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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,
Presiding Officer

GOVERNMENT SERVICES AND OPERATIONS COMMITTEE

JAMES KENNEDY, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, July 15, 2019
1:23 P.M.

1

2 A P P E A R A N C E S :3 JAMES KENNEDY,
4 Chairman5 DENISE FORD,
6 Vice Chairwoman

7 THOMAS MCKEVITT

8 JOHN FERRETTI

9 ARNOLD DRUCKER,
10 Ranking

11 CARRIE SOLAGES

12 JOSHUA LAFAZAN

13 MICHAEL PULITZER,
14 Clerk of the Legislature

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LIST OF SPEAKERS

NICK VEVANTE 5

KATIE HORST 13

1 Government Services/7-15-19

2 CHAIRMAN NICOLELLO: Legislator
3 Kennedy, do you want to open?

4 CHAIRMAN KENNEDY: Thank you,
5 Presiding Officer. The following item was
6 requested to be untabled. Clerk Item Number
7 119-19 is a resolution authorizing the
8 County Executive to execute an
9 intermunicipal agreement with the Village of
10 Hempstead in relation to assisting the
11 county in representation, recommendation and
12 defense of assessment challenges brought by
13 municipal employees of the County and/or the
14 Village of Hempstead.

15 May I have a motion to untable?

16 LEGISLATOR MCKEVITT: So moved.

17 LEGISLATOR FERRETTI: Second.

18 CHAIRMAN KENNEDY: Moved by
19 Legislator McKevitt, seconded by Legislator
20 Ferretti. All those in favor of untabling
21 this item signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 This item is before us. Who is

1 Government Services/7-15-19
2 here from the administration to speak about
3 this item?

4 MR. VEVANTE: Nick Vevante,
5 Deputy County Attorney. I'm trying to find
6 Lisa Locurto for the first item on the
7 agenda today. She should be here within a
8 few minutes.

9 LEGISLATOR MCKEVITT: Since I was
10 the one who actually moved to table at the
11 last meeting, I guess I will tell what's
12 happened since then.

13 The county attorney,
14 Mr. Kasschau, and I had a long conversation
15 about this several weeks ago as to where
16 this agreement came from and the basis
17 behind it.

18 Again, the basis behind it, so
19 that situations may occur where people
20 involved in the Assessment Review Commission
21 as well as the County Attorney's Office who
22 are handling these types of settlements
23 would not have the office go and settle them
24 or administrate them so from a conflict of
25 interest standpoint they wanted to go to

1 Government Services/7-15-19

2 another agency.

3 The challenge was to go to
4 another assessing body that, number one,
5 does not use the Nassau County roll as the
6 vast majority of the villages do to begin
7 with.

8 And, number two, does not use the
9 same companies that the county uses in order
10 for assessment, namely, Haber Associates and
11 SVS. So that's how the village of Hempstead
12 came to be their choice for that to occur
13 because, again, they do their own assessing
14 and they don't use any of those companies.
15 They felt that from a conflict of interest
16 standard, this was the best choice for that
17 to occur.

18 He also did indicate to me that
19 our concern at the committee meeting was
20 that in situations occurring whereby a
21 husband or wife own a property and, let's
22 say, the husband makes the application
23 without the wife and the wife works for the
24 county, slips through the cracks, and it's
25 not in anyone's interest for those county

1 Government Services/7-15-19
2 employees involved in the assessment review
3 process to be determining it to make sure
4 they have safeguards there to make sure,
5 again, the Village of Hempstead board will
6 evaluate those instead of the Nassau County
7 ARC or the County Attorney's Office. That
8 was the basis behind why it was done the way
9 it was done

10 CHAIRMAN KENNEDY: Thank you,
11 Legislator McKeivitt.

12 LEGISLATOR MCKEVITT: I will
13 move that we pass it along to the Rules
14 Committee.

15 CHAIRMAN KENNEDY: Okay.
16 Legislator Ferretti.

17 Any public comment first?

18 (No verbal response.)

