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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

RICHARD NICOLELLO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, September 9, 2019
1:35 P.M

1

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

3

4 RICHARD NICOLELLO,
Chairman5 HOWARD KOPEL,
Vice Chairman

6

STEVE RHOADS

7

LAURA SCHAEFER

8

9 KEVAN ABRAHAMS,
Ranking

10 DELIA DERIGGI-WHITTON

11 SIELA BYNOE (substituted by Arnold Drucker)

12 MICHAEL C. PULITZER,
Clerk of the Legislature

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2 CHAIRMAN NICOLELLO: I would like
3 to call the Rules Committee to order and ask
4 Legislator Kennedy to lead us in the Pledge
5 of Allegiance.

6 (The Pledge of Allegiance was
7 recited.)

8 CHAIRMAN NICOLELLO: Thank you.

9 Mr. Pulitzer, would you call the
10 roll, please?

11 CLERK PULITZER: Thank you, Mr.
12 Chairman. Roll call for the Rules
13 Committee.

14 CLERK PULITZER: Thank you,
15 Mr. Chairman. Rules Committee roll call.
16 Legislator Siela Bynoe?

17 LEGISLATOR ABRAHAMS: She is not
18 here today and Legislator Arnie Drucker will
19 be substituting.

20 CLERK PULITZER: Thank you.
21 Legislator Arnold Drucker will be
22 substituting for Ms. Bynoe. Legislator
23 Delia DeRiggi-Whitton?

24 LEGISLATOR DERIGGI-WHITTON:
25 Here.

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2 CLERK PULITZER: Ranking Member

3 Kevan Abrahams?

4 LEGISLATOR ABRAHAMS: Here.

5 CLERK PULITZER: Legislator

6 Laura Schaefer?

7 LEGISLATOR SCHAEFER: Here.

8 CLERK PULITZER: Legislator

9 Steven Rhoads?

10 LEGISLATOR RHOADS: Present.

11 CLERK PULITZER: Vice-Chairman

12 Howard Kopel?

13 LEGISLATOR KOPEL: Here.

14 CLERK PULITZER: And Chairman

15 Richard Nicolello?

16 CHAIRMAN NICOLELLO: Here.

17 CLERK PULITZER: We have a

18 quorum, sir.

19 CHAIRMAN NICOLELLO: Thank you.

20 This is the Rules Committee. We will be

21 going over our contracts, the contracts part

22 of the Rules Committee.

23 After we finish that we will have

24 an emergency meeting of the Legislature and

25 following the emergency meeting the

1 Rules Committee/9-9-19

2 committees will resume.

3 The first two contracts are from
4 purchasing. They are A-48 and A-55 of 2019.
5 These are resolutions authorizing the
6 director of purchasing to award and execute
7 contracts between the county and Babylon
8 Plumbing Supply Inc. That's A-48. And A-55
9 is Fire Command Co., Inc.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR DRUCKER: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Deputy Presiding Officer Kopel, seconded by
14 Mr. Drucker. These two contracts are before
15 us and we have speakers on these.

16 MR. ARNOLD: Ken Arnold, Public
17 Works. A-48 is a blanket order for plumbing
18 and heating supplies for the Department of
19 Public Works, one of the main users of this
20 blanket order along with the correction
21 facility.

22 A-55 is also a blanket order for
23 fire extinguisher range systems maintenance
24 and repair, public safety and the department
25 utilizes this contract. Both of these

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2 supply materials for in-house staff to the
3 work both on the operating side and capital
4 side. A-55 goes a little bit further
5 because they also supply and inspection of
6 these facilities as per our fire codes.

7 CHAIRMAN NICOLELLO: Any
8 questions on these two contracts?

9 (No verbal response.)

10 Is there any public comment on
11 these two?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 Those two carry unanimously.

19 The next three contracts are
20 related to the police department. They
21 include A-54 of 2019, E-180 of 2019, E-183
22 of 2019. They are Resolutions authorizing
23 the director of purchasing to award and
24 execute a contract between the county and
25 Intergraph Corporation d/b/a Hexagon Safety

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2 and Infrastructure as well as Resolutions
3 authorizing the County Executive to execute
4 personal services agreements or amendments
5 to personal service agreements between the
6 county and Atlantic Tactical and
7 Threeneightsouth, LLC.

8 LEGISLATOR DERIGGI-WHITTON: So
9 moved.

10 LEGISLATOR RHOADS: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator DeRiggi-Whitton, seconded by
13 Legislator Rhoads. Those three contracts
14 are before us. A-54.

15 DEPUTY INSPECTOR STEPHANOFF:
16 Good afternoon. Deputy Inspector Greg
17 Stephanoff, Nassau County Police.

18 A-54 is to award and authorize
19 and award a purchase order for Hexagon
20 Software maintenance for the Nassau County
21 Police Department. Hexagon is also doing
22 business as Intergraph, that's our computer
23 aided dispatch that enables us to dispatch
24 through CB, the 911 calls that come in to
25 get them to the cars to answer the calls.

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2 This is an annual maintenance and
3 it's \$726,179.59.

