrosses of Midway
10 Island. There are about 1.5 million
11 individual birds and they often mistake
12 plastic that's found its way into the Pacific
13 Ocean for food. It sort of represents their
14 best prey, which is squid. They eat it and
15 then return and regurgitate this food into
16 their young, killing thousands of birds. They
17 fly up to 1,000 miles to get this plastic by
18 mistake and bring it back to Midway Island.
19 It's horrible to see the impact this has had
20 on avian life in the Pacific.

21 Sea turtles, many of them
22 endangered species, also suffer from this
23 plastic pollution. The single use plastic
24 bags that start on land end up in the sea are
25 mistaken for a jelly fish and they eat them

1 Full Leg - 06-18-18

2 and get digestive blockages and they also
3 become entangled in floating debris.

4 Plastic pollution has become a
5 problem for humans, wildlife and the
6 environment in general. Discarded plastic is
7 not only unsightly but also become injurious
8 to the entire food chain. We actually ingest,
9 by ingesting animals that have gotten this
10 plastic, we have plastic in our own bodies as
11 all animals now do.

12 We recommend you adopt this law as
13 soon as possible to get things started for the
14 county and perhaps there will be state-wide
15 controls and national controls. Other areas
16 have done it. Nassau can do it. Thank you
17 very much.

18 LEGISLATOR NICOLELLO: Thank
19 you. That concludes the public comment
20 portion of our meeting. I will be calling the
21 consent calendar before going to the
22 emergencies. These are items that went
23 through the committees and had full debate and
24 discussion earlier and the majority and
25 minority have agreed have merit and will be

1 Full Leg - 06-18-18

2 passed in a block.

3 Item five ordinance 47. Six
4 ordinance 48. Seven ordinance 49. Eight
5 ordinance 50. Nine ordinance 51. Ten
6 ordinance 52. 11 ordinance 53. 12 ordinance
7 54. 13 ordinance 55. 14 ordinance 56. Item
8 18 Resolution 105. 19 Resolution 106. 23
9 Resolution 110. 24 Resolution 111. 25
10 Resolution 112. 26 Resolution 113. 27
11 Resolution 114. 28, Resolution 115. 29
12 Resolution 116. 30 Resolution 117. 31
13 Resolution 118. 32 Resolution 119.

14 Legislator Ferretti makes a motion
15 on those. Seconded by Legislator Mule. All
16 those items are before the legislature. Any
17 debate or discussion? Any public comment?
18 Hearing none, all in favor signify by saying
19 aye. Those opposed? They carry unanimously.

20 Now we are going to go to the
21 emergencies and the reason we are calling the
22 emergencies out of order is these are home
23 rule messages and there is an urgency to the
24 request that we consider these things. Ask
25 Mr. Pulitzer if you could call the

1 Full Leg - 06-18-18

2 emergencies. Do 280 and 281 together.

3 MR. PULITZER: Thank you. Clerk
4 item 280-18. An emergency resolution
5 declaring an emergency for immediate action
6 upon a resolution requesting the legislature
7 of the state of New York to enact and the
8 governor to approve an act to amend the Public
9 Authority Law in relation to the Nassau County
10 Interim Finance Authority.

11 This one will be clerk item
12 281-18. An emergency resolution declaring an
13 emergency for immediate action upon a
14 resolution requesting the legislature of the
15 state of New York to enact and the governor to
16 approve an act to amend the Nassau County
17 Administrative Code in relation to the
18 administration of real property tax refunds,
19 cancellations and credits in Nassau County on
20 class four real property.

21 LEGISLATOR NICOLELLO: Thank you
22 Mr. Pulitzer. Need a motion to accept the
23 emergencies I guess moved by Legislator
24 Lafazan. Seconded by Legislator McKevitt.
25 All in favor of establishing the emergencies

1 Full Leg - 06-18-18

2 signify by saying aye. Those opposed?

3 Carries unanimously. I guess we will call the
4 items, correct?

5 MR. PULITZER: Clerk item 280-18,
6 a resolution requesting the legislature of the
7 state of New York to enact and the governor to
8 approve an act to amend the Public Authorities
9 Law in relation to the Nassau County Interim
10 Finance Authority.

11 Item 281-18, a resolution
12 requesting the legislature of the state of
13 New York to enact and the governor to approve
14 an act to amend the Nassau County
15 administrative code in relation to the
16 administration of real property tax refunds,
17 cancellation and credits in Nassau County on
18 class four real property.

19 LEGISLATOR NICOLELLO: Thank
20 you. Those items are moved by Legislator
21 Drucker. Seconded by Legislator Walker. We
22 will take questions on both at the same time
23 but we will be voting on them separately.
24 Then after the questions there will be a
25 recess so both caucuses can discuss.

1 Full Leg - 06-18-18

2 Mr. Denion.

3 MR. DENION: Thank you Presiding
4 Officer. Conal Denion, county attorney's
5 office.

6 The first home rule relates to
7 expanding NIFA's authority to issue additional
8 debt in the amount of \$400 million on behalf
9 of the county to pay tax certiorari
10 settlements or judgements of any kind to which
11 the county is a party. It also extends NIFA's
12 deadline for issuance until December 31, 2021
13 and the date for the final maturity of the
14 bonds until January 31, 2041.

15 This would be discretionary
16 authority on behalf of NIFA and would allow
17 the county to clear the refund backlog in
18 connection with the proposed improvements to
19 the Dispute Assessment Fund for class four
20 property refunds.

21 Which brings us to the second home
22 rule, to amend Section 6-41 of the County
23 Administrative Code with regard to the
24 disputed assessment fund on class four which
25 is are the commercial real property refunds.

1 Full Leg - 06-18-18

2 This Disputed Assessment Fund, or DAF, this
3 would further the bill's original purpose and
4 the same time to really reduce or eliminate
5 some of the complexities and limitations in
6 the legislation that have become apparent in
7 the last couple of years.

8 It would replace the current system
9 with a more comprehensive and flexible
10 approach. In particular, the county would
11 levy charges annually on the class four
12 property to fund payments or the refunds and
13 cancellations and credits for the refunds
14 within the class in the ensuing fiscal year.
15 This would be done at the time of the budget
16 process. The amount of the levy would be
17 capped at no more than ten percent of the
18 class four levies on the tax roll for county,
19 town, schools and special districts.

20 I think that's pretty much the main
21 import of the bill.

22 LEGISLATOR NICOLELLO: Let's go
23 into the first request with respect to
24 increasing NIFA's bonding authority. That
25 would have the effect of perpetuating NIFA

1 Full Leg - 06-18-18

2 until at least 2041, would it not?

3 MR. DENION: At the level of
4 having NIFA in place to manage its debt going
5 forward correct. It would not necessarily
6 continue the control period, which is under a
7 separate standard under the statute.

8 LEGISLATOR NICOLELLO: NIFA has
9 repeatedly made it clear that they do not
10 support and in fact prohibited further
11 borrowings for the purposes of paying refund
12 liability. They have essentially shut the
13 prior administration down from doing that.
14 Why do we think NIFA would be in support of
15 this?

16 MR. DENION: I would think that
17 it's part of the administration's overall plan
18 for addressing the tax certiorari liability.
19 New administration. The plan being the two
20 bills actually before you, the two home rules
21 that the NIFA piece would take care of the
22 refund liability going backward approximately
23 \$360 million for non-LIPA refunds at the end
24 of 2017 with the disputed assessment fund
25 legislation taking care of the problem going

1 Full Leg - 06-18-18

2 forward on an annual basis.

3 So I think it's those two combined
4 that I would hope NIFA sees that as part of a
5 long-term solution to finally end borrowing
6 for tax certs as part of a solution going
7 forward.

8 LEGISLATOR NICOLELLO: Have we
9 received any sort of communication from NIFA
10 as to what their position is on this?

11 MR. DENION: I think their
12 official position is they're waiting to see if
13 the bill passes and then they will address it
14 at that point.

15 LEGISLATOR NICOLELLO: Again,
16 going back to the past, they have refused to
17 allow borrowings on this or capped it and
18 eventually stopped it at a time when the
19 interest rates were lower. So why would this
20 be even a viable alternative now when the
21 interest rates have gone up? As you have
22 indicated, NIFA is remaining silent. Why
23 would we do this?

24 MR. DENION: I think it's
25 necessary -- obviously the home rule is

1 Full Leg - 06-18-18
2 necessary for the state legislature to go
3 forward according to the state that they need
4 the home rule. So I think we are putting the
5 cart before the horse. We need to take this
6 step today in order for the state legislature
7 to act, we hope in the last couple of days of
8 the session, and at that point the authority
9 goes to NIFA and we would hope that the
10 administration, the legislature would work
11 together to convince NIFA that this is in the
12 county's best interest to act upon the
13 authority and the legislation.

14 LEGISLATOR NICOLELLO: If this
15 authority was granted would the borrowing come
16 back to the legislature for approval or could
17 NIFA just go out and do it on its own?

18 MR. DENION: The statute requires
19 there to be a declaration of need from the
20 legislature as in the past.

21 LEGISLATOR NICOLELLO: Who else
22 has questions? Alternate Deputy Presiding
23 Officer and then Legislator Rhoads is next.

24 LEGISLATOR KOPEL: Thank you
25 Presiding Officer. Just a couple of questions

1 Full Leg - 06-18-18

2 on this one. What is the interest rate
3 differential between NIFA borrowing and direct
4 borrowing?

5 MR. DENION: I don't have that
6 before me today. On the terms NIFA has two
7 out of three of its ratings are triple A. The
8 county is single A. We can get you that
9 information. I don't have that with me.

10 LEGISLATOR KOPEL: That would be
11 interesting to know because the interest rate
12 differential, if it's large I guess it's
13 something to think about. But if it's not
14 that large then the cost would be extension of
15 NIFA's existence. Which is not a happy result
16 necessarily.

17 What about versus the rate that's
18 paid? I'm not even talking about the NIFA
19 part of it but paying it all off. What is the
20 rate that's paid currently on pending claims
21 and judgements?

22 MR. DENION: The tax certs prior
23 to judgement I believe it's a negotiated two
24 percent interest rate and then at judgement it
25 goes up to the nine percent statutory rate.

1 Full Leg - 06-18-18

2 LEGISLATOR KOPEL: The two
3 percent rate is a pretty good deal actually to
4 hang on for a while.

5 MR. DENION: We want to pay our
6 judgements and settlements.

7 LEGISLATOR KOPEL: The judgements
8 I get, that's nine percent. You want to get
9 rid of those as quickly as you can. Certainly
10 at a lower rate. But the two percent one
11 doesn't seem like we need to be in a all fire
12 hurry.

13 MR. DENION: I don't know if that
14 enters into the calculation. We are trying to
15 settle the cases as expeditiously as possible.

16 LEGISLATOR KOPEL: You don't
17 have, and I would like to know, the NIFA
18 versus direct borrowing differential. That's
19 I think a pretty interesting and important
20 point in my opinion.

21 MR. DENION: We will get that for
22 you.

23 LEGISLATOR KOPEL: Thanks.

24 MR. PERSICH: Andy Persich,
25 Office of Management and Budget. There is

1 Full Leg - 06-18-18

2 savings by going through NIFA. I think on a
3 30 year basis I think overall we save, if I
4 read this correctly, bear with me, is around
5 \$14 million by borrowing through NIFA.

6 LEGISLATOR KOPEL: Over what
7 period?

8 MR. PERSICH: Hang on. It's a 20
9 year period.

10 LEGISLATOR KOPEL: 20 year period
11 and the savings is?

12 MR. PERSICH: \$14.8 million.

13 LEGISLATOR KOPEL: On the other
14 hand, a dead NIFA saves us a couple of million
15 dollars a year in operating expenses. I think
16 this comes out more expensive, doesn't it?

17 MR. PERSICH: In reference to
18 what?

19 LEGISLATOR KOPEL: In other
20 words, if NIFA's existence is extended how
21 many years? 15 years or whatever it is.
22 That's two million, three million a year.

23 MR. PERSICH: I want to say their
24 actual budget is 1.2 but I don't have it in
25 front of me.

1 Full Leg - 06-18-18

2 LEGISLATOR KOPEL: I think it's
3 closer to two. I'm not great at arithmetic
4 but it seems like it's a lot more money than
5 we would save by doing this and it seems like
6 it might be a more sensible thing if we're
7 going to borrow just to borrow without NIFA.

8 LEGISLATOR NICOLELLO: Legislator
9 Rhoads.

10 LEGISLATOR RHOADS: Just had a
11 couple of follow-up questions. First of all,
12 can somebody explain what is the county's
13 total tax certiorari liability as it stands
14 today? Because the number -- I will preface
15 that by saying I had thought that the number
16 that we had spoken about was approaching \$800
17 million in tax certiorari liability.

18 MR. DENION: Is the question on
19 the outstanding liability at the end of 2017
20 or the amount of debt outstanding?

21 LEGISLATOR RHOADS: The idea
22 behind this is that we're going to borrow \$400
23 million presumably to settle our entire tax
24 certiorari liability, correct?

25 MR. DENION: That's right. To

1 Full Leg - 06-18-18

2 clear the backlog.

3 LEGISLATOR RHOADS: You want to
4 clear the decks. How much is it going to take
5 to clear the decks? The number I had I seem
6 to recall, I could be wrong, the number I seem
7 to recall is substantially more than \$400
8 million.

9 MR. DENION: The number we are
10 expecting, it hasn't been audited yet, but the
11 number expecting for the non-LIPA power plant
12 property, is about \$360 million. If you add
13 the LIPA it's over 500 in the estimate we are
14 expecting from the comptroller.

15 LEGISLATOR RHOADS: It's over 500
16 when you factor in -- the LIPA's properties
17 themselves are over \$500 million.

18 MR. DENION: When you add those
19 to the 360 it takes you up into the 530 range
20 or so.

21 LEGISLATOR RHOADS: The plan we
22 have now would not address in its entirety all
23 of the tax certiorari settlements and
24 judgements. It would only address those that
25 do not involve LIPA?

1 Full Leg - 06-18-18

2 MR. DENION: That's correct. You
3 may have read press reports that the county is
4 working to try to resolve the LIPA situation
5 separately.

6 LEGISLATOR RHOADS: What is the
7 status of those negotiations, do you know?

8 MR. DENION: They are ongoing.

9 LEGISLATOR RHOADS: Has there
10 been any discussion on LIPA's part with
11 respect to that? Is there any interest
12 expressed by LIPA in resolving this?

13 MR. DENION: I don't want to
14 speak to a potential settlement but the
15 negotiations are ongoing and the goal is to
16 resolve them in the most favorable result for
17 that we can get for taxpayers and ratepayers.

18 LEGISLATOR RHOADS: Of course it
19 is. How exactly would that be funded? In
20 other words, if we're using the magic bullet
21 now and we're borrowing to settle all of the
22 tax certiorari judgements and looking to clear
23 the decks, without having any final resolution
24 to the LIPA piece aren't we now going to
25 borrow \$400 million and still have a

1 Full Leg - 06-18-18

2 substantial amount of debt, a judgement that
3 we're going to have to resolve at some point
4 in time with money that we really don't have?

5 MR. DENION: We are working
6 towards a goal on the LIPA power plants to not
7 have refund liability. That's a goal we are
8 working towards and that's the plan to address
9 the LIPA liability.

10 LEGISLATOR RHOADS: How exactly
11 has the thinking of the county executive
12 changed with respect to how we're supposed to
13 handle our tax certiorari liability? Because
14 for the three plus years that I have been a
15 member of the county legislature the
16 discussion was continuously we have to wean
17 ourselves off of borrowing. Which was a sound
18 business practice. NIFA in fact came out and
19 said that it wasn't allowing any additional
20 tax certiorari borrowing because it's a poor
21 fiscal practice that would endanger the
22 county's fiscal health. That is something
23 that the county executive subscribed to. In
24 fact, we created the DAF fund, for example, as
25 a means by which to address the accumulation

1 Full Leg - 06-18-18
2 of future tax liability, not to incur that
3 future tax liability but having a fund through
4 from which those liabilities could be paid.

5 Why now, when we were debating
6 whether we would borrow 40 or 50 or \$60
7 million to address individual's year liability
8 and that was opposed, is the county executive
9 now promoting borrowing \$400 million to
10 address them all at once?

11 MR. DENION: I think it goes back
12 to what you said when the Disputed Assessment
13 Fund legislation was passed the goal and hope
14 there was that that would be the long-term
15 solution to have it on an going forward basis
16 paid out of current funds.

17 What we've discovered over the last
18 two years since it's come online it's very
19 difficult to work with. It took a lot to get
20 the money actually allocated into the fund.
21 And Beaumont Jefferson, the treasurer, can
22 speak to all the work that's been done to try
23 to get money out of it. It's caused
24 frustration with the property owners, caused
25 frustration with their attorneys representing

1 Full Leg - 06-18-18

2 them in these cases on the county side.

3 If you look at that it's still kind
4 of built up over the last couple of years, the
5 backlog, and I thinks it's the combination of
6 looking at that new solution, which we are
7 looking at today, going forward, solving it as
8 a Dispute Assessment Fund as the future
9 solution. But the \$400 million is sitting
10 there. What do you do? So I think the
11 solution is one-time borrowing by NIFA. It's
12 not ideal to do it but have NIFA do it. NIFA
13 was created to help address the county's tax
14 certiorari problem, and therefore in their
15 discretion as the oversight authority it makes
16 sense for them to come in, clean up the
17 problem once and for all and go forward with
18 the disputed assessment fund.