19 All those in favor of passing
20 this item please signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 LEGISLATOR MCKEVITT: I move to

1 Government Services/7-15-19

2 recess.

3 CHAIRMAN KENNEDY: All in favor
4 to recess?

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 (Whereupon, the Government
9 Services Committee recessed at 1:27 p.m. and
10 reconvened at 3:46 p.m.)

11 CHAIRMAN KENNEDY: At this time I
12 will call the Government Services and
13 Operations Committee to order. I would ask
14 the clerk to call the roll.

15 CLERK PULITZER: Government
16 Service and Operation Committee roll call.
17 Legislator Carrie Solages?

18 LEGISLATOR SOLAGES: Here.

19 CLERK PULITZER: Legislator
20 Joshua Lafazan?

21 LEGISLATOR LAFAZAN: Here.

22 CLERK PULITZER: Ranking Member
23 Arnold Drucker?

24 LEGISLATOR DRUCKER: Here.

25 CLERK PULITZER: Legislator John

1 Government Services/7-15-19

2 Ferretti, Jr.?

3 LEGISLATOR FERRETTI: Here.

4 CLERK PULITZER: Legislator

5 Thomas McKeivitt?

6 LEGISLATOR MCKEVITT: Here.

7 CLERK PULITZER: Vice Chairwoman

8 Denise Ford?

9 LEGISLATOR FORD: Here.

10 CLERK PULITZER: Chairman James

11 Kennedy?

12 CHAIRMAN KENNEDY: Here.

13 CLERK PULITZER: We have a

14 quorum, sir.

15 CHAIRMAN KENNEDY: There are

16 three items on the agenda today. They are

17 Clerk Items 221-19, 226-19, and 229-19.

18 Clerk Item 221-19 is a local law to require

19 the Department of Assessment to release all

20 assessment data used to determine assessed

21 values in Nassau County.

22 May I have a motion?

23 LEGISLATOR FORD: So moved.

24 LEGISLATOR FERRETTI: Second.

25 CHAIRMAN KENNEDY: Moved by

1 Government Services/7-15-19

2 Legislator Ford, seconded by Legislator
3 Ferretti. The item is before us.

4 In 2018, the county completed a
5 systematic review assessment of real
6 property for the 2019 tentative assessment
7 roll.

8 The Department of Assessment
9 determined values using models, algorithms,
10 formulas, codes, scripts, and software.
11 Residents have questioned their determined
12 values and wondered specifically how they
13 were calculated and what this specific
14 methodology was used to determine these
15 values.

16 There was a lawsuit involving the
17 release of the models, algorithms, formulas,
18 codes, scripts and software and the New York
19 State committee on open government opined
20 that information is public and must be
21 disclosed.

22 Nassau County residents are
23 entitled to know how their values are
24 calculated and, accordingly, the proposed
25 local law requires that the Department of

1 Government Services/7-15-19

2 Assessment, upon written request, disclose
3 assessment data used to determine the
4 tentative assessment roll.

5 Assessment data includes
6 electronic data files, formulas, algorithms,
7 codes, scripts, programs, and materials as
8 well as software programs and all electronic
9 data files, formulas, algorithms, codes,
10 scripts, and materials required to access,
11 execute, evaluate, run, or analyze the
12 assessment data.

13 This disclosure must be made
14 within five days of the written request.

15 All those in favor of passing
16 this item please signify by saying aye.

17 Sorry. Any debate or discussion?
18 Is there anybody from the administration
19 here? Any public comment? Legislator
20 Drucker.

21 LEGISLATOR DRUCKER: I have a
22 question.

23 Mr. Chairman, will this require
24 the county to divulge trade secrets of the
25 vendor? And, if so, does that expose the

1 Government Services/7-15-19

2 county to any liability? Do we have an
3 opinion from the county attorney on that?

4 CHAIRMAN KENNEDY: We should get
5 one. That would be good, absolutely.

6 LEGISLATOR DRUCKER: Obviously we
7 are all in favor of transparency but I don't
8 want to expose the county unnecessarily in
9 divulging trade secrets, I would like to get
10 an opinion on that.