4 CHAIRMAN NICOLELLO: Any
5 questions?

6 LEGISLATOR ABRAHAMS: Just to
7 make sure the department is aware and I know
8 it was part of the business history form but
9 the vendor answered yes to both questions 10
10 and 16. 10, did the proposed ever have a
11 bond surety cancelled or forfeited or the
12 contract with the Nassau County or any other
13 government entity and answered yes.

14 The second one he answered yes to
15 was 16, for the past five tax years hs this
16 business failed to file any required tax
17 returns or failed to pay any applicable
18 federal or state or local taxes other than
19 assessed charges included but not limited to
20 the water and sewer charges.

21 I wanted to make sure the
22 department was aware of those two yeses and
23 does that have any impact on him executing
24 this contract.

25 DEPUTY INSPECTOR STEPHANOFF: We

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2 have been dealing with this company for many
3 years. We don't feel it's going to impact
4 the business we are doing with them.

5 Also this is a crucial piece of
6 our equipment in CB. But I will bring that
7 back to the department. I don't feel that
8 that's going to impact our ability to work
9 with them.

10 LEGISLATOR ABRAHAMS: Thank you.

11 CHAIRMAN NICOLELLO: Any other
12 questions on this contract?

13 (No verbal response.)

14 Next, let's do 180.

15 DEPUTY INSPECTOR STEPHANOFF:

16 E-180 of '19 is to exercise a one year
17 extension of an existing contract with
18 Atlantic Tactical. This is a no money
19 extension, just a one year extension for
20 time. They provide our uniforms for the
21 police department. Uniforms and under this
22 contract uniforms and some equipment.

23 CHAIRMAN NICOLELLO: Legislator
24 DeRiggi-Whitton.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Thank you. Just getting back to the backup,
3 I want to be as careful as we could be. If
4 you look at questions 6 through 12 they have
5 been left blank regarding the principal
6 questionnaire regarding Julio C. Salvatore.
7 So possibly we could even get it amended if
8 you think it's necessary just to have them
9 answer those six.

10 MS. HORST: Good afternoon, Katie
11 Horst from the County Executive's Office.
12 We actually received an updated form today
13 that we will be filing with the clerk.

14 LEGISLATOR DERIGGI-WHITTON:
15 Thank you. I wish I knew that, we wouldn't
16 have wasted your time. Thank you.

17 DEPUTY INSPECTOR STEPHANOFF:
18 That's what too so long, we were careful
19 with the disclosure forms. They are a
20 multi national company and we have to get a
21 lot of disclosure forms. So we are trying
22 to be careful with them.

23 LEGISLATOR DERIGGI-WHITTON: I
24 appreciate that and also that you have the
25 maximum in the contract, especially with the

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2 IT one. Thank you.

3 CHAIRMAN NICOLELLO: Any other
4 questions among the legislators?

5 (No verbal response.)

6 Let's move on to 183.

7 DEPUTY INSPECTOR STEPHANOFF: 183
8 is to enter into a contract with 318 South
9 L.L.C. Formerly they were known as Swift
10 Justice. This was our prior arrest
11 processing system like an RMS system.

12 We are on to now the Motorola
13 Premier One. We are keeping this as a data
14 warehouse for now because everybody is on
15 Premier One now, all the precincts, but we
16 are also going to take this information and
17 migrate it over to make one big searching
18 database in the new system and it will
19 enhance our intelligence lead policing to
20 have all this information that we can make
21 it searchable like a data warehouse in one
22 spot.

23 So we need them to -- want to
24 keep them as a data warehouse for now and
25 also they are going to help us migrate the

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2 information over to the new system.

3 CHAIRMAN NICOLELLO: Is the term
4 here correct?

5 DEPUTY INSPECTOR STEPHANOFF: This
6 was one of our contracts. It never came up.
7 It was on Robert Cleary's list from the
8 beginning. The company changed names. We
9 did all the paperwork and we were getting
10 them in. In the middle they changed names.
11 He had personal problems and changed
12 corporations and we had to redo all the
13 paperwork again and it was difficult getting
14 the second round of paperwork from him.

15 CHAIRMAN NICOLELLO: This current
16 term expires December 31, 2019. Is that
17 going to be the end?

18 DEPUTY INSPECTOR STEPHANOFF:
19 Like I said, we are going to use them as a
20 data warehouse and we are going to -- we are
21 not are using them as an arrest processing
22 system right now. We are going to use them
23 for the data that's been stored there over
24 the years we did use them.

25 CHAIRMAN NICOLELLO: So you will

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2 have access to that data as you move on to
3 this new system, correct?

4 DEPUTY INSPECTOR STEPHANOFF: Yes.

5 CHAIRMAN NICOLELLO: Do you have
6 any reason you can see this will extend
7 beyond December 31, 2019?

8 DEPUTY INSPECTOR STEPHANOFF:
9 Technology sometimes when you try to merge
10 data over we don't know how it will go.
11 It's possible. If that's the case in the
12 fall we will put in an extension if need be.

13 CHAIRMAN NICOLELLO: Thank you.
14 Any other questions?

15 LEGISLATOR DERIGGI-WHITTON: In
16 this day of cyber security being an issue,
17 are you confident that all the right steps
18 are being taken to protect this information?