19 LEGISLATOR RHOADS: Mr. Denion,
20 isn't it the case that the issue with DAF is
21 not that DAF is not collecting enough money,
22 it's the way DAF is structured the county
23 can't utilize the money that's been collected
24 except for specific properties? In other
25 words, it's not one fund that's been used to

1 Full Leg - 06-18-18

2 cover all of the disputed assessments. It's
3 property specific.

4 MR. DENION: And year specific.
5 That's exactly right.

6 LEGISLATOR RHOADS: Wouldn't a
7 change in legislation be preferable to the
8 practice of borrowing wholesale.

9 MR. DENION: I think you combine
10 the two. You take the DAF and that solves
11 your problem going forward and you got the 360
12 million -- the borrowing -- the sort of last
13 tranche of borrowing by NIFA addresses the
14 legacy cost. While we're fixing DAF that goes
15 forward. This fixes the years that have sort
16 of been locked in and the combination of the
17 two I think is what the solution is.

18 LEGISLATOR RHOADS: Except we
19 have no indication by NIFA that they would
20 actually permit us to borrow \$400 million to
21 pay off certiorari.

22 MR. DENION: Again, it will take
23 some discussions with them. But also I think
24 the weight of the state legislature, if the
25 governor signs the bill, if the state passes

1 Full Leg - 06-18-18

2 the bill, if the county asks for borrowing I
3 think that's an indication of consensus that
4 this is the solution.

5 LEGISLATOR RHOADS: Consensus on
6 whose part? NIFA's part?

7 MR. DENION: I'm just saying if
8 the state legislature passes it and the county
9 legislature asks for a bill, asks for
10 borrowing -- I'm sorry -- that it would show
11 that locally this is seen as the solution to
12 tax certs for once and for all. That should,
13 we hope, convince NIFA to go forward with the
14 borrowing and present it to them.

15 LEGISLATOR RHOADS: Aren't we
16 concerned at all about the impact it's going
17 to have the county's bond rating?

18 MR. DENION: We are always
19 concerned about that. I think my view of that
20 would be is that if we're presenting solutions
21 to the rating agencies that's positive is that
22 it will have a positive effect on their view
23 of us.

24 LEGISLATOR RHOADS: The fact that
25 we stopped the borrowing for tax certiorari

1 Full Leg - 06-18-18

2 liability is what caused us to receive our
3 bond rating increase in the first place. In
4 fact, I believe in Moody's statement moving us
5 to credit positive is that although the \$60
6 million Nassau planned to borrow for the tax
7 refunds would have been small relative to the
8 county's \$2.9 billion operating budget, the
9 elimination demonstrates a willingness to work
10 towards halting the use of nonrecurring
11 revenue. They used that as justification for
12 increasing our rating.

13 Why wouldn't just the discussion
14 about a reversal of that policy negatively
15 impact the county's rating and then to go
16 actually go ahead and do it, why would that
17 not be devastating?

18 MR. DENION: I don't know if they
19 would come to that same conclusion. I think
20 they would look if the circumstances have
21 changed, if the context has changed over the
22 last couple of years, combined with state
23 legislation on both home rules we're looking
24 at, the DAF and the NIFA, I would hope the
25 rating agency would look on that as again as a

1 Full Leg - 06-18-18
2 new administration working with the
3 legislature, working with the state
4 legislature, the governor's office, to come up
5 with a once and for all solution for tax
6 certs. Working on the success of DAF but
7 really fixing it and going forward.

8 LEGISLATOR RHOADS: Except the
9 fix is a complete reversal of what the
10 county's policy has been for the past several
11 years. And it seems as though the responses
12 to these questions are somewhat speculative.
13 We actually don't know what NIFA would do. We
14 are hoping if the state legislature agrees,
15 we're hoping that if the county legislature
16 agrees and the county executive asks for it,
17 that NIFA will come around to the idea of
18 allowing us to perform that borrowing under
19 the theory that somehow their mission has
20 changed because the state has weighed in on
21 it.

22 But we're also speculating as to
23 what the reaction of bond rating agencies is
24 going to be. If you've got a bond rating
25 increase over not borrowing \$60 million to pay

1 Full Leg - 06-18-18
2 tax certiorari for the 2017 year, I don't
3 understand how there's not going to a
4 devastating decrease in the county's rating if
5 turn around and actually not only not borrow
6 \$60 million but \$400 million on top of it.
7 Won't that make the county's borrowing that we
8 do on a regular basis much more expensive to
9 do in addition to the cost of keeping NIFA
10 around to our deputy presiding officer's
11 point?

12 MR. JEFFERSON: Good afternoon
13 legislators. Beaumont Jefferson, county
14 treasurer. We can't speculate on exactly what
15 will happen with the rating agency. We did
16 not get an increase in the bond rating because
17 of not borrowing the \$60 million.

18 However, what we can say is that
19 the rating agencies are also concerned about
20 our long-term tax cert liability and having a
21 plan in place to address that long-term
22 liability.

23 LEGISLATOR RHOADS: If I'm not
24 mistaken, the plan was pay as you go, right?
25 And we have been doing that for the last

1 Full Leg - 06-18-18

2 several years.

3 MR. JEFFERSON: Yes, we have, and
4 we have been paying as we go and we also had
5 \$60 million that we did not bond for.
6 However, we believe that having a plan, and we
7 need this body to move forward with that plan,
8 is to have a plan to pay down the long-term
9 liability and also to give NIFA the ability to
10 borrow.

11 LEGISLATOR RHOADS: It sounds
12 like the plan is simply transferring the
13 balances to a different credit card. That's
14 essentially what it is.

15 MR. DENION: I don't know. The
16 \$360 million is a long-term accounting
17 liability that's coming online. We've got a
18 number of cases that are the subject of
19 enforcement actions. Over \$100 million.
20 About \$135 million of enforcement actions. So
21 we need to start really paying that \$360
22 million and this give us the ability to move
23 quickly and pay those for what's sitting there
24 ready to be paid or going to be ready to be
25 paid very quickly.

1 Full Leg - 06-18-18

2 LEGISLATOR RHOADS: Again, we
3 have absolutely no idea that NIFA is going to
4 approve this. You can go through all of
5 these -- wasn't there some consideration that
6 there would be some discussion with NIFA
7 before we actually voted on this as a county
8 legislature under the hope that there would be
9 some sort of resolution to this long-term
10 problem under the hope that the state
11 legislature would wind up passing it? The
12 session ends on Wednesday doesn't it? I
13 understand why it's an emergency now because
14 it's been presented to us now. This is
15 something that you've have been talking about
16 for some period of time, correct?

17 MR. DENION: We've been working
18 on it for a while. All through the winter and
19 the spring. The state legislature moves at
20 its own schedule. This is where we find
21 ourselves. But we've been working on it since
22 the winter on this.

23 LEGISLATOR RHOADS: How long has
24 it -- it has senate and assembly bill
25 numbers. How long has this been filed with

1 Full Leg - 06-18-18

2 the legislature that it's coming to us two
3 days before the end of session?

4 MR. SANTORAMO: Mike Santoramo.
5 We just got assembly bill numbers on Friday.
6 We've got senate bill numbers about ten days
7 before that.

8 LEGISLATOR RHOADS: Is there any
9 indication that this will pass?

10 MR. SANTORAMO: As much an
11 indication as --

12 LEGISLATOR RHOADS: You and I
13 both know there's a lot of bills that get
14 numbers up there that will never ever pass.

15 MR. SANTORAMO: I will tell you
16 this, I have been up there a couple of times.
17 We have been pitching to both staff and to the
18 great elected officials up in Albany. There's
19 no guarantees in anything. But I will tell
20 you we are working the best we can to try to
21 get this through the state legislature.
22 Obviously with other obstacles that are going
23 on outside of our control. We are doing
24 everything within our control to try to get
25 this to pass.

1 Full Leg - 06-18-18

2 LEGISLATOR RHOADS: Perhaps you
3 know, Mr. Director, have there been any
4 discussions with the administration and NIFA
5 where NIFA has given any indication if given
6 this authority to allow us to exercise it?

7 MR. SANTORAMO: I think there has
8 been in general conversations with NIFA have
9 been positive since the beginning of the
10 administration. But NIFA officially cannot --
11 obviously you know they can't give an opinion
12 on what they will do prior to legislation
13 being passed.

14 LEGISLATOR RHOADS: I will move
15 on at this point Mr. Presiding Officer. I may
16 have some follow-up.

17 LEGISLATOR NICOLELLO: Sure.
18 Initially when we started this I said we would
19 just do the two items separately but I think
20 they connect with each other. If anyone has
21 any questions about DAF and the bonding can
22 ask those questions at this time. Deputy
23 Presiding Officer has some additional
24 questions.

25 LEGISLATOR KOPEL: Thank you. So

1 Full Leg - 06-18-18

2 this is -- I'm addressing myself now not to
3 the borrowing, which we covered a little
4 before, but to the other item which is the
5 DAF. This is characterized as a reform of the
6 DAF but actually it isn't. Just correct me if
7 I'm wrong. It's actually a repeal of DAF and
8 a replacement with a tax increase across the
9 board and with respect to those types of
10 properties, to the commercial properties,
11 isn't that true?

12 MR. DENION: Not at all
13 Legislator.

14 LEGISLATOR KOPEL: That's the way
15 it looks to me.

16 MR. DENION: How so? Would you
17 want me to address it?

18 LEGISLATOR KOPEL: Here's how I
19 understand it. At this point every property
20 within the class would be subject to a tax
21 increase of up to ten percent levied each year
22 as determined by the necessity of the
23 percentage that's required to fund these
24 disputes. That's the new version; is that
25 right?

1 Full Leg - 06-18-18

2 MR. DENION: I wouldn't
3 characterize it as such. If you would like
4 to --

5 LEGISLATOR KOPEL: Go ahead. Do
6 it that way.

7 MR. DENION: As you know, you are
8 familiar with the current framework is that
9 what DAF does is create a separate fund which
10 is designed to raise enough revenue to pay the
11 class four commercial property refunds as they
12 come due. The first two years -- the first
13 year is about \$96 million came into the fund
14 and this year we expect, by the time we
15 collect the second half, about 108. We are
16 averaging around \$100 million a year.

17 Additional to the taxes that are paid by the
18 class four to county, town, school et cetera.

19 So you've got a current situation
20 where the governments are funded, and on top
21 of that DAF creates additional funding of
22 about \$100 million. That's basically what's
23 going to happen when the bill is changed. It
24 will still be the governments are funded.
25 This doesn't affect taxes for the districts

1 Full Leg - 06-18-18

2 and governments. And the \$100 million or so
3 will still come into DAF. What's changing is
4 how it comes into DAF.

5 Right now the bill -- the law
6 requires there to be really some guesswork to
7 be done by the Department of Assessment to
8 figure out how much per parcel is likely to
9 result in a refund. And that money goes into
10 DAF, it's tied to that parcel, it's tied to
11 that year. You have to wait for the
12 resolution of that case. Could be a couple of
13 years down the road to see whether or not, say
14 the estimate was ten percent, if that ten
15 percent was accurate, whether it was 15
16 percent or five percent, if there was not
17 enough money put in the county has to add
18 money, if it was too much some of it goes
19 back, distributed back out. That's created a
20 lot of problems which Beaumont can speak to.

21 LEGISLATOR KOPEL: I would like
22 to hear about the problems but take a step
23 back for a moment. Under your new proposal,
24 let's say I owned a commercial property and I
25 did not file for review of the assessment. I

1 Full Leg - 06-18-18

2 would nonetheless be subject to this
3 additional levy. That's the way I read it.

4 MR. DENION: That's correct but
5 currently if you don't file you're still
6 subject to the increased tax rate.

7 LEGISLATOR KOPEL: You are
8 increased to an increased tax rate, that's
9 correct. But in this case the tax rate, well,
10 it's a completely different thing because in
11 other words, people who are not disputing
12 their taxes now would be subject to this
13 overall bundled increase. The tax rate
14 increase probably would not come out to be
15 quite the same amount.

16 MR. DENION: It would actually be
17 a tax decrease for the governments because
18 you're --

19 LEGISLATOR KOPEL: I understand
20 but what I'm saying is the tax rate increase
21 we're talking about this property, this
22 hypothetical property that didn't file, the
23 increase assessed by the county on all the
24 properties would more likely, most likely, be
25 considerably higher than the percentage

1 Full Leg - 06-18-18

2 increase which would come about by virtue of
3 strictly the increased tax rate it seems.

4 MR. DENION: First, I would want
5 to say the vast majority of class four
6 commercial property owners pay --

7 LEGISLATOR KOPEL: Before we say
8 the vast majority is my statement correct or
9 incorrect?

10 MR. DENION: I don't know if I
11 would focus on it that way but other than to
12 say that property --

13 LEGISLATOR KOPEL: But I am
14 focusing on it that way. Is it correct?

15 MR. DENION: Again, that's a
16 pretty significant tax rate increase under the
17 current DAF system. If you are the only
18 person not filing in class four you're paying
19 that increased tax rate for the government
20 rates.

21 LEGISLATOR KOPEL: So what
22 percentage don't file?

23 MR. DENION: My understanding is
24 it's most but I don't have that.

25 LEGISLATOR KOPEL: These are

1 Full Leg - 06-18-18
2 important questions. We kind of need to know
3 that if we want to make a decision on this
4 kind of thing because what we're doing is now
5 you're proposing to change the taxes
6 considerably for people who don't file.
7 That's a flat out tax increase. Right now
8 under the DAF system, as it is, it's people
9 who file they're paying their regular taxes.
10 Of course, they will be subject to the tax
11 bump and the money is placed in an escrow
12 account and some proportionate of it might
13 come back to them and some proportionate may
14 go to the governments, I get that.

15 MR. DENION: Even the nonfilers
16 subject to that tax rate bump as well.

17 LEGISLATOR KOPEL: But the tax
18 rate bump they are subject to it but I think
19 that the tax rate bump might be relatively
20 small compared with the new assessment that's
21 proposed.

22 The other question is, without
23 making this radical, in other words, as I call
24 it and I think my initial characterization is
25 probably correct, it's a repeal and

1 Full Leg - 06-18-18
2 replacement. It's a completely different
3 scheme. It's not the same scheme anymore the
4 way this new bill is written. It's not the
5 same scheme. And indeed the administration
6 doesn't even try to red line it and replace
7 portions of it. It's wholesale repeal in the
8 legislation and replaced. That's just a fact
9 that I saw.

10 So, the question is, why can we not
11 get the same benefit by tweaking the current
12 system? In other words, perhaps we might want
13 to commingle funds, A, or B, we might want to
14 make sure that the county keeps the overage
15 over the refunds. We can do things like that
16 that would not make this radical change to the
17 system.

18 MR. DENION: I don't think it's
19 so much a radical change. Again it's, as I
20 said, the numbers are about the same overall.
21 You're talking about \$100 million coming in
22 out of the class four.

23 LEGISLATOR KOPEL: So then why do
24 it?

25 MR. DENION: Because of the

1 Full Leg - 06-18-18

2 reasons Beaumont can talk about, the
3 difficulty of tracking, keeping track, paying
4 out, waiting. There are technical issues when
5 if the numbers don't match. In other words,
6 if the person is estimated to pay ten percent
7 but it actually -- the county has to put a
8 portion in. We have to make sure when they're
9 settling the case they are settling by year to
10 give you an example. For that year you need
11 to be able to --

12 LEGISLATOR KOPEL: How does this
13 change it? Those problems would still exist.

14 MR. DENION: It would not be tied
15 to the property or year anymore. So you would
16 have a fund that could be drawn upon to pay
17 refunds as they come due, which is to the
18 benefit --

19 LEGISLATOR KOPEL: If we made a
20 change to the DAF we could accomplish that
21 anyway without taxing people who didn't
22 appeal. It seems like that's something that
23 can easily be accomplished.

24 MR. DENION: It's not a tax for
25 one thing. It was and is a charge. It's not

1 Full Leg - 06-18-18

2 a tax it's a charge.

3 LEGISLATOR KOPEL: You can take a
4 horse and paint stripes on it doesn't make it
5 into a zebra. It doesn't feel different for
6 people. It's a charge, it's a tax, it's a
7 fee, it's money. If really doesn't make any
8 difference to the person who's got to pay it.
9 Let's get that straight.

10 So, as I say, I'm at a loss over
11 here as to why we can't simply make changes to
12 something that's generally working. Again,
13 you said Beaumont -- Beaumont you're going to
14 explain what the difficulties are and why they
15 are much more easily remedied under the
16 proposed new scheme then under the old scheme
17 because I don't see it.

18 MR. DENION: Before Beaumont
19 speaks I just want to say, we are working
20 towards reforming it and changing it and
21 making it better and taking the concept that's
22 a good idea and really driving it home. I
23 think the changes we are proposing really
24 do -- you talked about commingling -- we're
25 trying to make the fund fungible and I think

1 Full Leg - 06-18-18

2 those things are really what we are
3 accomplishing.