11 LEGISLATOR MCKEVITT: My
12 understanding is there is a dispute between
13 the County Attorney's Office and the
14 Committee on open government which
15 determined it was not a trade secret and
16 subsequently the administration reversed its
17 position and has subsequently released much
18 of that material. So even at one point it
19 was an argument that it was a trade secret,
20 I do not think the administration adheres
21 still to that earlier position.

22 LEGISLATOR DRUCKER: Can we just
23 get a definitive answer though?

24 LEGISLATOR MCKEVITT: I'm sure
25 when we have our full public hearing, the

1 Government Services/7-15-19

2 administration will more than happy to give
3 what our position is today.

4 It keeps on changing so I don't
5 know what it is today, so I would be curious
6 to hear myself.

7 LEGISLATOR DRUCKER: Katie is
8 here, can we ask Katie?

9 LEGISLATOR FORD: We should have
10 then a written response from the County
11 Attorney in regard to this before the full
12 public hearing.

13 MS. HORST: Katie Horst from the
14 administration. I would be happy to reach
15 out to the County Attorney and ask for an
16 opinion on this for you.

17 LEGISLATOR DRUCKER: Thank you.
18 I move to table it.

19 LEGISLATOR FORD: Before you do
20 that, I would request that if the County
21 Attorney himself cannot be here at the Full
22 Legislative Hearing that at least he has it
23 in writing exactly what the position of the
24 County Attorney is in regard to this matter
25 so that we can have it on record and we

1 Government Services/7-15-19

2 could fall back on it.

3 MS. HORST: I will speak with him
4 about that.

5 LEGISLATOR DRUCKER: I think we
6 should get a written opinion on that and,
7 based on that, I move to table it.

8 LEGISLATOR SOLAGES: I second
9 that motion.

10 CHAIRMAN KENNEDY: We are going
11 to get that in writing.

12 All those in favor of tabling
13 this item?

14 (Aye.)

15 All those opposed?

16 (Nay.)

17 Four opposed, three in favor.
18 Motion to table has failed.

19 LEGISLATOR FORD: Legislator
20 Drucker, just be assured that I think we
21 will have that opinion we have. We have
22 almost a month before we meet for the Full
23 Leg so it gives them more than enough time.
24 I think that if we tabled it, it might delay
25 it even more because I think it's important

1 Government Services/7-15-19

2 we know whether or not we can get this
3 information.

4 I have requested some
5 clarification on some items in the ladder
6 report. I'm still waiting. I think I will
7 be retired 20 years before I hear.

8 CHAIRMAN KENNEDY: Legislator
9 Ferretti.

10 LEGISLATOR FERRETTI: Thank you,
11 Mr. Chairman. I'm just somewhat confused as
12 to the confusion at this point.

13 It would seem that you're
14 suggesting that the administration may have
15 divulged trade secrets and opened up the
16 county litigation because they already
17 released this algorithm.

18 Is your question that the release
19 of this algorithm that they've already done,
20 have they released trade secrets and opened
21 up the county to possible litigation?

22 LEGISLATOR DRUCKER: I'm not
23 aware of exactly what has been released in
24 substance and context of what has been
25 released at this point in time. I would

1 Government Services/7-15-19

2 like to see it. I don't know.

3 But in conjunction with that, I
4 would like to get a written opinion from the
5 county attorney on it. That would give me
6 full assurances.