19 DEPUTY INSPECTOR STEPHANOFF:
20 This information is solely on our servers.
21 Not in cloud. This is an old system that
22 resides solely on our servers and we do take
23 steps to protect our server.

24 LEGISLATOR DERIGGI-WHITTON: So
25 combining it all into one you don't feel it

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2 will be --

3 DEPUTY INSPECTOR STEPHANOFF: We
4 are taking that into consideration, with the
5 new systems we have taken steps against
6 that.

7 CHAIRMAN NICOLELLO: Any other
8 questions among the legislators?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 Hearing none, all those in favor
13 signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 They carry unanimously.

18 Thank you, Deputy Inspector.

19 The next two contracts are IT
20 contracts. They are E-177 of 2019 and E-186
21 of 2019. They are resolutions authorizing
22 the County Executive to execute personal
23 service agreements or amendment to a
24 personal service agreement between the
25 county and Gayron Debruin Land Surveying and

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2 Engineering and E-186 is Ventek, Inc.
3 Motion?

4 LEGISLATOR SCHAEFER: So moved.

5 LEGISLATOR DERIGGI-WHITTON:
6 Second.

7 CHAIRMAN NICOLELLO: Motion by
8 Legislator Schaefer, seconded by Legislator
9 DeRiggi-Whitton.

10 MS. STANTON: Good afternoon,
11 Nancy Stanton, IT. E-177-19, Gayron
12 DeBruin. This amendment is to use the final
13 renewal of this contract. The renewal is
14 from August 2019 to August 2020.

15 The contract was put in place
16 August 2015 with three one year renewals, we
17 use this vendor for special projects in the
18 GIS arena. Currently this vendor is
19 assisting DPW with the census and the
20 funding is paid with a grant.

21 CHAIRMAN NICOLELLO: Any
22 questions?

23 (No verbal response.)

24 Let's jump over to E-186.

25 MS. STANTON: E-186-19, Ventek.

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2 This amendment is for an extension as well
3 as additional funds. This vendor is used to
4 support many technical initiatives with the
5 Department of Social Services.

6 The county is reimbursed by the
7 state 70 percent. We are looking to do this
8 final renewal of this contract and increase
9 funds by \$202,600 for the year. This
10 contract stated in April of 2016 with four
11 one year renewals.

12 CHAIRMAN NICOLELLO: Any
13 questions? Legislator DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON: I
15 want it put if real quick that I see the
16 prior contract is a women owned minority
17 business. I'm happy to see that.

18 MS. HORST: So am I.

19 LEGISLATOR DERIGGI-WHITTON: I
20 think 186.

21 MS. HORST: Both.

22 LEGISLATOR DERIGGI-WHITTON: Both
23 of them are? That's great, good, thank you.

24 CHAIRMAN NICOLELLO: Thanks for
25 pointing that out. Any other questions?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 All those in favor signify by
6 saying aye.

7 (Aye.)

8 Those opposed?

9 (No verbal response.)

10 Carries unanimously. Thank you.

11 The next contract is E-178 of
12 2019, a resolution authorizing the County
13 Executive to execute a personal services
14 agreement between the county and
15 Developmental Disability Services and Warren
16 I. Drezen.

17 LEGISLATOR ABRAHAMS: So moved.

18 LEGISLATOR SCHAEFER: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Minority Leader Abrahams, seconded by
21 Legislator Schaefer.

22 MR. HALL: Brian Hall, Human
23 Services. This is a personal services
24 contract with Warren Drezen who is a
25 pharmacy consultant for our opioid treatment

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2 program. It's 100 percent state funded.

3 CHAIRMAN NICOLELLO: So a
4 five-year term?

5 MR. HALL: Yes.

6 CHAIRMAN NICOLELLO: It's
7 somewhat late, July 1st start date. Do you
8 know what the delay was?

9 MR. HALL: Well, the delays, we
10 always have a little more delays with the
11 personal service contracts getting through
12 the forms than we would with the regular
13 agencies, they're not familiar with it. And
14 since we were doing a five year contract, we
15 had to write it up a little bit different.

16 CHAIRMAN NICOLELLO: It seems
17 like on this calendar there are a number of
18 contracts that are late that already
19 started.

20 We have been battling this for
21 years. How can we change it so these
22 contracts get to us before they actually
23 start?

24 MR. HALL: We have been doing
25 changes I know from the department end of it

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2 and also from the county end of it in
3 starting them sooner and getting them out.
4 This one just happens to have been, if I
5 didn't make it to the last session, it might
6 have been submitted, I don't know the exact
7 dates but here we are.

8 CHAIRMAN NICOLELLO: Any other
9 questions?

10 (No verbal response.)

11 Any public comment?

12 MR. BUDNICK: Forgive me for
13 saying this. It's all well and good that
14 this contract is moving. It's needed.
15 There are young people, other people in
16 Nassau County dying. Maybe this can save
17 them.

18 We have not reestablished the
19 Michael Impotito Memorial Topic House. It
20 is direly needed. We need a county
21 facility, county wide for the large number
22 of opium and cocaine and other addictions
23 that exist here in Nassau County. Thank you
24 very much. God bless you one and all.

25 CHAIRMAN NICOLELLO: Thank you.

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2 Any other public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Carries unanimously. Thank you.