4 LEGISLATOR KOPEL: Money is
5 always fungible.

6 MR. DENION: Not under the
7 current DAF.

8 LEGISLATOR KOPEL: Yes, I know
9 it's per parcel. I think that's not the main
10 problem. The main problem there is that you
11 may have an overage one year and an underage
12 next year. The fact that the money is there
13 for one particular property that's just an
14 accounting entry. There's still a great deal
15 of money there in the fund.

16 MR. DENION: Again, but it's
17 really thousands of little funds because it's
18 tied to each parcel each year.

19 LEGISLATOR KOPEL: That's not
20 going to change.

21 MR. DENION: It will change. It
22 will not be tied to parcels and years. So
23 that's the main reform is to make it usable.

24 LEGISLATOR KOPEL: It's not tied
25 in terms of allocating or keeping track of the

1 Full Leg - 06-18-18

2 amount of money that each person paid in. I
3 get that. What we are simply doing over here
4 is we're taking DAF, getting rid of it and
5 what we're doing is simply making it class
6 fund all of the refunds.

7 MR. DENION: Which was the
8 original intent of DAF was to make class four
9 responsible for class four refunds. Class
10 four pays 80 percent of the refunds. That's
11 the cost that's now being shared by other
12 classes.

13 LEGISLATOR KOPEL: Not under DAF.

14 MR. DENION: To the extent that
15 DAF doesn't cover it --

16 LEGISLATOR KOPEL: In other
17 words, we're talking about class four refunds
18 are going to be completely, just about
19 completely covered by DAF.

20 MR. DENION: The goal is to
21 improve that as well.

22 LEGISLATOR KOPEL: Under the
23 current system. Class four refunds should be
24 pretty much completely covered by DAF. Unless
25 we've got the odd case where somebody gets a

1 Full Leg - 06-18-18

2 30 percent reduction or something like that.

3 Generally speaking that doesn't happen.

4 MR. DENION: The preliminary
5 indications are not that it will not happen
6 that way in every case and that there will be
7 a number of cases where there will be
8 underpayments that the county will have to
9 make up and that will have to be born by
10 residents.

11 LEGISLATOR KOPEL: What we can do
12 for that is simply reform the system the way
13 it is.

14 MR. DENION: Which is what we're
15 trying to do.

16 LEGISLATOR KOPEL: No, you're
17 replacing it. I'm sorry I'm quarreling with
18 that but this is not reforming the current
19 system, it's replacing it. Just making it
20 clear, I'm not saying that that's a really bad
21 idea. I just don't understand why you need to
22 do it. Just as a concept, getting rid of
23 something that's not working and replacing it
24 with something better that's fine. Nothing
25 wrong with that. I'm not sure how it applies

1 Full Leg - 06-18-18

2 here.

3 LEGISLATOR NICOLELLO: Minority
4 Leader Abrahams.

5 LEGISLATOR ABRAHAMS: How are you
6 Conal?

7 MR. DENION: Fine.

8 LEGISLATOR ABRAHAMS: I was
9 talking to our counsel, I don't want it to
10 seem like any level of disrespect, it's a very
11 convoluted item. I was asking our counsel for
12 greater clarification. Before I get into the
13 technical questions I want to get a greater
14 understanding of the platform.

15 So, currently NIFA is in a control
16 period. And by no stretch of the imagination
17 is the administration saying that we are going
18 to be in a control period through 2041.

19 MR. DENION: That's correct. The
20 goal is to be out of it much sooner than that.

21 LEGISLATOR ABRAHAMS: Has the
22 administration talked about a much larger plan
23 that talked about when that control period
24 would end between now and 2041?

25 MR. DENION: I would defer to the

1 Full Leg - 06-18-18

2 budget office but I would imagine that would
3 be part of the September multiyear plan
4 presentation.

5 MR. PERSICH: We are working on
6 the six month multiyear plan which we have to
7 get to NIFA by the end of June. Nobody here
8 wants to be in a control period. I don't
9 think. We're trying to get out of this as
10 quick as possible. That's the ultimate goal.
11 We have certain budgetary issues that we need
12 to address. Tax certs in this county has been
13 an issue for over 20 years.

14 LEGISLATOR ABRAHAMS: Stay there
15 for a second Andy. The control period that we
16 are currently in now, I'm not asking for
17 specifics, obviously you are going through
18 that, that control period you've had
19 discussions with NIFA to discuss how that
20 control period would end in X year, whether
21 that's 2021, 2025, whatever that year is.

22 MR. PERSICH: The control period
23 we are hoping to end as soon as possible.
24 Have a GAAP balanced budget that's accepted by
25 NIFA.

1 Full Leg - 06-18-18

2 LEGISLATOR ABRAHAMS: You hit on
3 my next question. A GAAP acceptable budget.
4 Would the legislation that's before us now,
5 and obviously all my colleagues we understand
6 that you are not asking for the bonding today,
7 you're asking for this change in the state
8 law, which this body can consider to bond or
9 not to bond in the future. So if this
10 legislature decides not to bond the \$200
11 million or bond \$400 million we can make that
12 decision at the appropriate time. There
13 obviously more information to answer the
14 questions of Deputy Presiding Officer Kopel
15 and Legislator Rhoads. You're not asking for
16 that today. You're asking for some it seems
17 like to be flexibility?

18 MR. PERSICH: Yes, that would be
19 correct. Looking for flexibility going
20 forward. That's what the administration came
21 in looking for.

22 LEGISLATOR ABRAHAMS: Basically,
23 if I understand this correctly, NIFA's
24 oversight period, control period, it's kind of
25 tied into one, would end in 2025?

1 Full Leg - 06-18-18

2 MR. PERSICH: Currently yes.

3 LEGISLATOR ABRAHAMS: This would
4 extend, at least their oversight, to 2041, but
5 based off of your meetings with NIFA the
6 control period could end as fast as possible
7 but before 2041. It could.

8 MR. PERSICH: Yes.

9 LEGISLATOR ABRAHAMS: The
10 likelihood, we could debate further --

11 MR. PERSICH: It's another layer
12 of oversight. It's tough but we have to
13 manage through it. That's the hand we're
14 dealt here.

15 LEGISLATOR ABRAHAMS: Explain to
16 us or this body how us giving this flexibility
17 to the administration by voting on this home
18 rule today would further enhance our
19 opportunity to remove the control period as
20 quickly as possible? Because I think that's
21 what ultimately is the frustrating aspect to
22 the legislature is that we're not able to
23 control our finances from a legislative
24 standpoint. Contracts, procurement all have
25 to go to NIFA for approval.

1 Full Leg - 06-18-18

2 If you are able to convince this
3 body that by giving you this flexibility we
4 can have a greater understanding of the
5 county's meeting it's GAAP acceptable budgets,
6 then from that standpoint I think it may
7 alleviate some concerns.

8 MR. PERSICH: We still have this
9 looming liability out there that could become
10 callable at any time. Meaning that at any
11 given point we could be served with papers
12 that say we have to pay \$360 million. We are
13 trying to go around that and do this more in a
14 systematic way so we don't have significant
15 budget impacts in future years.

16 These changes that we are
17 discussing here going forward I think puts
18 this county in a more fiscally stable position
19 and will give us the flexibility to get out of
20 the control period much quicker.

21 LEGISLATOR ABRAHAMS: You're
22 saying because of the credit rating, the
23 agency, the interest rate is going to be lower
24 with NIFA?

25 MR. PERSICH: It would save us

1 Full Leg - 06-18-18

2 money. Regardless of that, we still have this
3 looming liability out there. So this bonding
4 would help us at a cheaper rate. If we save
5 money we save money.

6 LEGISLATOR ABRAHAMS: The looming
7 liability could be addressed by the county
8 bonding today. What are we at? A rating with
9 some agencies? A2 with a couple of other
10 ones?

11 MR. PERSICH: Single A.

12 LEGISLATOR ABRAHAMS: The county
13 could be removed of that liability if this
14 legislative body deemed at some point to bond
15 for \$360 million. So, I guess what you're
16 saying is the financial savings comes from the
17 interest rates.

18 MR. PERSICH: Correct. It's a 30
19 basis point spread between us and NIFA on our
20 models that we looked at right now.

21 LEGISLATOR ABRAHAMS: So,
22 roughly, how much could the county save by
23 bonding with NIFA?

24 MR. PERSICH: I think I stated
25 before it's around 14.8 million over the

1 Full Leg - 06-18-18

2 life. Over 20 years.

3 LEGISLATOR ABRAHAMS: The county
4 would save \$14.8 million and obviously we, as
5 a legislative body, we have to weigh that
6 versus having NIFA oversight, not the control
7 period, their oversight until 2041?

8 MR. PERSICH: I guess the answer
9 to that would be yes.

10 LEGISLATOR ABRAHAMS: Just for
11 the record, I don't know if you can, for the
12 record, many of my colleagues were not here
13 for the oversight, me, Rich and Vinnie were,
14 versus the control period.

15 MR. PERSICH: I'm going to defer
16 to Conal on this because this gets a little
17 tricky because there's the GAAP and there's
18 the NIFA GAAP.

19 MR. DENION: If the control
20 period would end then NIFA would really go
21 into a sort of an informal quiet period. It
22 would be there to make sure its bonds get paid
23 et cetera. But it would also have the ability
24 to spring back into a control period if one of
25 the triggers in the statute, the one we all

1 Full Leg - 06-18-18

2 worry about is the one percent major operating
3 funds deficit, if that were to come back in,
4 NIFA would sit and say we find your budget's
5 out of compliance by one percent and then they
6 could declare a control period again.

7 But short of that, they would
8 probably go back to commenting on multiyear
9 plans. The statute requires them to comment
10 on bonding if it's not a control period
11 instead of where we are now is that they have
12 approval over the multiyear year plan,
13 approval over bonding, approval over
14 contracts, within the guidelines that they
15 promulgated.

16 LEGISLATOR ABRAHAMS: Maybe you
17 can answer this. By having this flexibility
18 and by allowing NIFA to borrow or NIFA giving
19 us the authority to borrow 360 -- I know that
20 hasn't been determined yet by NIFA whether or
21 not they would accept, but assuming they
22 accept it, would that allow the administration
23 a greater avenue to be able to have a GAAP
24 acceptable budget?

25 In my mind the goal is to get first

1 Full Leg - 06-18-18
2 to a GAAP acceptable budget because that
3 removes NIFA. If giving you this flexibility
4 and then at some point considering the \$360
5 million that we would have to bond for the
6 backlog gets us to a point where we have a
7 GAAP acceptable budget faster than us not
8 giving you this flexibility, I think that's
9 what this legislative body has to understand.

10 MR. DENION: I think it's
11 helpful. I think you're exactly right. To
12 the extent that you have this additional
13 borrowing authority which in the near term
14 could help you clear out the backlog to where
15 the DAF we think in a much more effective and
16 efficient way allows you to pay tax certs
17 currently. And that would be GAAP compliant,
18 that would be NIFA compliant. You sort of
19 fence in this outstanding liability, use the
20 NIFA borrowing to get rid of it, that the
21 period where you're probably not ready to come
22 out of the control period, that way you're
23 sort of getting rid of it all up front and
24 then allow the DAF and current payments to go
25 forward on a GAAP compliant basis.

1 Full Leg - 06-18-18

2 LEGISLATOR ABRAHAMS: Couple of
3 more things indulge me one second. You talked
4 about the \$360 million backlog. Could you
5 give us the time frame period in years of when
6 that backlog exists? Does it go back to X
7 years to where we are now?

8 MR. DENION: Can be longer than
9 four years. But I think on average it's a
10 four year look back. I think most of them,
11 because of the way the law works, is that if
12 you file every year you have four years to
13 bring your case. But there can be extensions
14 of that. Some of the cases can be older than
15 that. It's four years plus is probably the
16 bulk of it. About four years going back.

17 LEGISLATOR ABRAHAMS: So it
18 probably goes back to 2014. In essence, it
19 does include years of when the Disputed
20 Assessment Fund has been collecting the
21 charge?

22 MR. DENION: That's correct.

23 LEGISLATOR ABRAHAMS: In those
24 years in 2017, '18 we wouldn't use the money
25 that we charged for that backlog?

1 Full Leg - 06-18-18

2 MR. DENION: You will. We just
3 don't know how effective that's going to be.
4 We collect the 96 and 108 million. But we
5 don't know how much of that is actually going
6 to be used to pay back that liability and how
7 much was overestimated or underestimated. We
8 just don't know where those results are. We
9 said Beaumont was going to address that but
10 that's really kind of where we don't have a
11 good handle on how effective those two years
12 are going to be in paying those refunds.

13 LEGISLATOR ABRAHAMS: We don't
14 know that because what's tied to the second
15 legislation that's before us today in regards
16 or it's other reasons?

17 MR. DENION: No. The way the DAF
18 works now is they estimate per parcel. This
19 is going to be a ten percent refund. That's
20 going to be a 15 percent refund. We have to
21 wait until those cases play out until they're
22 settled or there's a judgement and see was it
23 ten percent? Was it less or more than ten
24 percent? And then see how much you paid
25 back. See how much the county has to add.

1 Full Leg - 06-18-18

2 How much -- if the person, you know, didn't
3 get as much as they thought and it's going to
4 be distributed out. That's what we don't
5 really have a good track record on.

6 LEGISLATOR ABRAHAMS: I'm sorry
7 Beaumont, were you going to say something?

8 MR. JEFFERSON: At this point we
9 don't have the history on DAF. So, what's
10 paid into DAF per parcel we are unable to
11 estimate exactly if that ten percent or 15
12 percent that was deposited into the DAF fund
13 for that specific parcel is an actual amount.
14 We need more history in order to tell whether
15 the estimates were correct.

16 So, at this point we've only
17 refunded, as of today, about \$600,000 from
18 DAF, and as we continue to pay out of DAF we
19 will continue to build history and have an
20 idea exactly is the DAF fund enough to cover
21 those refunds.

22 LEGISLATOR ABRAHAMS: But
23 currently in DAF there's 96 million. In 2018
24 I think it was said that we are looking to
25 collect another 108?

1 Full Leg - 06-18-18

2 MR. JEFFERSON: Yes.

3 LEGISLATOR ABRAHAMS: Of the 360
4 that's part of the backlog, if my mind is
5 working correctly, 96 of that can come off the
6 table in regards to future bonding. Am I
7 assessing that properly?

8 MR. JEFFERSON: We don't have a
9 number on that.

10 LEGISLATOR ABRAHAMS: The backlog
11 goes back four years. It goes back to 2014.
12 Which includes 2017. Which in 2017 we
13 collected 96 million as part of the DAF. Why
14 would the legislature have to consider bonding
15 for that 96 if it was already collected in
16 2017 for the DAF?

17 MR. JEFFERSON: DAF will be used
18 unless we have a shortage in DAF where you
19 don't have enough to pay. You have to use
20 funds from --

21 LEGISLATOR ABRAHAMS: Gotcha. If
22 it exceeds \$96 million you will like to the
23 legislature for bonding but we plan to exhaust
24 as much as we can of the 96?

25 MR. JEFFERSON: Right. The 96

1 Full Leg - 06-18-18

2 may not be sufficient to cover those
3 payments. And the change to the DAF, because
4 these funds are not fungible, they're parcel
5 specific, I have to make up the difference
6 from another source.

7 LEGISLATOR ABRAHAMS: That's
8 currently how it's configured now. Obviously
9 we're going to have greater debate on the
10 second home rule that's before us in regards
11 to the legislation. The legislation would
12 allow you to commingle the parcels and be able
13 to pay it all out, I'm assuming.

14 MR. JEFFERSON: That would be on
15 a go-forward basis if the legislation is
16 passed.

17 LEGISLATOR ABRAHAMS: You
18 wouldn't be able to do it with 2017 disputed.

19 MR. JEFFERSON: I don't believe
20 that's the law but I will let Conal talk.

21 LEGISLATOR ABRAHAMS: So you're
22 giving that money back?

23 MR. DENION: It's going to be
24 administered the way that the original law was
25 written. So it goes under and over we're just

1 Full Leg - 06-18-18

2 going to have to suffer where it all goes out
3 as time goes on.

4 LEGISLATOR ABRAHAMS: Nothing
5 further.

6 LEGISLATOR NICOLELLO: Legislator
7 Drucker.

8 LEGISLATOR DRUCKER: I think
9 every one of us here in the legislature
10 understands the magnitude of the debt this
11 county has based on what's transpired over the
12 past few years. And there's no question
13 remedial action needs to be taken. You talk
14 about the looming liability. That looming
15 liability existed a year ago when we tried to
16 get \$60 million in bonding approved. Now at
17 \$400 million. I don't understand how NIFA is
18 going to recognize that things have changed so
19 dramatically.

20 I understand the plan going forward
21 and how it does make sense to clear out the
22 debt. It does make sense. But we, as elected
23 representatives of the residents of this
24 county, have an obligation to also -- have you
25 all gauged the response or the feelings or

1 Full Leg - 06-18-18

2 opinion of these class four property owners
3 and the impact on them and going forward? Did
4 anyone ever take that into consideration in
5 establishing this plan?