7 LEGISLATOR FERRETTI: I don't
8 know. Katie is here. Maybe she can tell
9 us.

10 LEGISLATOR DRUCKER: She said she
11 doesn't know. Would have to get the county
12 attorney.

13 LEGISLATOR FERRETTI: She didn't
14 say she didn't know what was released.

15 LEGISLATOR DRUCKER: I have to
16 see it. Is she going to show what was
17 released?

18 LEGISLATOR FERRETTI: I know it's
19 on a couple of elected official's websites
20 the entire document.

21 MS. HORST: I would be happy to
22 get to you what was released. I don't have
23 it on me. It's quite large.

24 LEGISLATOR FERRETTI: Katie, what
25 was it?

1 Government Services/7-15-19

2 MS. HORST: I don't know exactly.

3 LEGISLATOR DRUCKER: Thank you.

4 I'm willing to pass it with the
5 expectation that by the next Full Leg we do
6 have an opinion and we do have what the sum
7 and substance of what has been released so
8 we have a full context of it.

9 CHAIRMAN KENNEDY: Is there any
10 public comment?

11 (No verbal response.)

12 All those in favor of passing
13 this item signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Seven zero. It passes
18 unanimously.

19 Clerk Item 226-19 is a local law
20 to amend the Nassau County Administrative
21 Code to require the notification by mail of
22 all offers to settle tentative assessed
23 values of residential properties.

24 LEGISLATOR MCKEVITT: So moved.

25 LEGISLATOR LAFAZAN: Second.

1 Government Services/7-15-19

2 CHAIRMAN KENNEDY: Moved by
3 Legislator McKeivitt, seconded by Legislator
4 Lafazan. This item is before us.

5 This year there has been a record
6 number of Nassau County residents who
7 appealed their assessed values to the
8 assessment review commission. Thousands
9 represent themselves and are not fully
10 versed in ARC process.

11 It is crucial that residents who
12 appeal their assessments are made aware of
13 offers from ARC by both electronic and paper
14 means. If offers are presented only
15 electronically, people could foreseeably not
16 see them or inadvertently delete them.

17 Accordingly, this legislation
18 require via receipt of mail and email offers
19 to settle applications for correction of an
20 assessment to all pro se applications unless
21 otherwise authorized by such applications.

22 Any questions? Legislator
23 Solages.

24 LEGISLATOR SOLAGES: I have a
25 question. Thank you. I'm all for full

1 Government Services/7-15-19

2 transparency and this is important.

3 My concern is just the cost. Is
4 there any cost projection for this? Is
5 there an opinion from the Office of
6 Independent Budget Review from Mr. Chalmers
7 for an opinion on this?

8 CHAIRMAN KENNEDY: We can request
9 that, office of Legislative Budget Review.
10 Would that be okay with you?

11 LEGISLATOR SOLAGES: For what
12 specifically?

13 CHAIRMAN KENNEDY: We can request
14 it.

15 LEGISLATOR SOLAGES: Yes, that
16 would be great if we can request it. If
17 there is an opinion here today by
18 Mr. Chalmers that would be great, if not
19 then we can request it.

20 Also, my other question would be,
21 if possible, in an effort to watch out for
22 rising costs, we could also ask the pro se
23 applicants if they would prefer in the
24 future to receive any notification by email,
25 perhaps that could help the county save some

1 Government Services/7-15-19

2 money.

3 CHAIRMAN KENNEDY: That is in the
4 legislation actually. Legislator Ferretti
5 and then Legislature Ford.

6 LEGISLATOR FERRETTI: Again, I'm
7 a little bit confused about the hesitation
8 on this being that this has always been the
9 case. If someone is to grieve their
10 assessment on line, it's always been the
11 case that they receive an offer in the mail.

12 So, in terms of the cost, this
13 wouldn't be rising costs, this would be
14 consistent with what the process has always
15 been.

16 Perhaps there may be some savings
17 by this proposal by ARC and the
18 administration to eliminate the notification
19 by mail, but I think in light of the fact
20 that we have this reassessment just about to
21 hit, with all the confusion going on
22 throughout the county with this, this is the
23 absolute worst time to be even throwing out
24 the idea of reducing the amount of ways we
25 notify our residents that they may be due a

1 Government Services/7-15-19

2 reduction in their assessment.

3 I don't know what the thinking
4 was in terms of doing this now. I think
5 quite frankly it's offensive at this time.

6 We need to be doing everything in
7 our power to ensure that our residents have
8 every opportunity to take advantage of their
9 right to grieve their assessment.