10 The next contracts are with
11 Public Works. There's a number of them. A
12 lot of them are very similar. I will give
13 you the numbers first. 179 of 2019, E-187
14 of 2019, E-188, E-189, U-17, U-18, U-19,
15 U-20, U-21.

16 These are resolutions authorizing
17 the County Executive to execute personal
18 services agreements or amendments to
19 personal services agreements between the
20 county and Gannet Fleming Consulting,
21 Debruin Engineering, Village of Rockville
22 Centre, Village of Hempstead, Port
23 Washington Police Department District,
24 village of Old Westbury, village of Great
25 Neck, and the Village of Hempstead.

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2 LEGISLATOR RHOADS: So moved.

3 LEGISLATOR DRUCKER: Second.

4 CHAIRMAN NICOLELLO: Moved by
5 Legislator Rhoads and seconded by Legislator
6 Drucker. They all relate to Public Works.
7 Your show, Mr. Arnold.

8 MR. ARNOLD: Good afternoon.
9 E-179 is a construction management contract
10 with Gannet for the secondary flood
11 protection contract. That secondary flood
12 protection contract was one of the contracts
13 that was held because of the IG's
14 investigation. I'm hoping that can be
15 called later today.

16 This work is to further harden
17 the Bay Park sewage treatment plant. It's
18 under our consent our.

19 Gannett Fleming will be providing
20 construction management services, like I
21 said, for a contract cap of \$1.239 million.
22 Eight percent of this will be WMBE at a
23 value of \$194,000.

24 CHAIRMAN NICOLELLO: And the CSEA
25 has signed off on this?

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2 MR. ARNOLD: Yes, they have.

3 CHAIRMAN NICOLELLO: Any

4 questions among the legislators?

5 (No verbal response.)

6 Go to the next one.

7 MR. ARNOLD: E-187 is a contract
8 amendment that is retroactive with Debruin
9 Engineering. We had a project at Cedar
10 Creek, the digester cleaning, that has been
11 delayed through numerous issues. We were
12 looking to amend this back when the contract
13 was near expiration but, because we did not
14 know what path we wanted to take, we held on
15 to that until we decided the future path for
16 the contract.

17 Currently we are looking to
18 terminate the Cedar Creek digester contract
19 for convenience with Poscillico because the
20 scope of work has ballooned and we need to
21 repackage it and instead of change orders
22 just rebid the project. This amendment is a
23 no cost amendment and will allow Debruin to
24 close out the existing contract.

25 CHAIRMAN NICOLELLO: Any

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2 questions?

3 (No verbal response.)

4 The rest are yours?

5 MR. ARNOLD: Traffic safety.

6 CHAIRMAN NICOLELLO: Why don't
7 you just jump into the rest of them?

8 MR. MISTRON: Christopher
9 Mistron, Nassau County Traffic Safety.

10 CHAIRMAN NICOLELLO: Chris, do
11 you want to cover all these together. They
12 seem to be very similar here.

13 MR. MISTRON: All of them are
14 enforcement contracts with the police
15 departments. The first two are dealing with
16 the DWI enforcement and what we were able to
17 do was, again, because of the delays we were
18 able to bundle them with the assistance of
19 the County Attorney's Office and the County
20 Executive's Office to be able to bundle them
21 into to take care of the backlog and go
22 forward for several years.

23 So the contracts are for the
24 police traffic services grant which was a
25 past one. Money all is in hand and ready to

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2 be distributed as well as the DWI and the
3 other enforcements.

4 CHAIRMAN NICOLELLO: These are
5 funds that flow through the county from the
6 state essentially for the most part for
7 various purposes such as anti DWI efforts
8 among the local police departments?

9 MR. MISTRON: Correct.

10 CHAIRMAN NICOLELLO: Any
11 questions on all of these items which
12 includes E-188, E-189, U-17, 18, 19, 20, 21?

13 (No verbal response.)

14 Hearing no questions, do we have
15 any public comment on any of these public
16 works contracts that we called?

17 MS. MEREDAY: Meta J. Mereday,
18 Baldwin resident. My first question has to
19 do with I believe the first one, the
20 consulting contract. I believe I heard
21 something that spoke to an eight percent
22 MWBE participation.

23 I would like to know how that is
24 going to be administered and is it going to
25 follow the new guidelines that were sent

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2 down by the state with regard to MWBE
3 outreach and implementation with regard to
4 contracts?

5 My other question had to do with
6 the municipality tied programs when we speak
7 of bundled services and I will I heard the
8 word backlog. Particularly as it pertains
9 to DWI programs which unfortunately don't
10 seem to be working.

11 I'm not questioning it from the
12 law enforcement side, I'm questioning it
13 possibly from the reduced funding that is
14 probably coming down from the state that has
15 caused a lot of community agencies and
16 community services to be diminished.

17 I'm just hoping possibly as we
18 are going into the budget season that we are
19 going to take a better look at that as we
20 address the increase in DWI and DUI
21 situations in Nassau County.

22 But, largely, I do have a
23 question with regard to that eight percent.

24 CHAIRMAN NICOLELLO: Ken, would
25 you come back to the microphone, please?

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2 You want to address the second question?