6 Because not only is it going to be
7 a charge, a fee, whatever, that's going to be
8 substantial, raising their carrying charges on
9 their properties, but with that added charge
10 on their properties I think it would have a
11 significant effect on the fair market value of
12 those properties which has a ripple effect on
13 the economy of the county also. Do you agree
14 with any of that?

15 MR. DENION: We have been in
16 touch pretty extensively with -- most of these
17 property owners are represented so we have to
18 work through their counsel, through the
19 various lawyers representing them in tax
20 certiorari cases and we have gotten to the
21 point where they are in support of the reforms
22 to DAF because they have seen the problems
23 upfront with the money going in and not coming
24 out. They believe that what we are proposing
25 will make it a more workable way of getting

1 Full Leg - 06-18-18

2 the money back to their clients when they have
3 a settlement or judgement.

4 LEGISLATOR DRUCKER: They are
5 banking on this money being the only possible
6 way they can see the refunds that are due to
7 them in the next couple of years because right
8 now they don't see it happening; is that
9 correct?

10 MR. DENION: They're frustrated
11 with the current process and they are looking
12 forward to the bill, if it passes, it becomes
13 law, to have it be much more functional.

14 LEGISLATOR DRUCKER: Thank you
15 very much.

16 LEGISLATOR NICOLELLO: I have a
17 couple of follow-up questions. One is that
18 NIFA has categorized issuance of debt as
19 deficit. So if NIFA issues \$360 million in
20 debt to pay for refunds have they not created
21 a \$360 million hole, structural deficit in the
22 county's budget?

23 MR. DENION: I assume they will
24 take the same accounting position as you
25 describe. But I think again it will be part

1 Full Leg - 06-18-18
2 of the long-term solution. If we are in a
3 control period anyway it may show on a NIFA
4 basis a deficit while we are clearing up the
5 backlog until we switch to going forward with
6 the new DAF paying on a current basis.

7 LEGISLATOR NICOLELLO: Turning to
8 DAF. I think you need to make a case for
9 doing this. And the case, as far as I can see
10 that you can make or should be trying to make,
11 is that the vast majority of commercial owners
12 under the current configuration of DAF as
13 opposed to what you want to do is -- what the
14 difference is going to be, if any. You
15 understand what I'm trying to say?

16 MR. DENION: I agree.

17 LEGISLATOR NICOLELLO: You said
18 the vast majority of property owners challenge
19 their assessment. Do you have a percentage?

20 MR. JEFFERSON: Yeah. I believe
21 that was a question by Legislator Kopel. Out
22 of approximately 14,000 class four property
23 owners approximately 12,000 property owners
24 deposited into the Disputed Assessment Fund in
25 2017 and '18.

1 Full Leg - 06-18-18

2 LEGISLATOR NICOLELLO: It's six
3 out of every seven property owners files a
4 challenge?

5 MR. JEFFERSON: Yes.

6 LEGISLATOR NICOLELLO: Going back
7 to the current configuration of DAF. You've
8 had to make estimates as to how much you would
9 need, correct? How much the county would
10 need. I guess the Department of Assessment
11 would have that.

12 MR. DENION: That's correct.

13 LEGISLATOR NICOLELLO: What were
14 those estimates in general? For the first
15 year of DAF how much were they estimating they
16 would need? Was it ten percent? 15 percent?

17 MR. DENION: It varied. Along
18 those lines. The law said up to ten. If it
19 was over ten they needed a reasonable basis
20 for going over ten. But I think ten and
21 above. Ten, 20. Do you know if there are
22 outliers Beaumont?

23 MR. JEFFERSON: For the most part
24 it fell within that ten. Some up to 20
25 percent.

1 Full Leg - 06-18-18

2 LEGISLATOR NICOLELLO: The
3 average, approximately?

4 MR. JEFFERSON: 12 to 15. I
5 would ask Assessment or ARC to really speak to
6 that average.

7 LEGISLATOR NICOLELLO: But your
8 ballpark is 12 to 15 percent which means they
9 were paying 12 to 15 percent more in taxes.
10 They were paying 12 to 15 percent more and
11 this chunk was going into this DAF fund,
12 correct?

13 MR. JEFFERSON: Correct.

14 LEGISLATOR NICOLELLO: On top of
15 what their taxes were?

16 MR. JEFFERSON: Yes.

17 LEGISLATOR NICOLELLO: In
18 addition to that were there changes that had
19 to be made to the tax rate?

20 MR. DENION: Under the current
21 DAF, because that ten or 15 percent was
22 removed from the tax roll for purposes of
23 taxation, the tax rate necessarily went up by
24 that 10 or 15 on average, 12 or whatever that
25 turned out to be, so that tax rate is higher

1 Full Leg - 06-18-18

2 under the current DAF then it would be under
3 the DAF as reformed.

4 LEGISLATOR NICOLELLO: Commercial
5 owners, those that challenged, were seeing
6 this additional chunk taken out, this ten to
7 12 percent or 12 or 15 percent, this
8 additional being taken chunk out to be put
9 into the Disputed Assessment Fund. In
10 addition, they were seeing an increase in the
11 tax rate which would equate to an increase in
12 taxes?

13 MR. DENION: Increase in the rate
14 to meet the levy that had to be met.

15 LEGISLATOR NICOLELLO: Right.
16 Because it was reduced because the DAF funds
17 were not counted as part of that?

18 MR. DENION: That's correct.

19 LEGISLATOR NICOLELLO: That
20 explains something because after this went
21 into effect we were getting calls that
22 commercial property owners were seeing 25, 30
23 percent increases in taxes in some cases.
24 That's not accurate. Or paying 25 to 30
25 percent more after this legislation was

1 Full Leg - 06-18-18

2 implemented.

3 MR. DENION: It certainly created
4 new revenue. That was the idea. The new
5 revenue would pay for the refunds.

6 LEGISLATOR NICOLELLO: Do we know
7 what the average increase in tax rate was?
8 You may have answered this question. What was
9 the average tax rate increase?

10 MR. DENION: I don't have that.
11 It should track to that reduction of AV.

12 LEGISLATOR NICOLELLO: Will it
13 track to the reduction because of the chunk of
14 money being taken out to go into the disputed
15 fund?

16 MR. DENION: Under the current
17 system, right.

18 LEGISLATOR NICOLELLO: If you
19 were not challenging your tax rate was going
20 up say, ballpark, ten to 15 percent?

21 MR. DENION: That's correct.

22 LEGISLATOR NICOLELLO: If we
23 continue on under the current system is it
24 estimated that each year that a tax rate will
25 have to be adjusted because of the money being

1 Full Leg - 06-18-18

2 taken out to go into the Disputed Assessment
3 Fund?

4 MR. DENION: That's right. Every
5 year you have to do the same process if you
6 don't change anything.

7 LEGISLATOR NICOLELLO: It seems
8 to me if you're saying what you want to do is
9 limit it to ten percent. It would seem that
10 as a class -- how does that equate? What
11 you're telling me is that currently more is
12 being taken out because of tax rate increases
13 as well as the funds being taken out for DAF.
14 You'll be able to raise the same amount of
15 money by making this change and limiting it to
16 ten percent. Is that what you're selling us?

17 MR. DENION: I think that's --
18 the idea is we figure that cap probably
19 equates to about to \$120 million of the total
20 taxes of about \$1.2 billion on class four.
21 So, with the way it's been reconstructed,
22 being reconstructed that you should still be
23 within that range of what would be needed
24 every year.

25 LEGISLATOR NICOLELLO: Legislator

1 Full Leg - 06-18-18

2 Ferretti.

3 LEGISLATOR FERRETTI: Thank you
4 Presiding Officer. With regard to the first
5 portion, the bonding, obviously I started in
6 January so I wasn't here for the last couple
7 of years, but my understanding is the previous
8 administration essentially asked for the same
9 thing which was borrowing to pay these tax
10 cert liabilities. What representation do we
11 have -- and I know they've made no public
12 comment to the media -- everybody is saying we
13 don't know how NIFA is going to react to
14 this. I think we kind of do. They've already
15 said no. Why should we believe they're going
16 to change their position? Is there any reason
17 whatsoever?

18 MR. DENION: Again, for the
19 reasons we have been talking about. Is that
20 as opposed to the county asking under a plan
21 that said that we were going to be done at a
22 certain time to a new administration with a
23 new plan, change the DAF, make it workable,
24 solve the problem going forward. And instead
25 of having the county doing the borrowing, this

1 Full Leg - 06-18-18
2 really would be NIFA as the oversight
3 authority created to address tax certiorari
4 borrowing, one last borrowing for that under
5 their auspices, under their discretion, under
6 their judgement, working with us, the
7 administration, the legislature, following the
8 state law.

9 And today is just authorization.
10 We're not asking, as we said, no one is asking
11 for borrowing today. But it really presents
12 the opportunity to resolve the problem in a
13 rational way. We can talk about the exact
14 numbers and exact timing of borrowing when it
15 comes you know.

16 LEGISLATOR FERRETTI: From NIFA's
17 position, not to put you in a position to
18 speak for NIFA, but what would the difference
19 be between the state borrowing and the county
20 borrowing? It's our credit rating that would
21 take the hit.

22 MR. DENION: Actually it would be
23 under NIFA's credit rating. We were saying
24 they're higher rated so they would get a
25 better interest rate so the borrowing costs

1 Full Leg - 06-18-18

2 would be lower. I think the rating agencies
3 like when we work with the oversight
4 authority. They've always pointed to NIFA as
5 a credit positive that when we're working
6 together in a good relationship and that helps
7 them think that they know there's the ability
8 for the county to right its ship, you know,
9 for good going forward. And this would be,
10 you know, would take, I think, you know, a
11 little bit, you know, just working with the
12 rating agencies saying here's the plan.

13 Two different pieces working
14 together. The NIFA piece is important. The
15 DAF piece is important. Together it solves
16 the problem going forward looking. And that's
17 what they're looking for is that, you know,
18 that final resolution of the tax cert issue.
19 Which again, it's bedeviled administrations
20 and legislatures for decades now.

21 LEGISLATOR FERRETTI: You had
22 mentioned that the approximate savings by
23 doing this bonding would be how much over the
24 cost of the bonds?

25 MR. DENION: 14.8 million.

1 Full Leg - 06-18-18

2 LEGISLATOR FERRETTI: And we know
3 roughly that NIFA has a \$2 million budget,
4 correct?

5 MR. DENION: I think that's
6 correct from my understanding, yes.

7 LEGISLATOR FERRETTI: So this is
8 a negative, right? If NIFA was to stay in
9 existence as a result of this bond it's
10 costing more than it's savings, right?

11 MR. DENION: We don't know how
12 long NIFA would continue. Right now again
13 their bonds go out to 2025. They could refund
14 their own bonds, which they still have the
15 authority to do. They could push their own
16 existence out perhaps. So we don't know what
17 the future holds. We don't know that
18 necessarily this is the only way that NIFA
19 would be extended. If there was a control
20 period in the future, say the bonds were about
21 to expire and there was control period that
22 came in 2024 NIFA would go beyond their
23 current bonds for as long as that control
24 period.

25 LEGISLATOR FERRETTI: If they

1 Full Leg - 06-18-18

2 stayed in existence solely because these bonds
3 exist then it would be a net negative?

4 MR. DENION: I don't know if
5 anyone wants to address that.

6 MR. PERSICH: The question is
7 what it costs us to run the actual debt
8 service I guess that's your question. If NIFA
9 is costing us \$2 million, \$14 million over 20
10 years, it's probably around \$750,000 in debt
11 service. But like Conal says, that's starting
12 in 2018 on a 20 year period so. The length of
13 savings from them not being here could shrink
14 accordingly so.

15 LEGISLATOR FERRETTI: I know
16 there were some commentary on control period
17 versus noncontrol period. Do we still fund
18 NIFA to the \$2 million if there is no control
19 period?

20 MR. PERSICH: Yes. At the
21 inception of NIFA that was the plan. That the
22 county had to fund them as an agency.

23 LEGISLATOR FERRETTI: In terms of
24 whether or not there's cost savings as a
25 result of this bond it's irrelevant whether

1 Full Leg - 06-18-18

2 there's a control period or not.

3 MR. PERSICH: They will be in the
4 budget until 2025 theoretically.

5 LEGISLATOR FERRETTI: And if we
6 were to pass this it will be 2041?

7 MR. PERSICH: Exactly.

8 LEGISLATOR FERRETTI: Moving on
9 to the DAF. I'm better with things when I
10 give an example. So maybe I can give you some
11 numbers and you explain it to me. Let's
12 assume your tax liability is \$10,000. You
13 argue your ten percent overassessed so you put
14 a ten percent tax cert claim in. Under the
15 current system it's my understanding you would
16 still pay \$10,000 but \$1,000 of that would go
17 in the DAF; is that correct?

18 MR. DENION: There's still a
19 change in your tax rate. So your \$10,000 --
20 the DAF is done on an assessed value basis so
21 it's not tax dollars. By taking the \$1,000,
22 you are disputing the \$1,000, so \$1,000 of AV
23 times the tax rate goes into the Disputed
24 Assessment Fund. \$9,000 times the tax rate
25 goes for the taxes. However, those tax rates

1 Full Leg - 06-18-18

2 all have to go up, which they do now as the
3 Presiding Officer was explaining, they all
4 have to go up because of that reduction in
5 assessed value.

6 LEGISLATOR FERRETTI: Use
7 percentages. 90 percent goes to the general,
8 your taxes, ten percent goes to the DAF fund,
9 correct?

10 MR. DENION: Correct. But the
11 dollars are going to be more than 10,000
12 because of the increased tax rate.

13 LEGISLATOR FERRETTI: Under this
14 proposal what would happen? Would it still be
15 90 percent of what you were paying at that
16 time would go into the taxes, ten percent --
17 or would it be an additional ten percent up
18 and above that \$10,000?

19 MR. DENION: Again that's with
20 the tax rate. Under the current system,
21 because the tax rates increase, the dollars
22 wind up being more than \$10,000. Say really
23 close to 11,000. Because virtually everyone
24 is challenging. Everyone is getting that
25 reduction for government taxes. Those

1 Full Leg - 06-18-18

2 government taxes, tax rate, all goes up so
3 that they are going to be paying that money
4 plus the money that goes into DAF. So you're
5 going to be at more than \$10,000, around
6 \$11,000 now, and under the new system you're
7 going to be around \$11,000 because you're
8 going to pay the \$10,000 for taxes plus you're
9 going to pay the charge. Which is really,
10 again, on an average, because it's all going
11 to generate about \$100 million you're going to
12 be paying about what you were paying before.

13 LEGISLATOR FERRETTI: Except
14 everybody is going to be paying that, not the
15 six out of seven that --

16 MR. DENION: All class four
17 commercial, that's right.

18 LEGISLATOR FERRETTI: That's a
19 significant difference. Has there been any
20 studies done as to how this is going to affect
21 these local businesses? Could this result in
22 layoffs? Has there been any kind of study
23 whatsoever into how this could affect
24 commercial property?

25 MR. DENION: I'm not aware of a

1 Full Leg - 06-18-18

2 study. But again, we think it's positive in
3 the sense there is certainty in the system.
4 There's a lot of uncertainty now. We've
5 talked to their attorneys who believe this is
6 a much more efficient way to go about, you
7 know, solving the tax cert issue. It doesn't
8 do anybody any good if we're collecting money,
9 we can't get it out, it's not efficient. No
10 one really knows how it works. It's very hard
11 to understand. Very hard to explain.

12 LEGISLATOR FERRETTI: I guess my
13 confusion is, this is going back to what
14 Deputy Presiding Officer Kopel said, DAF, we
15 just say DAF. DAF stands for something,
16 Disputed Assessment Fund. Under what you're
17 calling this revised DAF you don't have to
18 dispute anything and you're still getting an
19 increase. So it's really not DAF.

20 MR. DENION: It will be used to
21 pay disputed assessments.

22 LEGISLATOR FERRETTI: Let's call
23 it red light tickets because we can use
24 money -- like just because you are using it to
25 spend for something doesn't mean that it's

1 Full Leg - 06-18-18

2 accurate.

3 MR. DENION: I agree we are
4 changing how sort of the calculations are
5 being done. But it is still being used to pay
6 assessments that were disputed that are now
7 coming due.

8 LEGISLATOR FERRETTI: But you're
9 not disputing and you're still paying into
10 that fund. The one out of seven that do not.

11 MR. DENION: Again, that's the
12 way, again, to work it out so that it's done
13 in a way that money comes in and is able to be
14 used for the entire class.

15 LEGISLATOR FERRETTI: Will more
16 revenue, revenue might not be the right word,
17 will there be more money in this fund under
18 this system than under the current system?

19 MR. DENION: It should be about
20 the same.

21 LEGISLATOR FERRETTI: But if you
22 have about the same increase on everyone
23 rather than the same increase on six out of
24 every seven wouldn't that be more money?

25 MR. DENION: No. It will just be

1 Full Leg - 06-18-18

2 distributed differently.

3 LEGISLATOR FERRETTI: What do you
4 mean distributed? We're talking about money
5 coming in, into this fund?

6 MR. DENION: But it will come
7 from, as you said, it will come from
8 everybody. Seven-sevenths instead of
9 six-sevenths but it will still be the same
10 \$100 million or so comes in because it's not
11 being done on a per parcel.