10 In this case, there are plenty of
11 people, seniors for example, who may have a
12 relative grieve for them. And most people
13 do it via the computer.

14 So, to take away their ability to
15 get the offer via mail, there are so many
16 seniors that don't check email routines,
17 that don't have access to an app. Quite
18 frankly, it's insanity.

19 I absolutely am in favor of this
20 bill but I do think that you make a good
21 point that we should give residents the
22 opportunity to opt out of mail and that this
23 bill does that as well. So I'm all in favor
24 of it.

25 LEGISLATOR SOLAGES: Chair

1 Government Services/7-15-19

2 Kennedy, I just want to respond to Mr.
3 Ferretti. I'm also in full agreement for
4 this bill. I witnessed many constituents,
5 senior citizens who were using the email of
6 their son or daughter to get the
7 notification. If it were only to be by
8 email, they would not receive the notice of
9 their award.

10 Even are many constituents that
11 stated they did not receive it and, as a
12 result, they missed the period by which to
13 accept the offer.

14 So I'm in full agreement of this
15 bill but, again, I'm concerned about the
16 cost but there is no other option so I
17 understand.

18 CHAIRMAN KENNEDY: Legislator
19 McKeivitt.

20 LEGISLATOR MCKEVITT: I think the
21 germination of what this legislation is, is
22 that indeed, for many many years, the
23 Assessment Review Commission did send out
24 these notices and then we heard the
25 administration was going to reverse that

1 Government Services/7-15-19

2 position and do them electronically for
3 everyone and I think that's when it I think
4 it was announced that we were looking to go
5 and make the hard copy requirement and then
6 reversed position again and is now requiring
7 the hard copies they sent out.

8 So I think we may want to make
9 sure it's a consistent position whether it's
10 this administration or future administration
11 so people have those rights.

12 Just to bring up an interesting
13 story that happened in this building; for
14 approximately two weeks for about the week
15 before July 4th and the week after July 4th,
16 every single email being sent from a Nassau
17 County government address that was sent to
18 an optimum receiver and optimum address was
19 being bounced back.

20 I had a number of constituents I
21 could not contact because optimum, for
22 whatever reason, maybe accidental, maybe
23 purposeful, I don't know, but we couldn't
24 send an email to an optimum email address
25 which is many of my constituents, and for

1 Government Services/7-15-19

2 about two weeks I had to go to people's
3 houses because I couldn't email them anymore
4 because the email kept getting bounced back
5 to me.

6 For that reason alone, if people
7 miss that notice and miss the deadline, they
8 will miss out on a drastic reduction in their
9 taxes.

10 I think for those reasons alone,
11 we have to make sure that that hard copy
12 exists so people don't lose that
13 opportunity. Thank you.

14 CHAIRMAN KENNEDY: Thank you
15 Legislator McKeivitt. Anyone else?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor of passing
20 this item signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 Passes unanimously.

25 Clerk item 229-19, it's a local

1 Government Services/7-15-19

2 law to amend the county government of Nassau
3 County in relation to cyber security.

4 May I have a motion?

5 LEGISLATOR MCKEVITT: So moved.

6 LEGISLATOR FORD: Second.

7 CHAIRMAN KENNEDY: Moved by
8 Legislator McKevitt, seconded by Legislator
9 Ford. The item is before us.

10 LEGISLATOR MCKEVITT: Mr.
11 Chairman, may I be heard on this?

12 CHAIRMAN KENNEDY: Sure,
13 absolutely.

14 LEGISLATOR MCKEVITT: This is
15 actually an item that Legislator Muscarella
16 and I have been working on for a while.

17 What this comes in the situation
18 is, over the last two years in particular,
19 there have been a large number of main
20 ransom ware attacks on main municipalities
21 throughout this country.