3 MR. MISTRON: I didn't
4 understand.

5 CHAIRMAN NICOLELLO: I think if
6 I'm correct, these services that these local
7 police departments are providing have been
8 providing, although that the actual
9 processing of the grant has taken some time?

10 MR. MISTRON: Correct. For most
11 of them exactly correct. The ones that go
12 forward for the future years, these
13 specifically enforcement grants. There are
14 no other focuses on their defined purposes
15 specifically by the state in terms of
16 whether it be the DWI enforcement, how the
17 money is to be used, as well as the other
18 grants that have already been done and
19 completed. Those enforcement grants are
20 very strictly defined in terms of patrols
21 and how they are done.

22 CHAIRMAN NICOLELLO: Thank you,
23 Chris. Ken.

24 MR. ARNOLD: The department
25 tracks the utilization of the MWBEs on our

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2 contracts through our plan process. Each
3 claim may supply where they are paying their
4 subcontractors. We track it that way and
5 follow-up accordingly with the vendors on
6 how they are proceeding.

7 CHAIRMAN NICOLELLO: Are you
8 considering, or have you implemented any new
9 rules with the state, the state's new
10 outreach protocols?

11 MR. ARNOLD: I have had a number
12 of conversations with Regina Williams
13 discussing on how to go forward on, not just
14 outreach and rules and tracking, and whether
15 working with IT, if there is some type of
16 Apex application similar to what they do for
17 the GOSR project which is called the
18 elations project to track performance on the
19 MWBE front.

20 CHAIRMAN NICOLELLO: Tell the
21 audience what GOSR means.

22 MR. ARNOLD: Is government office
23 of storm recovery.

24 CHAIRMAN NICOLELLO: Thank you.
25 Any other public comment?

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2 (No verbal response.)

3 All those in favor signify by
4 saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 Carries unanimously. That was
9 E-179, E-187 E-188, E-189, U-17, U-18, 19,
10 20, 21.

11 The next contract is from the
12 County Attorney's Office, E-181 of 2019, a
13 resolution authorizing the County Executive
14 to execute a personal services agreement
15 between the county Bee Ready Fishbein Hatter
16 & Donovan, LLP.

17 LEGISLATOR RHOADS: So moved.

18 LEGISLATOR DRUCKER: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Rhoads, second by Legislator
21 Drucker.

22 MR. LIBERT: Brian Libert from
23 the County Attorney's Office. This is a
24 contract with the law firm Bee Ready
25 Fishbein Hatter & Donovan. It's for two

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2 specific cases called Abanatto & Davidson.

3 If you have any further questions, happy to
4 answer the same.

5 CHAIRMAN NICOLELLO: Any idea
6 what the status of these two cases is?

7 MR. LIBERT: I believe that both
8 of them are pretrial. They are similar
9 cases, slightly procedurally different. I
10 have to look at my notes. I believe
11 Davidson is within discovery and Abanatto is
12 a little even earlier than that but I would
13 have to check my notes on that to be sure.
14 Both of these cases relate to labor and
15 wages if that helps.

16 CHAIRMAN NICOLELLO: Makes sense
17 with Bee Ready. Any other questions from
18 the legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Carries unanimously.

4 MR. LIBERT: Thank you. Have a
5 good day.

6 CHAIRMAN NICOLELLO: You too.

7 The next two involve the Nassau Health Care
8 Corporation, E-182.

9 Let the record reflect that
10 Minority Leader Abrahams is leaving the
11 chambers, will not be participating in any
12 debate or discussion or a vote on these two
13 contracts.

14 These are E-182 and E-184,
15 resolutions authorizing the County Executive
16 to execute personal services agreements
17 between the county and the Nassau Health
18 Care Corporation.

19 LEGISLATOR KOPEL: So moved.

20 LEGISLATOR DERIGGI-WHITTON:
21 Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Deputy Presiding Officer Kopel, seconded by
24 Legislator DeRiggi-Whitton.

25 MR. DIMAGGIO: Good afternoon,

1 Rules Committee/9-9-19

2 Dominick Dimaggio on behalf of the
3 Department of Probation.

4 This is a contract between the
5 Department of Probation and Nassau Health
6 Care to provide the medical services for all
7 the juveniles being held at the juvenile
8 detention center.

9 The length of the contract dates
10 back from October of last year, out five
11 years, and allows us renewal five years
12 beyond that. We think that this will handle
13 the problem with the retroactive and the
14 onset of the contracts, gives us some time.

15 CHAIRMAN NICOLELLO: We
16 appreciate that, but is this contract that
17 we're looking at right now, and E-182, did
18 it originate in October of last year?

19 MR. DIMAGGIO: Yes, it did. I
20 actually wound up submitting it to the
21 system back in February and there was some
22 delay with some of the forms from the health
23 care as well as getting the hard copy to the
24 Legislative affairs. There was a problem
25 with the emails getting back and forth, but

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2 it was actually submitted in February so it
3 was a few months after it started but I know
4 there was a delay but it allows us some time
5 out, so we shouldn't have this in the
6 future.

7 CHAIRMAN NICOLELLO: We
8 appreciate that. It will be effective to
9 September 30, 2023.

10 Any other questions on E-182?

11 (No verbal response.)