12 LEGISLATOR FERRETTI: But it
13 won't be the same increase on the people that
14 are paying into it right now. It can't be.

15 MR. DENION: Again, because the
16 of distribution you are adding that
17 one-seventh that aren't challenging. They may
18 challenge in the future. Everyone may
19 challenge now because of the change. We don't
20 know what the future holds. But in the end it
21 will still be around that same \$100 million
22 range of what comes in and be used for
23 payment.

24 LEGISLATOR FERRETTI: Let's go
25 back to my example, not to beat a dead horse.

1 Full Leg - 06-18-18

2 When I presented the example you said that
3 that individual commercial property would pay
4 roughly the same under the new system as what
5 they paid in this system, correct?

6 MR. DENION: Correct.

7 LEGISLATOR FERRETTI: If that
8 individual commercial property is paying
9 roughly the same under the new system, but
10 under the new system every single commercial
11 property in Nassau County is paying into it,
12 where under the current system only six or
13 seven pay into it, how is that going to
14 generate the same sized fund? Wouldn't it be
15 one-seventh greater?

16 MR. DENION: No because you're
17 doing it globally to see -- you're starting
18 with your target of what you think the expense
19 will be next year. Currently it's done on the
20 front end. You add up all those 12,000
21 individual estimates and that generates a
22 number. That number may or may not be
23 effective to pay the refunds for that year
24 because you might be guessing wrong.

25 Whereas, now you're going to start

1 Full Leg - 06-18-18

2 with what you really think you're be paying
3 out for that next year. And then for all of
4 that money will be used, none of it will be
5 lost. It will all be efficient. If you've
6 estimated too much for that year it sits in
7 that fund. It can't be used for anything else
8 and then you don't have to raise as much the
9 following year. It's going to be on a rolling
10 basis staying in that fund as opposed to being
11 locked in to parcels and years that you have
12 sort of wait to see how it all happens. See
13 if you have enough money to match where you
14 don't have enough money. It takes all that
15 complication out of it.

16 LEGISLATOR FERRETTI: Sounds very
17 complicated to me.

18 MR. DENION: It's much simpler
19 when it changes, believe me. It really is.

20 LEGISLATOR FERRETTI: Thank you.

21 LEGISLATOR ABRAHAMS: Quick
22 question in regards to the declaration for
23 need that we've established in the past does
24 it need a super majority or a simple
25 majority?

1 Full Leg - 06-18-18

2 MR. DENION: The statute doesn't
3 address it. So that would fall to the general
4 rule of being a simple majority.

5 LEGISLATOR ABRAHAMS: If the
6 definition only requires a simple majority
7 then you only need ten votes of the
8 legislature to be able to bond for the \$400
9 million?

10 MR. DENION: Correct. You'll
11 remember from back when NIFA was borrowing, in
12 addition to the declaration of need they
13 typically wanted to see a county bond
14 ordinance anytime the borrowed for the
15 county. Not saying that they will continue
16 that policy but it was always their policy of
17 making sure that was a super majority bond
18 ordinance whenever they borrowed.

19 LEGISLATOR ABRAHAMS: My counsel
20 has advised us that that's not legally
21 required.

22 MR. DENION: That's correct. I'm
23 just saying that was their policy in the past.

24 LEGISLATOR ABRAHAMS: When was
25 the last time they revisited that policy? Or

1 Full Leg - 06-18-18

2 looked at that policy?

3 MR. DENION: They haven't
4 borrowed for us since 2005 or so.

5 LEGISLATOR ABRAHAMS: I think
6 from my standpoint, I don't know if this is
7 more a statement or question, but what's most
8 important is that the class four reassessment
9 that's undertaking is about as accurate as we
10 can get it. Because the goal would be to pay
11 out refunds from the Disputed Assessment Fund
12 that cover that. That one, gives the county
13 the ability to not have to bond for future tax
14 certioraris. But at the same time, two, uses
15 the funds that are in the Disputed Assessment
16 Fund.

17 And then two, in future years if
18 the Disputed Assessment Fund, I know Beaumont
19 what you had say, if the Disputed Assessment
20 Fund is I guess generating more than is
21 necessary those taxpayers for that year would
22 be able to get money back I'm assuming.

23 MR. DENION: Under the old or the
24 new?

25 LEGISLATOR ABRAHAMS: Give me the

1 Full Leg - 06-18-18

2 version of both.

3 MR. DENION: Under the old if
4 they paid too much it gets distributed back to
5 governments. If they paid too little then we
6 have to make up the difference. Whatever they
7 get, whatever they paid in they get back.
8 Assuming they win their case. If they don't
9 get as much as they think they were getting,
10 any excess goes back to governments.

11 LEGISLATOR ABRAHAMS: Gotcha.
12 Nothing further.

13 LEGISLATOR NICOLELLO: Any other
14 questions? Legislator McKevitt.

15 LEGISLATOR MCKEVITT: Just to go
16 to one point you were making beforehand as to
17 what date that NIFA would no longer be in
18 existence, and you mentioned the point that
19 NIFA could then continue to refinance its
20 bonds and continue to take that date out to a
21 certain period, is that what you had mentioned
22 before?

23 MR. DENION: Speaking
24 hypothetically, saying there were some things
25 that we wouldn't control that right now they

1 Full Leg - 06-18-18

2 could issue their own debt to refund their own
3 bonds which could theoretically take it past
4 the current maturity of their bonds.

5 LEGISLATOR MCKEVITT: I was just
6 actually reading the bill that's in the
7 Assembly right now, which is actually A11217,
8 and the language that is currently written is
9 that if NIFA were to go and refinance it's
10 current bonds the statute currently says that
11 the bonds of the Authority shall mature no
12 longer than January 31, 2036.

13 Under the proposed amendment here
14 on page two line 48 it brings up 2041. So
15 currently in the statute there will be an
16 ending date of NIFA in 2036. And on this we
17 take out another five years, at least, that's
18 what's being considered in Albany right now,
19 correct?

20 MR. DENION: That's correct. It
21 could, theoretically, go from '25 to '26. I'm
22 just saying there are things beyond our
23 control.

24 LEGISLATOR MCKEVITT: Just a
25 little side note. When the Municipal

1 Full Leg - 06-18-18

2 Assistance Corporation was created to save New
3 York, when they were literally within two
4 hours of bankruptcy, that was 33 years. We
5 are now '36 going to '41. I just wonder if
6 this gets passed if we will ever see the end
7 of NIFA. But that's for further
8 consideration. Thank you.

9 LEGISLATOR NICOLELLO: Legislator
10 Rhoads.

11 LEGISLATOR RHOADS: Thank you Mr.
12 Presiding Officer. I just wanted to make sure
13 that I understood. Am I correct in my
14 understanding that NIFA has the ability,
15 assuming that this is approved today, that's
16 an assumption, that NIFA has the ability to
17 borrow on its own the \$400 million without the
18 county legislature's approval?

19 MR. DENION: No. I'm sorry if
20 that wasn't clear. Under their statute,
21 whenever the borrow for the county it requires
22 a declaration of need to come from the county
23 legislature through the county executive to
24 NIFA requesting a borrowing.

25 LEGISLATOR RHOADS: Is that

1 Full Leg - 06-18-18

2 required by the statute authorizing NIFA?

3 MR. DENION: That's correct.

4 We're not changing that. That's still in
5 there. It's been in there. It will stay in
6 there.

7 LEGISLATOR RHOADS: So
8 regardless, they would still need a separate
9 vote on a declaration of need to go to NIFA in
10 order for them to issue any bonds?

11 MR. DENION: That's right.

12 LEGISLATOR RHOADS: And the
13 refinancing of their existing bonds can be
14 done by NIFA without any approval of the
15 county legislature?

16 MR. DENION: That's correct.

17 LEGISLATOR NICOLELLO: Minority
18 Leader Abrahams and then Legislator Birnbaum.

19 LEGISLATOR ABRAHAMS: Just a real
20 quick question. I don't know if this was ever
21 established. The administration is seeking us
22 to approve a home rule message on these two
23 items. But just clarify, I understand the
24 impact that NIFA has on the county budget, but
25 they're also a state agency who has authority

1 Full Leg - 06-18-18

2 overseeing the county finances already. Just
3 explain to me why we actually have to do this
4 today by home rule and the state just couldn't
5 act on its own being that it's no different
6 than any other state agency where they would
7 act on their own.

8 MR. DENION: With home rules we
9 take direction from the state. And when they
10 need a home rule then we have to do a home
11 rule. Certain things at times they --
12 certainly taxation or with oversight with
13 NIFA, there are times when they've done it
14 without home rule. But it's not within our
15 power. Whenever they tell us you need a home
16 rule then we need a home rule.

17 LEGISLATOR ABRAHAMS: But your
18 understanding of the legal interpretation
19 would it require a home rule other than the
20 state telling us you need a home rule?

21 MR. DENION: It's certainly a
22 defensible position of theirs that it affects
23 us. It's certainly not a general rule, not a
24 general law. It's certainly defensible that
25 they would ask for a home rule. There are

1 Full Leg - 06-18-18

2 arguments that could be made that it doesn't
3 take a home rule. But when they make the
4 decision and it's defensible we really don't
5 have much of choice.

6 LEGISLATOR NICOLELLO: Legislator
7 Birnbaum.

8 LEGISLATOR BIRNBAUM: Can you
9 please explain how the administration of this
10 levy would took place? Because, as you said,
11 not everybody was paying it before and they
12 were paying different amounts, ten to 15
13 percent perhaps and that would be ten percent
14 on every commercial property owner. How would
15 they see this on their tax bill?

16 MR. DENION: No more than ten
17 percent would be a cap. On the tax bill
18 currently under the system if I would maybe
19 start there, right now DAF appears as a
20 separate charge on the county general tax bill
21 and that covers the county, town and school
22 pieces. Under the new system it will, again,
23 appear on the county tax bill as a separate
24 line. It won't be a tax it will be a charge.
25 Appear on a separate line. You're already

1 Full Leg - 06-18-18

2 seeing it. You'll still see it. But for the
3 reasons we've been talking about it will be
4 calculated in a different way but it will be a
5 separate line item on the county tax bill.

6 LEGISLATOR BIRNBAUM: Will they
7 get any explanation?

8 MR. DENION: I think there is
9 going to be outreach from the Department of
10 Assessment and the administration on how it's
11 changing. Assuming we get the legislation and
12 it goes forward, then we would certainly do
13 outreach to explain to class four commercial
14 owners exactly what's going on and what the
15 changes are.

16 LEGISLATOR BIRNBAUM: And do you
17 think there will be property owners as a
18 result of this who will actually be paying
19 less into it than they have been?

20 MR. DENION: Sure. It's
21 potentially. It's an average. About the
22 same. So some will pay more, some less. But
23 the magnitude should be about the same. You
24 know, larger properties pay more than smaller
25 properties because the refunds under the

1 Full Leg - 06-18-18

2 current DAF would be higher and now their
3 taxable assessed value will be higher. So I
4 think the proportions would be roughly, you
5 know, remain constant.

6 LEGISLATOR BIRNBAUM: And the
7 total amount will be almost the same?

8 MR. DENION: Should be about the
9 same. That will come as part of the fall
10 legislative administrative process on the
11 levy. The levy will come as a proposal from
12 the county executive. It would be subject to
13 the usual process here at the legislature.

14 LEGISLATOR BIRNBAUM: And it will
15 make paying out much easier?

16 MR. DENION: Much easier, faster
17 and much more transparent.

18 LEGISLATOR KOPEL: Thank you
19 Mr. Presiding Officer. I think we are still
20 owed an explanation by Beaumont. You were
21 going to give us an explanation of how it's so
22 much more difficult under the system in terms
23 of the administration. Why money comes in and
24 out with difficulty.

25 MR. JEFFERSON: Deposited into

1 Full Leg - 06-18-18

2 the charges into the DAF fund that's pretty
3 simple with the taxes -- we receive the
4 funds. It goes into DAF by parcel. The
5 difficulty is when you pay out. Since you
6 have to pay by parcel ID and the funds that
7 are deposited into DAF can only be used for
8 that specific parcel.

9 In addition to that, since you're
10 using those funds only for that parcel you
11 have to -- there's additional accounting
12 that's required. You have to process each
13 parcel separately. If you have a shortage you
14 have to take the funds from the general fund.
15 If there's an overage it has to go back to the
16 municipalities. You also have to track --

17 LEGISLATOR KOPEL: For argument's
18 sake, if you were to take the two significant
19 benefits here, if you were to take the current
20 system and revise it such that A, the overage
21 did not go back to -- because if you can do it
22 one way you can do it the other way -- the
23 overage did not go back to the other
24 municipalities.

25 And B, it's a commingled fund with

1 Full Leg - 06-18-18

2 the ability going forward to use money from
3 the fund to, as you needed to, as long as the
4 overall thing remained the charge on the
5 county, you would have accomplished everything
6 that you need to fix this, right?

7 MR. JEFFERSON: Before I answer
8 that question, also not only is it parcel
9 specific it's also the year. I have to
10 process --

11 LEGISLATOR KOPEL: Understood.
12 If you made the change such that you're able
13 to use funds with the assurance of course that
14 whatever is owed is owed, there would be a
15 charge on the county, A. And B, overages
16 stayed with the county. That would help I
17 guess deal with the previous years and so
18 forth. You would have accomplished pretty
19 much everything you need?

20 MR. JEFFERSON: Well, I won't
21 necessarily say that. But what I will say on
22 the record, and I believe you mentioned it,
23 that six out of seven property owners are
24 paying into DAF. I think the way this change
25 to legislation is written, this is just my

1 Full Leg - 06-18-18

2 opinion, is we will be able to refund faster.

3 I have funds sitting in the DAF fund right now
4 from 2017. If I was able to give that back to
5 the property owners, and I think if we're
6 talking about, you know, I'm able to give that
7 back a lot faster than sitting on it and that
8 money is fungible it would be much better.

9 LEGISLATOR KOPEL: That kind of
10 begs the question, if we made this money as a
11 pool, if we made it into a pool, in other
12 words, we took the current system and we made
13 it fungible, in essence we said it's money in
14 the pool, everyone knows that should a
15 specific property owner be doing a refund
16 that's a charge on the county but meanwhile
17 the money is in a pool.

18 MR. JEFFERSON: That's what this
19 does.

20 LEGISLATOR KOPEL: Except that
21 that seventh property owner is financing
22 something that he shouldn't be financing,
23 number one.

24 Number two, I think what you've
25 also just done is you've now, with this, is

1 Full Leg - 06-18-18
2 you've now created a massive incentive so that
3 there shouldn't be a single property owner
4 that doesn't file because they'd be crazy.
5 Now that that seventh property owner is
6 getting it in the neck because of this change
7 why wouldn't that property owner want to file
8 when he didn't before?

9 MR. JEFFERSON: I can't tell you
10 whether that property owner should be filing.
11 All property owners have the ability to file
12 or grieve their taxes and whether they pay
13 into DAF i think it's really a choice. That
14 happens also on the residential side.

15 LEGISLATOR KOPEL: Residential
16 doesn't have a DAF.

17 MR. JEFFERSON: They don't have a
18 DAF but they have the ability to decide
19 whether they actually want to grieve their
20 taxes.

21 LEGISLATOR KOPEL: I know that.
22 You're not telling us anything that we don't
23 already know. I'm simply saying -- I'm not
24 going to beat the dead horse over here. I'm
25 simply saying that that seventh property owner

1 Full Leg - 06-18-18

2 now has been penalized under the new system
3 and unfairly perhaps and is now perhaps more
4 incentivised than previously. That's just a
5 statement.

6 MR. JEFFERSON: As we also
7 explained, by having everyone pay into DAF the
8 tax rate will be lower.

9 LEGISLATOR KOPEL: Of course.
10 That seventh out of seven, that one person is
11 financing a reduction because he's paying in
12 where he didn't before.

13 MR. DENION: He's also paying a
14 lower tax rate for the governments. All that
15 assessed value is staying in the governments.

16 LEGISLATOR KOPEL: But that lower
17 tax rate is not likely to come up to the same
18 amount. The lower tax rate is spread over
19 everything and the amount that he's going to
20 pay in by virtue of this special, I'll call it
21 a special assessments or surcharge I think
22 would be better. A tax surcharge. By virtue
23 of that I think they end up paying
24 considerably more than they might have
25 otherwise just because of the increased tax

1 Full Leg - 06-18-18

2 rate.

3 By the way, if we went ahead and we
4 removed the proviso that the increased -- the
5 extra money would go to other jurisdictions,
6 that money would stay here and over a period
7 of time it would actually operate to lower the
8 tax rate. Because you've got surplus money.
9 It is in fact a bit of a tax increase. It's
10 not one -- it may be subtle and maybe not
11 everyone understands it but the DAF was a bit
12 of a tax increase because of these factors.
13 But if we kept the money, as I say over, a
14 period of years it actually works to decrease
15 the tax rate.