22 Just to give an example, if
23 Atlanta in early 2018, there was an attack
24 which hit almost all the email systems of
25 the city of Atlanta where a ransom ware

1 Government Services/7-15-19

2 attacker demanded a \$50,000 ransom. The
3 city of Atlanta refused to pay.

4 For them to fix that problem with
5 the security cost \$17 million.

6 In the meantime, many legal
7 documents were lost and almost all police
8 dash cam videos were permanently deleted
9 from the city of Atlanta.

10 Earlier this year, Baltimore was
11 hit by an attack where again the demand was
12 \$76,000 for the email system for the City of
13 Baltimore. So far it has cost the city of
14 Baltimore \$18 million to fix the attack.

15 Just two weeks ago, the city of
16 Rivera Beach in Florida was hit by ransom
17 ware and they actually paid the ransom of
18 \$600,000 because all the email system as
19 well as the computer access for the first
20 emergency responders were held up where they
21 could not literally dispatch ambulances and
22 police cars in that city.

23 Just two weeks ago, the city of
24 Georgia's court system was also knocked off
25 online. Members have determined that when

1 Government Services/7-15-19

2 governments are hit by ransom ware attacks,
3 almost 17 percent actually pay the ransom in
4 order to get the ability to get back their
5 government.

6 So what the piece of legislation
7 we designed here just simply requires a
8 policy for the Nassau County Department of
9 Information Technology requires training and
10 requires a sense of assessment and response
11 analysis, but also indicate the Legislature
12 within 72 hours if we have an attack.

13 Really, again, not that we have
14 any doubts upon their competency, but if
15 there are issues, and the primary cause why
16 governments have these problems is maybe the
17 software and the hardware is as up to date.
18 This used to be a large problem with
19 hospitals for years, and hospitals have
20 since hardened their hardware and software.
21 You don't see any of these attacks against
22 hospitals anymore because the medical data
23 is worth billions of dollars.

24 But this is just something that
25 we want to make sure we are up to date in

1 Government Services/7-15-19

2 Nassau County as possible so we can go and
3 head off these attacks which can literally
4 cripple an emergency system. Thank you.

5 CHAIRMAN KENNEDY: Thank you,
6 Legislator McKeivitt. So Nassau County
7 relies on information technology
8 infrastructure to conduct its operations,
9 cyber attacks against municipalities have
10 increased drastically as you have heard and
11 unfortunately cities and counties throughout
12 the United States have been victims.

13 Nassau County must proactively
14 address cyber threats to ensure the greatest
15 possible protection against disruption of
16 county operations.

17 Pursuant to this local law, the
18 Department of Information Technology must do
19 the following: Protect and assess the
20 county's information technology
21 infrastructure, provide cyber security
22 training to personnel identified by the
23 commissioner of IT. Establish a panel of
24 cyber security service and incident response
25 providers, submit an annual cyber security

1 Government Services/7-15-19

2 risk assessment and response analysis by
3 March 1st of each year to the County
4 Executive, commissioners and legislators,
5 and importantly notify the County Executive,
6 affected commissioners and legislators of an
7 attack within 72 hours.

8 Nassau County performs critical
9 operations that affect the health, safety
10 and welfare of its residents and a cyber
11 attack would be devastating.

12 But the enactment of this
13 legislation would have the county better
14 protected against those who want to
15 infiltrate its information technology
16 infrastructure and cause harm.

17 Do we have any debate or
18 discussion after that?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor of passing
23 this item signify by saying aye.

24 (Aye.)

25 Those opposed?

1 Government Services/7-15-19
2 (No verbal response.)
3 Item passes unanimously.
4 Motion to adjourn?
5 LEGISLATOR FORD: So moved.
6 LEGISLATOR LAFAZAN: Second.
7 CHAIRMAN KENNEDY: By Legislator
8 Ford, seconded by Legislator Lafazan.
9 All in favor?
10 (Aye.)
11 We are adjourned.
12 (Whereupon, the Government
13 Services Committee adjourned at 4:05 p.m.)
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C E R T I F I C A T E

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

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 31 day of July, 2019.

FRANK GRAY