12 E-184.

13 MR. SULLIVAN: Good afternoon, my
14 name is Chris Sullivan from the Office of
15 Management and Budget. The item before you
16 is an amendment in the amount of \$450,000 to
17 a contract with the Nassau Health Care
18 Corporation to provide occupational health
19 services consisting of physical exams,
20 screening and diagnostic tests, and certain
21 immunizations as required by applicable OSHA
22 and PESH regulations.

23 CHAIRMAN NICOLELLO: This is late
24 too?

25 MR. SULLIVAN: Yes.

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2 CHAIRMAN NICOLELLO: Due to
3 expire at the end of this year, correct?

4 MR. SULLIVAN: That's correct.

5 CHAIRMAN NICOLELLO: Is there
6 another contract in the works?

7 MR. SULLIVAN: We are initiating
8 another amendment to this contract.

9 CHAIRMAN NICOLELLO: It's
10 September now, can you get that amendment to
11 us by December 31st?

12 MR. SULLIVAN: We will make every
13 effort to do so.

14 CHAIRMAN NICOLELLO: Any other
15 questions among the legislators?

16 (No verbal response.)

17 Thank you, Chris. Any public
18 comment?

19 MS. MEREDAY: Meta J. Mereday,
20 Baldwin resident. Just concerned with
21 regard to hearing about backlogs and
22 retroactivity. Again, as we are going into
23 the budget season are we on track with
24 regard to the previous budget? Are we going
25 to be looking at cost adjustments because of

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2 these expenditures that are coming in rather
3 late which requires an accrual process I
4 would gather including salaries and
5 expenses?

6 So I'm just concerned about how
7 that is going to impact the decisions that
8 will be made for budgeting as we move
9 forward particularly in areas which still
10 lack the resources that we need.

11 I see we brought in another
12 consulting law firm to supplement our what I
13 believe our well healed county attorney's
14 office and we still have lacking staff
15 support within our hard working veterans
16 services agency.

17 Again, I'm concerned where these
18 funds are going to come from to fill in the
19 gaps for these processes as we go forward to
20 try to clean up what happened for the 2019
21 budget and prepare for the 2020 budget. I
22 just wanted to make that on the record.

23 CHAIRMAN NICOLELLO: I believe
24 the County Executive's budget is due on
25 Monday the 16th, and we will be delving into

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2 that and scheduling hearings late September
3 early to mid October.

4 Any other public comment?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 Carries unanimously.

12 Invite the Minority Leader back
13 in. E-185 of 2019 is a resolution
14 authorizing the County Executive to execute
15 an amendment to a personal services
16 agreement between the county and James and
17 McGuinness and Associates Inc.

18 LEGISLATOR DRUCKER: So moved.

19 LEGISLATOR SCHAEFER: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator Drucker, seconded by Legislator
22 Schaefer.

23 MS. LAURAIN: Good afternoon.

24 MaryEllen Laurain, Department of Health.

25 Item E-185-19 an amendment to a

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2 contract with James McGuinness and
3 Associates. It's in the amount of \$280,000,
4 as the children are served in our preschool
5 special education program, claims are
6 submitted to determine Medicaid eligibility.
7 This contract determines that eligibility
8 and processes the claim.

9 CHAIRMAN NICOLELLO: Is there
10 another contract in the works for this
11 service?

12 MS. LAURAIN: This amendment ends
13 December 31st.

14 CHAIRMAN NICOLELLO: But the
15 services I'm sure will continue?

16 MS. LAURAIN: Yes, we are
17 processing a contract now.

18 CHAIRMAN NICOLELLO: I would
19 suggest that every effort be made to get
20 that to us before the end of the year.

21 MS. LAURAIN: Actually we are
22 doing like a four and a half year so we can
23 end it on 6-30 so we don't have the January
24 31 situation with the budget.

25 CHAIRMAN NICOLELLO: Good.

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2 Thanks. Any other questions? Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON:

5 Hi. We were trying to find out if there is
6 a way for the county to perform the Medicaid
7 billing.

8 MS. LAURAIN: Medicaid billing is
9 very complex and it has strict rules and
10 audits. Any audits that -- audits are
11 subject to strict review and they can apply
12 faults against the universe so we have not
13 been performing this.

14 LEGISLATOR DERIGGI-WHITTON: So,
15 just looking at this, it looks like there
16 was a flat fee we paid of originally \$12,000
17 and now we're going to be paying nine
18 percent of the net Medicaid to the county.

19 Do you have any idea how much
20 that nine percent is going to be?

21 MS. LAURAIN: It's nine percent of
22 50 percent.

23 LEGISLATOR DERIGGI-WHITTON: Do
24 we know if it is anywhere close to the
25 \$12,000 that it was prior?

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2 MS. LAURAIN: I don't have that
3 with me, no.

4 LEGISLATOR DERIGGI-WHITTON:
5 Maybe if we can get that before Full Leg,
6 actually it won't go to Full Leg. Never
7 mind. If you can just provide that
8 information, the cost.

9 MS. LAURAIN: Just repeat your
10 question.

11 LEGISLATOR DERIGGI-WHITTON:
12 Before the original contract said it was
13 basically a flat fee of \$12,000. Under
14 amendment number 2, we paid nine percent.