16 LEGISLATOR NICOLELLO: I actually
17 wanted to touch on that point between the one
18 in seven doesn't challenge and the other six
19 of the seven that do. So you take Legislator
20 Ferretti's example of two commercial taxpayers
21 I guess pay \$10,000 in taxes. Under the
22 current system if you don't challenge your
23 taxes are going to go up 10 to 12 to 15
24 percent because the tax rate is increasing
25 because everyone else in participating in the

1 Full Leg - 06-18-18

2 Disputed Assessment Fund.

3 MR. JEFFERSON: That's correct.

4 LEGISLATOR NICOLELLO: That's
5 straight off your \$10,000. On top of your
6 \$10,000 that you're paying.

7 With respect to someone who
8 challenges their taxes, I'm sorry, challenges
9 their taxes, you're taking \$1,000 and putting
10 it into the Disputed Assessment Fund. That
11 commercial owner the tax rate for that
12 commercial owner is then applied to \$9,000 in
13 tax. I don't know if I messed up the concept
14 here. The point of the matter is the tax rate
15 is going to be applied to a lower assessed
16 value because you've taken that DAF fund out.

17 So it seems to me it's a worse
18 situation now for the commercial owner who
19 does not challenge his taxes because they're
20 paying a straight tax increase. Someone who
21 does challenge their taxes has put a certain
22 number aside which they probably will get back
23 as a refund, but their tax rate is going to be
24 applied to \$9,000 as opposed to \$10,000.
25 There is a 100 percent incentive right now for

1 Full Leg - 06-18-18

2 that one out of seven that's not challenging.
3 They should challenge their taxes because
4 they're getting the worst case scenario
5 currently under the current system. Would you
6 agree with that?

7 MR. JEFFERSON: That's a fair
8 assessment.

9 LEGISLATOR NICOLELLO: Legislator
10 Rhoads had a question.

11 LEGISLATOR RHOADS: It wasn't
12 really a question it was more of a statement.
13 I don't speak for the entire legislature but I
14 certainly speak for me.

15 Obviously I voted for the emergency
16 for these two items because I recognize the
17 significance of the fact that the state
18 legislative session right now is slated to end
19 on Wednesday and you need to get those
20 messages up there.

21 I just want to make the point -- if
22 the messages are going to be approved -- I
23 just want to make the point though that this
24 is an emergency because the administration
25 made it an emergency. We had a situation

1 Full Leg - 06-18-18
2 where we had a special meeting with respect to
3 two other home rule messages, which we
4 approved, which the county executive declined
5 to sign giving the explanation that she needed
6 additional time to be able to review it.
7 Despite the fact that these two items,
8 identical, she voted on when she was a county
9 legislator.

10 For us, these are incredibly
11 complicated issues. You're dealing with a
12 change in NIFA borrowing where we're talking
13 about \$400 million of additional debt. You're
14 talking about a wholesale change to commercial
15 assessment and how we reapply the DAF or how
16 we reconfigure the DAF. These are important
17 issues that would have been nice to have
18 additional time to be able to have a full
19 debate or discussion on.

20 So for the future I would just ask
21 for the same courtesy that the county
22 executive expects in that we have more time
23 when these issues come up to be able to
24 actually do our due diligence and do our
25 research and perhaps it would avoid a lot of

1 Full Leg - 06-18-18
2 the questions that we have on the floor trying
3 to wrap our heads around something that we
4 don't fully understand because we received it,
5 in the case of 281, an hour before our
6 legislative meeting. If you could pass that
7 message along I would appreciate it.

8 MR. SANTORAMO: Can I comment
9 Legislator? In order to file the emergency,
10 in order to file the home rule message
11 request, we needed bills from both the state
12 Senate and from the Assembly. We did not get
13 those bill numbers from the Assembly until
14 Friday.

15 As it pertains to the actual
16 legislation, leadership and staff from your
17 caucus was briefed on the legislation early in
18 May, received copies of the legislation and
19 staff was updated that we would be eventually,
20 possibly needing a home rule in order to move
21 the legislation. So, there was information
22 that was transmitted.

23 The only reason that the
24 emergencies were filed late was because we
25 needed to get the matching bill numbers for

1 Full Leg - 06-18-18

2 legislation that was filed in both the
3 Assembly and the Senate. And then when the
4 Assembly made some changes the Senate had to
5 amend its legislation in order to match.

6 In talking, just to go back and
7 talk about the home rules that were passed at
8 last session, obviously there was an attempt
9 by us to get bill numbers so that we could get
10 our home rule message requests on the agenda
11 for that day. Obviously we weren't able to
12 because we didn't get bill numbers in the
13 Assembly.

14 The county executive was, and our
15 administration, was not made similar to how
16 there was a briefing on what we were looking
17 to do in Albany. We did not get really a
18 heads up that there was going to be a home
19 rule request put in by the legislature for the
20 two bills that were coming up. So when we did
21 see it at that point we did not have a
22 chance. And because they originated in the
23 legislature, the county executive, after a
24 super majority, doesn't need to sign those
25 pieces. We actually were encouraging the

1 Full Leg - 06-18-18

2 union to get those up as soon as possible so
3 that we wouldn't be hold them up so they were
4 able to get to Albany right away.

5 LEGISLATOR RHOADS: Thank you Mr.
6 Santoramo, but you do realize the two home
7 rule messages were put through committees the
8 week before?

9 MS. SANTORAMO: Understood.

10 LEGISLATOR RHOADS: So there was
11 a week's time before the special session to be
12 able to familiarize yourself with the bills
13 that the county executive voted on last year.

14 MR. SANTORAMO: I can't speak to
15 the county executive voting on them last
16 year. I can speak to the fact that we didn't
17 have adequate time to analyze the bills in
18 order to address the legislature.

19 LEGISLATOR RHOADS: And we didn't
20 have that in my opinion. We didn't have
21 adequate time to be able to go back and forth
22 with the county executive's office to get a
23 full understanding of what these bills
24 entailed prior to having the witnesses before
25 us today. Perhaps if there are future home

1 Full Leg - 06-18-18

2 rule messages we would have the ability to
3 have an interaction ahead of time so that we
4 can avoid a lot of the questions here on the
5 floor. Appreciate Mr. Santoramo.

6 MR. SANTORAMO: Thank you.

7 LEGISLATOR NICOLELLO: Legislator
8 Ferretti Legislator Ford and then that's it.

9 LEGISLATOR FERRETTI: When you
10 cut out all the complicated details, the
11 bottom line is six out of every seven
12 commercial property owners currently grieve,
13 and based on what you're telling us, what you
14 are testifying to, which quite frankly I will
15 believe it when I see it, under this new
16 system they will be paying roughly the same as
17 what they're paying under the current system.

18 MR. DENION: Overall it will be
19 roughly the same for people who aren't, you
20 know, again, their tax rates are going to come
21 down for the governments. They're going to be
22 paying what they're not paying into DAF. They
23 will be paying in but their rates on the
24 government side will come down. We have to
25 see how that matches.

1 Full Leg - 06-18-18

2 LEGISLATOR FERRETTI: But the one
3 out of seven that currently do not grieve, the
4 pizzeria, the barbershop, all these companies
5 they're going to be hit with a tax increase.
6 That's the bottom line. From what you're
7 telling me there's been no study, no outreach
8 on how this is going to impact that one out of
9 seven commercial properties. Are there going
10 to be layoffs? Are some of these businesses
11 going to shut down? Have you reached out to
12 any chambers of commerce, the administration?
13 Has there been any kind of outreach
14 whatsoever? Because from what you're telling
15 me there's not. And how am I going to go to
16 my -- the constituents in my community, to
17 those businesses that come to me and say
18 they're getting hit with this tax increase and
19 they have to close their doors, what am I
20 going to say to them?

21 Especially in light of the fact
22 that the deputy presiding officer makes a
23 great point in that this doesn't have to be
24 done this way. The changes -- the ultimate
25 goal of what you're saying is to be able to

1 Full Leg - 06-18-18
2 use this fund year over year, to use it for
3 different properties where you're not locked
4 in to one property, that proposal could have
5 been made without taxing the entire commercial
6 base. So what would you tell -- what should I
7 tell my constituents who get this tax increase
8 as a result of this if we were to pass this
9 today?

10 LEGISLATOR NICOLELLO: Legislator
11 Ford you go.

12 LEGISLATOR FORD: I just want to
13 know, I mean, considering like you're hearing
14 some of the arguments especially on behalf of
15 that sixth or the one out of seven that
16 doesn't grieve their assessment, what exactly
17 are we doing to correct the assessments for
18 the commercial properties so that maybe this
19 would be a moot point like four or five years
20 down the road?

21 MR. DENION: Hopefully it will be
22 Legislator. And as you know, we came to the
23 legislature earlier in the year to get the
24 amendments to the reassessment contracts for
25 the Smith firm and Haberman being for the

1 Full Leg - 06-18-18

2 commercial. They are working diligently. We
3 expect them to be on track to get their
4 proposed values for the reassessment up to the
5 state agency this year. We should have the
6 reassessment in place by January of 2019 and
7 that will be a big step towards making these
8 assessments fairer, more accurate and more
9 defensible.

10 I think there is going to be a lot
11 of outreach. There's going to be hiring in
12 the Assessment Department, hiring in the
13 Assessment Review Commission. So overall,
14 that number should come down. The assessment
15 should be better. The refund amount should
16 come down. The communication should be better
17 for that seventh commercial taxpayer to
18 understand the system better. I think that
19 taxpayer will be able to come in and say
20 should I be challenging? I have to understand
21 how DAF works. And all those things will work
22 together.

23 LEGISLATOR FORD: We should be
24 trying to stop them from having to grieve
25 their assessments. Because I look at this,

1 Full Leg - 06-18-18

2 what we're doing, and it equates to like the
3 residential where we made those settlements,
4 if it was like ten to 15 percent of your value
5 assessment we settled rather than having them
6 go to court to fight it or whatever.

7 So, we agreed on equity among the
8 residential properties that those that grieved
9 saw their values go down but those who didn't
10 grieve their taxes have stayed high. We are
11 higher than most people. So then looking to
12 try to balance everything to make it fairer
13 for all of those people we are trying to
14 decide how to adjust everything so that
15 people -- we can start equalizing everybody
16 and everybody is paying their fair share of
17 taxes.

18 My concern is this that I do feel
19 bad for the businesses that are not going to
20 be grieving. But I want to make sure that if
21 it's going to be a temporary fix that's it's
22 temporary. That it's not going to be
23 something -- because I think Legislator
24 Ferretti is correct. There are a lot of small
25 businesses that are just getting by. There's

1 Full Leg - 06-18-18

2 so many fees, so many other costs that they
3 have, just as hard as it is for residents to
4 pay an additional property tax, a lot of our
5 businesses, especially the smaller ones, are
6 going to find that it might put them right
7 over the edge and right out of business.

8 I just want to make sure -- and
9 then when we say we are going to hire people
10 in Assessment I would like to see them hired
11 now. Then I know that we are truly working
12 toward a fix. Thank you.

13 LEGISLATOR NICOLELLO: Legislator
14 Bynoe and that's it.

15 LEGISLATOR BYNOE: Thank you
16 Presiding Officer. I guess what I'm trying to
17 wrap around my head here is whether this is
18 actually -- we are exposing ourselves to
19 litigation in some way or are we stepping on
20 the constitutional rights of the business
21 owners by requiring they pay or that they fund
22 their own refund?

23 MR. DENION: I don't believe so.
24 Those questions came up a few years ago when
25 the original DAF bill was passed. The short

1 Full Leg - 06-18-18

2 answer is that this is the state legislature
3 acting as opposed to the county acting. And
4 acts of the state legislature are presumed
5 constitutional. And in areas of taxation
6 courts generally have given a wide birth to
7 legislative bodies to determine how taxes are
8 distributed, how charges are distributed, who
9 bears what burden. That's why we have a class
10 system for. The class system has been upheld
11 many years ago. Class four is treated
12 separately than the residential. I think we
13 are on solid ground especially because of the
14 state legislation.

15 LEGISLATOR BYNOE: If there is
16 lawsuits it's not the state that's going to
17 have to defend those lawsuits it would be the
18 county.

19 MR. DENION: It would be both.
20 If someone challenges a state legislative act
21 then the state does defend that. We would as
22 well. Challenging the validity of a state law
23 is something that would bring the attorney
24 general in.

25 LEGISLATOR BYNOE: You can

1 Full Leg - 06-18-18

2 confirm that someone at the state has looked
3 at it from that perspective and they have
4 rendered an opinion that constitutional laws
5 aren't being stepped on.

6 MR. DENION: I can't speak to the
7 review that goes on at the state level. I can
8 just answer your question that if someone did
9 challenge they would be bringing in the state
10 as a defendant is the way that usually works.

11 LEGISLATOR BYNOE: Thank you.

12 LEGISLATOR NICOLELLO: We are
13 going to take a brief recess and then we will
14 be back.

15 (Meeting was recessed at 3:50 P.M.)

16 (Meeting was reconvened at 4:46
17 P.M.)

18 LEGISLATOR NICOLELLO: We are
19 back from recess. I will call for a vote on
20 the first item, which is item 280 of 2018.
21 With respect to item 280 of '18, which is the
22 NIFA bonding portion of this, all in favor
23 signify by saying aye. All opposed? Do that
24 again. All in favor of item 280 of 2018
25 signify by saying aye. All opposed?

1 Full Leg - 06-18-18

2 LEGISLATOR LAFAZAN: Roll call.

3 MR. SANTORAMO: Mr. Presiding
4 Officer, can we withdraw the bill now at this
5 point?

6 LEGISLATOR NICOLELLO: No. It's
7 done. We voted it down. So then we have ten
8 votes from the majority and one vote from the
9 minority makes 11. Seven in favor and 11
10 against and the one vote from the minority is
11 Legislator Lafazan who voted no. Eleven no's
12 seven ayes.

13 Item 281 of 2018 have a vote on
14 that. All in favor signify by saying aye.
15 Those opposed? That item carries
16 unanimously.

17 Mr. Santoramo, there was an
18 indication that these things had to be
19 transmitted forthwith to Albany. Is there
20 anything else we need to do let us know.

21 MR. SANTORAMO: I believe the
22 clerk knows. Thank you.

23 LEGISLATOR NICOLELLO: Item 265
24 of 2018 is a resolution to authorize the
25 county assessor and/or the county treasurer

1 Full Leg - 06-18-18

2 and/or the receiver of taxes of the Town of
3 Hempstead to correct erroneous assessments of
4 certain properties situated in various school
5 districts.

6 Moved by Legislator Mule. Seconded
7 by Legislator Walker. The item is before the
8 legislature. Does anyone have any questions
9 on this? We all have the backup. We know
10 exactly what this is. I'm sorry. We have to
11 establish the emergency on this one.

12 MR. PULITZER: Call emergency
13 resolution for clerk item 265-18. An
14 emergency resolution declaring an emergency
15 for immediate action upon a resolution to
16 authorize the county assessor and/or the
17 county treasurer and/or the receiver of taxes
18 of the Town of Hempstead to correct erroneous
19 real property situated in various school
20 districts assessed to designated owners
21 appearing on the assessment rolls for the
22 specified school and/or county years pursuant
23 to this resolution, pursuant to the Real
24 Property Tax Law, the County Government Law of
25 Nassau County and the Nassau County

1 Full Leg - 06-18-18

2 Administrative Code.

3 LEGISLATOR NICOLELLO: Thank you
4 Mr. Pulitzer. That emergency is moved by
5 Legislator Mule. Seconded by Legislator
6 Walker. All in favor of establishing the
7 emergency signify by saying aye. Those
8 opposed? The emergency is established.

9 Do I need to call the item again?
10 Let me call the item. It's a resolution to
11 authorize the county assessor and/or county
12 treasurer and/or receiver of taxes of the town
13 of Hempstead to correct erroneous assessments.

14 Again, moved by Legislator Mule.
15 Seconded by Legislator Walker. Any
16 questions? Discussion? Any public comment?
17 All in favor signify by saying aye. Those
18 opposed? Carries unanimously.

19 Back to the regular calendar. We
20 are going to do item one and three together.
21 Actually we'll do item one, which is a hearing
22 on a local law to amend the Nassau County
23 Administrative Code to establish an emergency
24 ambulance bureau.

25 Moved by Legislator Rhoads.

1 Full Leg - 06-18-18

2 Seconded by Legislator Bynoe. That's before
3 the legislature. That was introduced -- this
4 is something by the legislators themselves.
5 We generated this. It is in response to a
6 couple of things. One is that NIFA last year
7 or a report that was issued by NIFA or
8 commissioned by NIFA sought to privatize this
9 operation of the county. Something that we
10 are adamantly opposed to.

11 Secondly, that these AMTs
12 especially, this emergency ambulance bureau,
13 generates revenue for this county. It makes
14 absolutely no sense for this to be in
15 jeopardy.

16 Thirdly, there are various other
17 similar agencies are already in the
18 administrative code. This creates some
19 equity.

20 Anyone want to add anything to
21 this? Any public comment? All in favor? I'm
22 sorry. Motion to close the hearing by
23 Legislator Schaefer. Seconded by Legislator
24 DeRiggi-Whitton. All in favor of closing the
25 hearing signify by saying aye. Those

1 Full Leg - 06-18-18

2 opposed? Carries unanimously.

3 Now we are going to vote on a
4 proposed local law, item 3, a local law to
5 amend the Nassau County Administrative Code to
6 establish an emergency ambulance bureau.

7 Again, moved by Legislator Ford.
8 Seconded by Legislator Walker. Any debate or
9 discussion? Public comment? All in favor
10 signify by saying aye. Those opposed?
11 Carries unanimously.

12 Going to jump over to the two
13 appointments who have been waiting here
14 patiently, then we will do the Nassau
15 Community College budget.

16 Item 20 is a resolution to confirm
17 the Nassau County Executive's appointment of
18 David Moog to the position of Nassau County
19 assessor.

20 Moved by Legislator Birnbaum.
21 Seconded by Legislator McKevitt. It's before
22 the legislature.

23 MR. MOOG: I'm going to read a
24 short statement into the record.

25 Good afternoon members of the

1 Full Leg - 06-18-18

2 Nassau County Legislature. Thank you for
3 considering my appointment as county
4 assessor. It's a privilege to be here. I
5 look forward to answering any questions you,
6 the members of the legislature, might have.

7 The real property tax affects
8 virtually every county resident directly or
9 indirectly. It is one of the county's largest
10 sources of tax revenue. But for the past
11 seven years the county has operated with a tax
12 roll that's been frozen. No reevaluation of
13 the real property has been attempted since
14 2011 resulting in litigation as well as an
15 increase in the inequity of the assessed
16 values throughout the county.

17 Also, the assessor's office
18 suffered layoffs and a downsizing resulting in
19 a staff that's demoralized. If appointed as a
20 county assessor I would hope to be able to
21 take on the challenge of getting a
22 reevaluation of the assessment roll, putting
23 the county on a path to reducing litigation
24 and inequities while rebuilding the staff of
25 the assessor's office.

1 Full Leg - 06-18-18

2 I believe my experience shows that
3 I'm well qualified for the position of county
4 assessor. My 22 years working in New York
5 City, 16 years of those at the New York City
6 Corporation Counsel, have given me insight
7 into the complicated world of assessing in a
8 jurisdiction like Nassau County. The root of
9 many of the problems facing Nassau County lie
10 in the same set of real property tax laws that
11 govern New York City. Both jurisdictions are
12 governed by Article 18 of the Real Property
13 Tax Law creating four tax clients with
14 limitations on assessment increases on one,
15 two and three-family homes. This limitation,
16 along with the class share levy and the
17 decision by the county to freeze assessments
18 since 2011, has created a situation that
19 undermines the accuracy and equity of the tax
20 roll.

21 My years at the Corporation Counsel
22 coincide with many of the challenges affecting
23 the assessment administration. The meltdown
24 of the real estate market following the stock
25 market crash in 1987 resulted in my transfer

1 Full Leg - 06-18-18
2 to the Staten Island Field Assessment Office
3 from my administrative position. Six
4 assessors were transferred from nonvaluation
5 divisions to Staten Island Assessment Office
6 increasing the staff by 50 percent. Similar
7 increases to the field offices were
8 accomplished by shifting personnel from
9 support units to valuations units.

10 While at the Corporation Counsel
11 the wholesale bankruptcy of the downtown
12 office building market, coupled with the large
13 litigation backlog, threatened the bond rating
14 of the city. In order to address these issues
15 the reassignment of duties from private
16 appraisers to in-house assessors was
17 accomplished by doubling the assessing staff.
18 The in-house assessing staff worked in
19 developing evaluation guidelines, a sortable
20 database of comparable incoming expense
21 statements and a computer software to
22 calculate potential litigation liability. I
23 developed the guidelines, recruited new
24 assessing staff and trained both assessors and
25 lawyers in the new systems.

1 Full Leg - 06-18-18

2 The end result was a 60 percent
3 increase in productivity, increased accuracy
4 in the valuation and reduction in the
5 appraisal contracting cost for better tracking
6 and reporting of outstanding litigation.

7 My experience at the Department of
8 Finance and the Corporation Counsel gave me
9 insight on how to handle problems that seem
10 insurmountable at first but were solved
11 through new operating procedures and
12 repurposing personnel.

13 For the past nine years I have been
14 a senior analyst at District Counsel 37, a
15 labor union representing 120,000 employees in
16 New York city. In that role I negotiated
17 labor contracts, attended layoff meetings,
18 provided costings on personal service
19 contracts and reviewed budgets and
20 legislation. I chaired many management
21 meetings and saw firsthand the efforts of
22 various agency directors to reorganize
23 departments or whole agencies.

24 Some of the efforts to reorganize
25 agencies succeeded while others failed.

1 Full Leg - 06-18-18

2 Looking at the intent, reasons and causes of
3 the reorganization, I was able to see how much
4 effort or lack of effort management put into
5 the overall plan. Usually in the absence of
6 good intent, reason, cause or a plan not well
7 formulated usually failed in producing a
8 beneficial reorganization.

9 Since I was offered the position by
10 the county executive I have met with some
11 local elected officials and had a short meet
12 and greet with the union president of Local
13 830, Jerry Laricchuita. I was asked smart,
14 insightful questions about the assessment
15 process and the underlying problems of the
16 current tax roll.

17 I also met with some New York City
18 officials who will be advising the City
19 Counsel on the Real Property Tax Reform
20 Committee. Some of the assessment problems in
21 New York City stem from the same flaws in the
22 Real Property Tax Law, and it's extremely
23 important that any changes to the law
24 guarantee outcomes that benefit both
25 jurisdictions.

1 Full Leg - 06-18-18

2 I believe my experience shows I'm
3 well qualified for the position of county
4 assessor. If chosen, I plan to administer the
5 assessment office in a way that's efficient,
6 fair and equitable as possible.

7 Thank you for attention this
8 afternoon, and I will be happy to take any
9 questions.

10 LEGISLATOR NICOLELLO: We just
11 want to note for the record that Mr. Moog was
12 kind enough to meet with the majority and also
13 met with the minority. You fielded questions
14 for a good long length of time and you are
15 obviously knowledgeable about this area. So,
16 if anyone is wondering if we don't ask a whole
17 bunch of questions now you actually sat down
18 with us and answered at length questions from
19 majority legislators.

20 The county executive I think is
21 entitled to have somebody of her choosing in
22 the Department of Assessment. She has chosen
23 you and you have the credentials for the job.
24 We intend to vote in the affirmative for you.

25 Anyone have any questions? You're

1 Full Leg - 06-18-18

2 off easy. No further discussion. Any public
3 comment? All in favor signify by saying aye.
4 Those opposed? Carries unanimously.

5 Item 21 is a resolution to confirm
6 the county executive's appointment of John
7 Plackis to the position of director of Nassau
8 County Probation Department.

9 Moved by Legislator Walker.

10 Seconded by Legislator Drucker.

11 MR. PLACKIS: I have a short
12 statement to make also. As said, my name is
13 John Plackis. Thank you for the opportunity
14 to be nominated by the county executive and to
15 be considered by the Nassau County Legislature
16 to become the next probation director. I have
17 21 years of experience in Nassau County
18 Probation Department and my current civil
19 service title is deputy director. I have been
20 the deputy director since September 2015 and
21 in February 2016 I was named acting director
22 when my predecessor retired. Since that time
23 I have been running the day-to-day operations
24 of the probation department for over two
25 years.

1 Full Leg - 06-18-18

2 I've completed training by the
3 National Institute of Corrections in Aurora,
4 Colorado for the orientation for probation and
5 paroles and chief executive. I also received
6 training by New York State Division of
7 Criminal Justice Services for probation
8 executive. I am deemed qualified to run a
9 probation department and have full support of
10 the New York State Division of Criminal
11 Justice Services, Office of Probation and
12 Correctional Alternatives.

13 My experience and education as a
14 master of social work makes me a strong
15 candidate to lead the probation department
16 into the future. My leadership principles are
17 to be fair, consistent, to empower my
18 employers to be the best they can be. As well
19 as the integral part of the leadership
20 process. My goals are to collaborate and
21 develop consensus to facilitate program
22 development. I will seek to develop ongoing
23 dialogue that encourages employee engagement
24 and foster relationships with other county
25 departments.

1 Full Leg - 06-18-18

2 I believe the use of performance
3 measures coupled with the multisystem approach
4 will identify problems and improve probation
5 services to the citizens of Nassau County. I
6 will continue to focus on protecting the
7 public, restoring crime victims and the
8 rehabilitation of the offender. I look
9 forward to any questions that you have.

10 LEGISLATOR NICOLELLO: Any
11 questions for Mr. Plackis? Legislator Bynoe.

12 LEGISLATOR BYNOE: Good evening
13 Mr. Plackis. How are you? We met many times
14 at your facility and I have had the privilege
15 of meeting with some of your staff there. My
16 question today is really centered around Raise
17 the Age. I just wanted to understand what is
18 your plan for implementing the Raise the Age
19 requirements?

20 MR. PLACKIS: We have work group
21 meetings going on right now twice a month and
22 it's a whole county plan with many agencies
23 involved. It's not just the probation
24 department. Like I said, we haven't finalized
25 anything but we are well prepared. I hope to

1 Full Leg - 06-18-18

2 be operational by October 1st. Our biggest
3 problem is going to be retrofitting the
4 juvenile detention center. And I'm pretty
5 sure that you all know we haven't received New
6 York State aid yet. We are still awaiting for
7 that approval to happen.

8 LEGISLATOR BYNOE: Additional New
9 York State aid?

10 MR. PLACKIS: New York State has
11 said that they're going -- Raise the Age is
12 funded at 100 percent but they haven't
13 released any money yet.

14 LEGISLATOR BYNOE: That's a
15 problem. So, to this point you have a
16 framework for the work that needs to --

17 MR. PLACKIS: To be done,
18 correct. We meet every two weeks.

19 LEGISLATOR BYNOE: I'm hearing
20 now the plan is you will stay in your current
21 space I guess as you're saying you are going
22 to be doing some rehabilitation there?

23 MR. PLACKIS: Right. The
24 probation department is going to have to move
25 out of JDC in order to accommodate Raise the

1 Full Leg - 06-18-18

2 Age. We are still waiting for funding to make
3 those moves. Like I said, unfortunately the
4 state works like they want you to take out a
5 loan and they will pay the mortgage. But we
6 haven't gotten the policies and procedures yet
7 to make sure that we're going to get paid for
8 whatever we build.

9 LEGISLATOR BYNOE: Is there a
10 time line associated with the plan?

11 MR. PLACKIS: The law says it's
12 got to be done by October 1st.

13 LEGISLATOR BYNOE: I'm aware of
14 that. Your working group, have you been able
15 to set a time line for the work that needs to
16 be undertaken?

17 MR. PLACKIS: I would say we're
18 working on it. There is no exact time line.

19 LEGISLATOR BYNOE: Based on what
20 you're saying it sounds like the state is in
21 agreement to reimburse us for capital
22 expenses, so we have to spend the money
23 anyway.

24 MR. PLACKIS: Right. DPW is
25 supposed to be the ones making the move to

1 Full Leg - 06-18-18

2 move us out of the JDC.

3 LEGISLATOR BYNOE: July is around
4 the corner. Here comes August. September
5 boom. October 1st is here. I really would
6 love to see a lot more activity around our
7 responsibility to adhere to the Raise the Age
8 requirements. Not to say you're not.

9 MR. PLACKIS: I think across the
10 state they're having problems. I don't think
11 it's just Nassau County. There's only six
12 juvenile detentions centers throughout the
13 state. There's not that many of them.

14 LEGISLATOR BYNOE: Is the plan
15 still that Suffolk will utilize Nassau's
16 facility?

17 MR. PLACKIS: Correct.

18 LEGISLATOR BYNOE: Thank you very
19 much.

20 LEGISLATOR NICOLELLO: Legislator
21 McKevitt.

22 LEGISLATOR MCKEVITT: I was
23 actually addressing the same topic that
24 Legislator Bynoe was as well. I'm just
25 curious. Obviously with the juvenile

1 Full Leg - 06-18-18

2 detention facility their own challenges. But
3 obviously we have the challenge of the family
4 court too that is going to be looking at
5 influx. Again, I mean, will be part of Raise
6 the Age goes into effect this October 1, but
7 over the next two years it's gradually greater
8 as the age groups catch up to it.

9 So I guess my question is, as far
10 as having your officers being able to go --
11 have had more family court and work load there
12 is there the physical fiscal space there to do
13 that work?

14 MR. PLACKIS: Yes. We are
15 creating space over at the family court
16 building right now.

17 LEGISLATOR MCKEVITT: Thank you.

18 LEGISLATOR NICOLELLO: Any other
19 questions? Thank you Mr. Plackis. Any public
20 comment? All in favor signify by saying aye.
21 Those opposed? Carries unanimously.
22 Congratulations.

23 Back to the beginning of the
24 calendar. Item two is a hearing on ordinance
25 number 46. An ordinance to adopt the Nassau

1 Full Leg - 06-18-18

2 County budget for Nassau Community College for
3 the fiscal year commencing September 1, 2018
4 and ending August 31, 2019.

5 I think we need a motion to open
6 the hearing. Moved by Legislator Ferretti.
7 Seconded by Legislator Drucker. So the
8 hearing is open. We didn't vote on that. All
9 in favor of opening the hearing signify by
10 saying aye. Those opposed? The hearing is
11 open.

12 First, I want to thank you for your
13 patience. I know you have been waiting for
14 awhile. I gave you an estimate which probably
15 obviously a little bit not accurate. I saved
16 you some time.

17 DR. KEEN: I should say good
18 afternoon still. Good afternoon Presiding
19 Officer Nicoletto, Minority Leader Abrahams
20 and members of the legislature. Thank you for
21 providing Nassau Community College with an
22 opportunity to share with you our proposed
23 college operating budget for fiscal year
24 2019. I especially thank Presiding Officer
25 Nicoletto for expediting consideration of the

1 Full Leg - 06-18-18

2 college's budget.

3 The process started with the county
4 executive and the Office of Management and
5 Budget. We also reviewed it with your
6 caucuses. The scheduling decision to enable
7 the legislature to consider the budget during
8 June is helpful as students' financial aid
9 packages must be prepared during the summer.

10 We believe the budget before you
11 today provides NCC with the resources to
12 continue offering a high quality education for
13 our students at an affordable price.

14 On the capital aspects NCC's
15 budget, not under consideration today, we are
16 grateful for the aid the county executive and
17 the legislative body have provided for
18 improvements to the college. These funds are
19 transforming the character and face of the
20 campus for the benefits of our students, for
21 the faculty and staff and for Nassau County.

22 The budget before you has a slight
23 increase of less than one half of one
24 percent. Due primarily to contractual
25 obligations in personnel cost and fringe

1 Full Leg - 06-18-18

2 benefits. Over the past four years, however,
3 the expenses at the college have decreased by
4 approximately \$7.4 million. Not one area of
5 the college has been spared in terms of these
6 reductions. Cost savings have been born by
7 all areas. The reductions flow from
8 retirements in staff positions that are
9 eliminated up on being vacated or that are not
10 backfilled when they become vacant.

11 As you're aware, there are three
12 major sources of funding for the college. The
13 county, the state, the student tuition. And
14 commenting on the most important issues of our
15 operating budget for the members of the
16 legislature, let me note for the 11th
17 consecutive year the budget does not assume an
18 increase in the county property tax allocated
19 to the college. The budget reflects a
20 reduction in state aid revenue of \$1.6
21 million. Despite \$100 per student FTE
22 increase in state aid we will receive less
23 than last year because of declining
24 enrollment.

25 This budget assumes a six percent

1 Full Leg - 06-18-18

2 decrease in enrollment during the coming
3 year. NCC is a part of the greater trend
4 which is within the SUNY community colleges as
5 well as nationally to decreasing enrollments.

6 With regard to enrollments, there
7 are two separate components. First is
8 attracting students and enrolling them. The
9 second is retaining them. We are working on
10 various aspects vigorously to try to reverse
11 this decline on academic programs which are
12 aimed on retaining the students as well as
13 marketing and recruiting students to build our
14 enrollment.

15 Unfortunately with declining state
16 aid, static county contribution and rising
17 health costs NCC was faced initially with an
18 \$11 million gap this budget cycle. Because of
19 these factors this budget proposal uses \$5.5
20 million in fund balance. We project the total
21 fund balance as of August 31, 2019 to be
22 approximately 11 million or 5.42 percent of
23 the total operating budget. This is on the
24 low end of the SUNY recommendation of five to
25 15 percent reserve funds. So, continuing to

1 Full Leg - 06-18-18

2 rely on fund balance portends of liquidity
3 problems for us. So we thought long and hard
4 before we tapped into the fund this year.

5 It is with this backdrop of
6 budgetary factors that the budget recommends a
7 tuition increase in 2018-19 of \$124 per
8 semester. I assure you that we would prefer
9 to avoid a tuition increase. With the
10 increase in our tuition up to \$5,350 we still
11 remain lower than all four year colleges on
12 Long Island and New York City and it is on par
13 with peer community colleges.

14 Despite our fiscal challenges,
15 however, I'm pleased to tell you about
16 exciting initiatives and retention efforts on
17 which we are embarking.