15 MS. LAURAIN: No, it's been
16 \$12,000 and then they get as reimbursement
17 nine percent of 50 percent.

18 LEGISLATOR DERIGGI-WHITTON: So
19 the nine percent on top of the \$12,000?

20 MS. LAURAIN: Yes. What happens
21 was they brought in -- there was more
22 eligibility for -- we originally budgeted \$3
23 million and right now it's about 4.1
24 million. So they found more children
25 eligible for Medicaid.

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2 LEGISLATOR DERIGGI-WHITTON: So
3 we're paying this firm a good amount if it
4 went up so much.

5 MS. LAURAIN: We also, I believe
6 there is an increase in the children in the
7 program also.

8 LEGISLATOR DERIGGI-WHITTON: I
9 was trying to get an idea of how much we are
10 paying this company to do it. If it's all
11 going up and it's now nine percent on top of
12 the \$12,000, it's a decent -- nine percent
13 of what you just said. What did you say?

14 MS. LAURAIN: 4.1 million.

15 LEGISLATOR DERIGGI-WHITTON: It's
16 adding up. It's a lot of money we're
17 paying. I understand the complexity of it.

18 MS. LAURAIN: 4.1 million is
19 revenue.

20 LEGISLATOR DERIGGI-WHITTON: So
21 we are giving them nine percent of that.

22 MS. LAURAIN: No, 50 percent and
23 then nine percent.

24 LEGISLATOR DERIGGI-WHITTON: All
25 right. I wish we could look into it because

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2 I feel like it would be a good way to hold
3 on to some revenue. Thank you.

4 CHAIRMAN NICOLELLO: Any other
5 questions?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Carries unanimously. Thank you.

15 We actually have two contracts
16 one that wasn't on the list, I willing be
17 calling in a moment. Two from parks which
18 are 190, 192 of 2019.

19 These are resolutions authorizing
20 the County Executive to execute personal
21 services agreements between the county and
22 Global Soccer Consulting Inc., as well as an
23 amendment to a personal services agreement
24 between the county and Ed Moore Advertising
25 Agency Inc.

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2 LEGISLATOR SCHAEFER: So moved.

3 LEGISLATOR DERIGGI-WHITTON:

4 Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Schaefer, seconded by Legislator
7 DeRiggi-Whitton.

8 MS. KRIEB: Eileen Krieb,
9 Commissioner of Parks. E-190-19 is an
10 amendment with Global Soccer for one more
11 year till March 2020.

12 We issued an RFP and the scope of
13 services, Global was nominated as the most
14 appropriate vendor, but then when we
15 submitted it to the Department of Interior,
16 the National Parks Service, they felt it was
17 a little over the top as far as the proposal
18 and build out. It was denied.

19 Now we are extending this to 2020
20 so we can get a new RFP on the street with
21 the acceptable scope of service or work so
22 that the Department of Interior will
23 approve.

24 CHAIRMAN NICOLELLO: Any
25 agreement with Mitchell Field is subject to

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2 the approval with the Department of
3 Interior?

4 MS. KRIEB: Yes, national park
5 services is under their auspices of the
6 Department of the Interior.

7 CHAIRMAN NICOLELLO: Remind me
8 why that is.

9 MS. KRIEB: It's Navy property.

10 CHAIRMAN NICOLELLO: Okay. So at
11 some point it was obviously transferred to
12 the county with those restrictions?

13 MS. KRIEB: Those restrictions
14 weren't lifted. We have to get approval for
15 everything we use whatever we do. That's a
16 permanent build out.

17 CHAIRMAN NICOLELLO: Did we ever
18 try to get those restrictions lifted?

19 MS. KRIEB: Not that I know of.
20 It's a really a process just to get their
21 nod of approval on something simple.

22 CHAIRMAN NICOLELLO: Maybe it's
23 something that we can make an effort to
24 because it doesn't seem like it makes any
25 sense for them to be involved in operating a

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2 local county park.

3 MS. KRIEB: We can look into it,
4 yes.

5 CHAIRMAN NICOLELLO: Any other
6 questions?

7 LEGISLATOR ABRAHAMS: Eileen,
8 when do you anticipate the RFP to go out?

9 MS. KRIEB: It's ready. We are
10 just scheduling a site visit, working that
11 out with the vendor right now and probably
12 within the next week it will be out on the
13 street.

14 LEGISLATOR ABRAHAMS: So you have
15 an idea of the scope of the renovation
16 pretty much?

17 MS. KRIEB: Yes, it's very
18 minimal. The Department of Interior
19 basically stripped it back to what it is now
20 with a rest room and the rest is sort of
21 HVAC, same building, but they were proposing
22 almost like a new sports facility gym type
23 of thing next to it. That was rejected.

24 LEGISLATOR ABRAHAMS: So cost of
25 HVAC with a bathroom is minimal as well?

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2 MS. KRIEB: Yes.