18 First, the nursing program has
19 announced a new major upgrade for our already
20 vaunted nursing program. NCC has partnered
21 with Empire State to created a multi-award
22 program where nursing students receive both an
23 associate's and a bachelor's degree over four
24 years. After the first three years the
25 students are able to sit for the certifying

1 Full Leg - 06-18-18

2 exam and become certified as registered
3 nurses. Then after the fourth year they will
4 earn bachelor's degrees.

5 This is a critical step for the
6 college because the industry standard is
7 moving toward requiring bachelor degrees for
8 nursing. All of the integrated curriculum for
9 the entire nursing program will be based on
10 the NCC campus with some smaller portion of it
11 being online with Empire State. Of course all
12 clinical placements will be in Nassau County.

13 We've added a number of workforce
14 development programs to expand career
15 opportunities for students including pharmacy
16 technician, certified nursing assistant, EKT
17 technician. We've also expanded our distant
18 education courses to allow a greater number of
19 online students to achieve associate degrees.
20 Our goal is to make NCC more career friendly
21 with diverse courses and program offerings.

22 We launched two very successful
23 certificate programs during the past year in
24 the service industry. One of them in which we
25 partnered with Bank of America and the Mexican

1 Full Leg - 06-18-18

2 consulate to provide additional training for
3 predominantly Latino workers and new Americans
4 in the food service industry. 100 percent of
5 our students successfully completed their
6 certificates in the first graduating class and
7 over half of them have now received promotions
8 and pay increases in the jobs they hold in the
9 food service industry.

10 The program was free for the
11 participants and other graduates. And thanks
12 to the support of Bank of America and the
13 Mexican consulate.

14 Other graduates are now beginning
15 their college career as well, new cohorts of
16 this program as well. Another certificate
17 program, which has the acronym URGENT, a
18 rather long acronym, involved partnering with
19 PSEG, National Grid, New York American Water
20 to train women in utility industry jobs where
21 there are overwhelmingly male-oriented jobs at
22 this time. Last year we had stellar results
23 in our first cohorts of women graduating and
24 finding employment in the utility industry.

25 In fact, our center for workforce

1 Full Leg - 06-18-18

2 development has now received a \$100,000 grant
3 from the State Department of Labor to extend
4 the URGENT program. So we are expanding the
5 training program now to include veterans and
6 youth who will be trained to go into the
7 utility industry.

8 So these are two underrepresented
9 populations, as well as the women who, not
10 only being a minority in the utility industry,
11 but most of them were unemployed or
12 underemployed before going into the program.
13 We are happy to say the spring 2017 graduating
14 class 70 percent have gain employment in the
15 utility industry.

16 We continue to sponsor a drug
17 intervention program for our students which is
18 one of a kind in the State University of
19 New York. Many time students have issues
20 other than academic performance that threaten
21 to disconnect them from the campus. So we
22 work very actively on that.

23 Finally, let me conclude by
24 mentioning some exceptional advances of our
25 students. Eleven SUNY chancellors award

1 Full Leg - 06-18-18

2 winners this year. National champion of the
3 wrestling team and shot putters on our track
4 and field team national champion. National
5 champion cheerleaders. Our five SUNY
6 chancellor athlete academic winners in the
7 SUNY system. And our national champion speech
8 and debate team, which took home its 17th
9 consecutive title. NCC has very talented
10 students and many of them, as well as our
11 faculty, are regularly recognized and honored
12 both nationally and within the State
13 University of New York.

14 We continue to be grateful to the
15 county legislature and the county executive
16 for your ongoing and steadfast support of the
17 college. Please know that with this continued
18 support NCC will continue to provide the
19 affordable, high quality higher education that
20 will serve our students and the communities of
21 Nassau County. Thank you.

22 LEGISLATOR NICOLELLO: Thank you
23 and thank you for your leadership of the
24 college in restoring the accreditation and all
25 that you've done. You've had a very

1 Full Leg - 06-18-18

2 successful term and you deserve our
3 congratulations and the thanks of the
4 residents of Nassau County.

5 Just real briefly, the fund balance
6 you said is down now to approximately \$11
7 million?

8 DR. KEEN: Yes.

9 LEGISLATOR NICOLELLO: You said
10 toward the low end of recommended percentages
11 in terms of operating expenses?

12 DR. KEEN: It puts us down near
13 that five percent lower limit which is
14 recommended by state university. Of course,
15 we're not required to comply with that but
16 believe me we are concerned about the fund
17 balance at that level.

18 LEGISLATOR NICOLELLO: Going
19 forward it's probably not going to be a place
20 for the college to draw upon in terms of
21 future budgets?

22 DR. KEEN: That's correct. We
23 have undertaken a number of different actions
24 right now and going into the next year which
25 we think will assist us even as we anticipate

1 Full Leg - 06-18-18

2 somewhat additional reduction in enrollment.
3 But we're taking action now that I think will
4 help us and perhaps protect that level of fund
5 balance to prevent us from having to go to it
6 again.

7 LEGISLATOR NICOLELLO: Any other
8 questions for Dr. Keen?

9 LEGISLATOR ABRAHAMS: First, Dr.
10 Keen, we want to thank you obviously, as the
11 presiding officer indicated, in regards to the
12 accreditation, getting the college back in
13 good standard. We still believe that the
14 college is the jewel of Nassau County and the
15 budgets have been forthright and have
16 demonstrated the best interests of the
17 students and the faculty and administrative
18 alike and we plan to support that in our vote
19 today.

20 But thank you again for your
21 presentation. And I also I wanted to take the
22 opportunity to thank Kate Murray, who's been
23 very helpful in continuing and fostering some
24 of the programs that we have demonstrated to
25 try to do. Legislator Bynoe and I recently

1 Full Leg - 06-18-18
2 hosted a job fair. The college has always
3 extended its ability to be very welcome
4 partners in our endeavors in making sure our
5 community and residents are served. Thank you
6 again to Kate Murray and thank you to you
7 again Dr. Keen.

8 DR. KEEN: Thank you Legislator
9 Abrahams. Indeed it is a jewel of Nassau
10 County.

11 LEGISLATOR NICOLELLO: I second
12 what Minority Leader Abrahams says. Thank you
13 Kate for all your receptiveness and your
14 responsiveness to our requests.

15 Legislator Lafazan.

16 LEGISLATOR LAFAZAN: Thank you
17 Presiding Officer. Thank you for your
18 leadership Dr. Keen and Kate Murray for tying
19 me in to all the events at Nassau. Just to
20 let you know, the video where I share my story
21 of community college to Harvard now has 23,000
22 views. I couldn't be prouder to be an alum of
23 the college.

24 However, as just mentioned, the
25 decline in enrollment that we have just spoken

1 Full Leg - 06-18-18

2 about gives me great pause for the future
3 prospects of success. Nassau remains the best
4 bang for anyone's buck. Yet I feel as a
5 county we're still losing out and a massive
6 group of potential students and that there
7 still remains a strong stigma for many top
8 performing students around going to community
9 college. We know that nobody is too good for
10 community college.

11 Thus, I'm imploring you both and
12 the leadership over at Nassau Community
13 College as you expend funds for advertising to
14 boost enrollment to create a targeted campaign
15 focused on enrolling our top performing
16 students be it valedictorians and
17 salutatorians, Intel semifinalists, musicians
18 and all of our top scholars. I'm happy to
19 help in this area. Because everyone needs to
20 know when you come to Nassau you can transfer
21 anywhere in the world, and I hope you heed
22 this advice and I wish you success for years
23 to come and I plan on supporting this item.
24 Thank you.

25 LEGISLATOR NICOLELLO: Legislator

1 Full Leg - 06-18-18

2 Ford. I just wanted to say all of the other
3 colleges that Legislator Lafazan went to are
4 not that impressive but Nassau Community
5 stands out. Legislator Ford.

6 LEGISLATOR FORD: I want to thank
7 you very much for all your hard work and Kate
8 Murray too also being very receptive. I think
9 also being a little bit ahead of the curve. I
10 know that when we look at academics it's very,
11 very important. But you really touched upon
12 something that's very personal to me by the
13 fact that you partnered with utilities to help
14 women who are underemployed and not employed
15 at all to find employment in jobs that they
16 necessarily wouldn't go into.

17 In 1973 I became one of the first
18 female technicians in the New York Telephone
19 Company. While I didn't have to fight for
20 equal pay because I got the same pay as all of
21 the men I worked with. It always confused me
22 why more women did not go into this because it
23 was an opportunity where they could have a lot
24 of fun at work, learn a good skill and to make
25 a lot of money. I guess maybe they just were

1 Full Leg - 06-18-18

2 insecure. Maybe there were so many other
3 reasons. And to find out here in 2018 you're
4 leading the charge. You're like trying to get
5 these women to understand there are jobs that
6 they can do where they can make a lot of
7 money. While academics of course are very
8 important, but it's also for some woman who
9 may not be able to make it through a four year
10 college and be able to afford to do that you
11 are giving them an opportunity to learn a
12 skill, make a good salary and live a good life
13 and I thank you very much for that because it
14 means a lot.

15 LEGISLATOR NICOLELLO: Legislator
16 Drucker.

17 LEGISLATOR DRUCKER: Thank you
18 Presiding Officer. Real quick because we have
19 been here a long time. Dr. Keen, I want to
20 correct you on one thing though. Nassau
21 Community is not the jewel of Nassau County.
22 It's been referred to as the jewel of New York
23 State community colleges. I'm very proud of
24 the institution, and personally I was involved
25 for four and a half years there and I

1 Full Leg - 06-18-18

2 witnessed -- I was on the search committee
3 that chose you as the leader. I think it was
4 a great choice because you displayed,
5 demonstrated to us even back then you had
6 extreme talent and skills in forming
7 collaborative efforts upon all of the
8 different stakeholders of the college that
9 enabled it to move forward and overcome some
10 really dark days and some adversity there.
11 And it was really a tribute to you and Kate
12 and all of the other administrators and
13 faculty all rolled up their sleeves together
14 and turned this college around and put it back
15 in the direction of where it is going to again
16 be the jewel of New York State community
17 colleges. I thank you also and kudos to
18 everyone else there.

19 LEGISLATOR NICOLELLO: Legislator
20 Walker.

21 LEGISLATOR WALKER: I too would
22 like to thank Dr. Keen and certainly Kate and
23 everyone else involved in all that you do to
24 make this college the best that it possibly
25 can. Certainly a jewel for us and a jewel in

1 Full Leg - 06-18-18

2 New York State.

3 I have the availability to talk to
4 a lot of our high school students in the
5 districts that I represent and sometimes they
6 feel like they're almost like well, I have to
7 go to Nassau and that's where I have to start
8 out. I always remind them how getting a
9 wonderful start in Nassau and working hard
10 often leads to full scholarships in other
11 schools where they're going to continue their
12 education. And so many of them have come back
13 and reached out to me to thank me for that and
14 to say you know what? I really did get the
15 best and sometimes I wish Nassau could have
16 been that four year school for me. Which is
17 wonderful to hear.

18 I also want to thank you, I had the
19 opportunity to attend many events that are
20 events through the school districts, through
21 community organizations that hold their events
22 over at Nassau Community. And any time
23 there's been any kind of problem or issue or
24 anything and I've reached out often times,
25 I've reached out to Kate they have been

1 Full Leg - 06-18-18
2 resolved right away. I can't thank you enough
3 for that. It's not just -- sometimes the
4 little things need to be addressed and we
5 address them right away and we move forward.
6 Again, thank you so much for that and I wish
7 you both the best.

8 LEGISLATOR NICOLELLO: No other
9 discussion? Mr. Budnick I think put a slip to
10 speak on the college budget.

11 MR. BUDNICK: My name is John
12 Budnick. I want to compliment the board of
13 trustees, the administration of Nassau
14 Community College and Dr. Keen because they
15 brought to the county a very gutsy budget here
16 by dipping into the accrued balance. They're
17 not going to be able to do that in the
18 future.

19 One of the problems I see for the
20 school is the continuing diminution of the
21 state's commitment to the community college.
22 It's now down to about 24.88 percent. Down
23 from about one-third a number of years ago. I
24 think that's disgusting and reprehensible.

25 Having the tuition for the students

1 Full Leg - 06-18-18

2 over the last about nine years go up over
3 about 50 percent for the individual students
4 is also extremely troubling. There needs to
5 be a meeting of the minds to try and correct
6 this problem because we can't keep continually
7 sucking money out of the fund balance to make
8 it up.

9 We have one of the most fabulous
10 educational institutions on Long Island and in
11 New York State right here. We have to commit
12 to it. One of the problems potentially with
13 this continuing lack of support from the state
14 you're going to have two problems. One is at
15 the low end of the students socioeconomic
16 status scale. People not being able to afford
17 the \$5,300 or so even to go to Nassau
18 Community College. And you're also going to
19 have higher end students who are going to be
20 transferring their way into state university
21 or other schools as soon as they get a high
22 cum for a couple of semesters, they're going
23 to be checking out and checking into other
24 schools that will give them better
25 scholarships than the community college can

1 Full Leg - 06-18-18

2 afford them.

3 I hope that these issues are kept
4 in mind. I know they are in the minds of the
5 board of trustees, Dr. Keen and the
6 administrators over at Nassau, and I hope they
7 will continue in the minds of all of us as we
8 proceed into the future. Because more
9 commitment to more and better programs,
10 getting one program being a four-year program
11 is a good start but we need a lot more for all
12 of us. Thank you very much for your time and
13 trouble. God bless you.

14 LEGISLATOR NICOLELLO: Thank you
15 Mr. Budnick. Legislator DeRiggi-Whitton makes
16 a motion to close the hearing. Seconded by
17 Legislator Kennedy. All in favor of closing
18 the hearing signify by saying aye. Those
19 opposed? Carries unanimously.

20 Item four Ordinance 46, an
21 ordinance to adopt the Nassau County budget
22 for Nassau Community College for the fiscal
23 year commencing September 1, 2018 and ending
24 August 31, 2019.

25 Moved by Legislator Drucker.

1 Full Leg - 06-18-18

2 Seconded by Legislator Gaylor. Any debate or
3 discussion? Any public comment? All in favor
4 signify by saying aye. Carries unanimously.
5 Congratulations.

6 Item 16 Resolution 103 is a
7 resolution authorizing the county executive to
8 execute a mutual benefit agreement with the
9 Nassau County Land Bank Corporation, a
10 501(c)(3) not-for-profit corporation pursuant
11 to Article 16 of the State Not-for-profit
12 Corporation Law.

13 Before I ask for a motion, I'm
14 noting for the record that Legislator Bynoe
15 has left the chamber. Has recused herself.
16 She will not be participating in any debate,
17 discussion or vote.

18 This motion is made by Legislator
19 Schaefer. Seconded by Legislator Birnbaum.
20 This is before the legislature.

21 MS. RUSSELL: Good evening. My
22 name is Brittany Russell. I am the executive
23 director of the Nassau County Land Bank. I'm
24 here today to seek the approval of the mutual
25 benefits agreement between Nassau County and

1 Full Leg - 06-18-18

2 the Nassau County Land Bank for services and
3 staffing to be provided by the county to the
4 Land Bank. The purpose of this agreement is
5 to support the Land Bank by permitting and
6 providing county employees and equipment as
7 necessary for administrative, legal and other
8 professional services and nonprofessional
9 services to the Land Bank.

10 There is no impact in funding with
11 regards to this agreement because the Land
12 Bank will reimburse the county for all costs
13 associated with the employment of the Land
14 Bank executive director, myself, who is a
15 county employee including salary and all
16 benefits. Thank you.

17 LEGISLATOR NICOLELLO: Thank you
18 very much. Any questions, any debate or
19 discussion? Legislator Schaefer.

20 LEGISLATOR SCHAEFER: Hi. How
21 are you? Just a quick question. How do they
22 reimburse? From the sale of the properties?

23 MS. RUSSELL: The reimbursement
24 comes by way of invoicing monthly and the
25 county is being reimbursed -- the invoice is

1 Full Leg - 06-18-18

2 paid by the Land Bank back to the county.

3 LEGISLATOR SCHAEFER: Thank you.

4 LEGISLATOR NICOLELLO: Any other
5 legislators? Hearing none -- Mr. Budnick.

6 MR. BUDNICK: I only have one
7 question or issue. Will the pieces of
8 property that go to the Land Bank be approved
9 by the Nassau County Open Spaces and Parks
10 Advisory Committee or the Nassau County
11 Planning Commission prior or after or how with
12 regard to the county Land Bank? Thank you.

13 LEGISLATOR NICOLELLO:
14 Ms. Russell I don't know if you have an answer
15 for that.

16 MS. RUSSELL: With regards to
17 Mr. Budnick's question, the Parks will only
18 need approval through the Planning Committee
19 if subdivision is required. With regards to
20 open spaces, I don't believe that there is a
21 requirement for the Land Bank to need approval
22 to go forward with purchases or renovations or
23 rehab of properties.

24 LEGISLATOR NICOLELLO: Thank
25 you. Any other public comment? Hearing none,

1 Full Leg - 06-18-18

2 all in favor signify by saying aye. Those
3 opposed? Carries unanimously.

4 Legislator Mule makes a motion to
5 adjourn. Seconded by Legislator Ferretti.
6 All in favor of adjourning signify by saying
7 aye? Those opposed? We are adjourned.

8 (TIME NOTED: 4:34 P.M.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 26th day of
June 2018

FRANK GRAY