3 LEGISLATOR ABRAHAMS: Nothing
4 further.

5 CHAIRMAN NICOLELLO: Is that the
6 major indoor facility that's there? I mean,
7 it's a pretty large space, right?

8 MS. KRIEB: It's a large butler
9 building from the Goodwill Games. I think
10 it's 10 to 15 years old. We don't know the
11 life of the building completely but it does
12 need some structural repairs to it.

13 CHAIRMAN NICOLELLO: It's pretty
14 sparse inside, there's really nothing --

15 MS. KRIEB: Yes. It's just a
16 large building with some grass turf.

17 CHAIRMAN NICOLELLO: Legislator
18 Schaefer.

19 LEGISLATOR SCHAEFER: Hi,
20 Commissioner, how are you? Can you give me
21 a little bit of history on this? Was it
22 initially, to your knowledge, was it
23 initially set forth to be a rental facility
24 for another vendor to come in and rent out
25 the fields and the parks and everything?

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2 MS. KRIEB: Initially it was
3 built for the Goodwill Games many many years
4 ago. I think that was in the 90s. I don't
5 know what the intention was to rent it out
6 but it's been leased or licensed to a vendor
7 for many years.

8 LEGISLATOR SCHAEFER: How long
9 after the -- I guess you awarded the RFP did
10 they reject is it, did NPS reject it?

11 MS. KRIEB: The RFP was issued in
12 '17. I forget the exact date. We got the
13 response and it took maybe eight months or
14 so before we got a response back from the
15 department of Interior. There was a change
16 in personnel there. The file seemed like it
17 got misplaced and then we followed up and we
18 were able to get a reading from them.
19 That's why we're extending the use of this
20 present tenant who pays us \$30,000 a month
21 for use. We will be rebidding it.

22 LEGISLATOR SCHAEFER: Was there a
23 contract done with the \$30,000 a month? Did
24 we get a contract before the Legislature
25 here that approved that?

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2 MS. KRIEB: To change the payment
3 plan?

4 LEGISLATOR SCHAEFER: Yes.

5 MS. KRIEB: I'm not sure.

6 LEGISLATOR SCHAEFER: Does this
7 facility really make money for us? Is there
8 something that we can utilize the property
9 better through the county and rent it out
10 without having another company that does
11 that and we have to pay?

12 MS. KRIEB: I think it's part of
13 the evaluation when we get back the RFP. We
14 will see what the capital improvements are
15 and what they cost, and the return on the
16 investment to both the county if we were to
17 run it ourselves versus a private vendor.
18 The fields are in demand everywhere. It's
19 something that we will consider when we get
20 the RFPs back.

21 LEGISLATOR SCHAEFER: Okay. My
22 understanding is they do quite well there.
23 So I'm just wondering if the county can do
24 quite well.

25 MS. KRIEB: It seems to be busy

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2 all the time there renting out, so that's
3 something definitely we have to look at. We
4 permit all our fields so to pick up this
5 facility wouldn't be that much more work for
6 us.

7 LEGISLATOR SCHAEFER: Okay. I
8 would be interested to see what that -- if
9 it's evaluated and we can take a look at
10 what the county can potentially do on its
11 own as opposed to having an outside vendor.

12 MS. LAURAIN: That's great.

13 CHAIRMAN NICOLELLO: Sure.

14 LEGISLATOR ABRAHAMS: Just to
15 piggy back on Legislator Schaefer's
16 questioning. The previous agreement
17 indicated that ten percent of all the funds
18 received by the permittee from the collection
19 of the fees charged to the contract groups
20 was going to be for use of the facilities
21 payable to the county.

22 Has anyone kept a record on
23 whether or not the county has been able to
24 have a proper accounting of collecting its
25 revenue in a timely manner and accurately?

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2 MS. KRIEB: I'm not sure if we
3 ever audited their books if that's what
4 you're asking, but I know we do get a flat
5 rate from them and we do not receive
6 presently a percentage of their revenue.

7 LEGISLATOR ABRAHAMS: But the UNA
8 agreement, and I will check with counsel,
9 the agreement is ten percent of all funds is
10 not a flat fee. The previous UNA agreement.
11 So it sounds like we should have been
12 collecting money under those previous
13 agreements under ten percent. If it's a
14 flat fee, I don't know what the flat fee is.
15 You would be better able to tell me but it
16 sounds like we were losing money if the flat
17 fee was underneath or the ten percent of all
18 funds generated.

19 MS. KRIEB: I will have to look
20 into that. I don't know the accounting on
21 that. I know the flat fees we are getting
22 now. I have to check the fees we are
23 getting now. I would have see if it was
24 audited or put into an escrow account for
25 some high maintenance or something like

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2 that.

3 LEGISLATOR ABRAHAMS: When can
4 you get back to us with an accounting of
5 that?

6 MS. KRIEB: A couple of days.

7 LEGISLATOR SCHAEFER: Can I ask
8 one more question I don't know if you
9 answered this already, I apologize. Why was
10 it that we went to a flat fee?

11 MS. KRIEB: We have two
12 amendments in front of me. I don't have the
13 original contract here so I don't know when
14 it was switched to a flat fee percentage to
15 just a flat fee. This vendor as you know is
16 expiring in April so he's operating right
17 now with no contract with us.

18 So the purpose again this
19 amendment is to formalize it until we get to
20 the next decision on the RFP.

21 LEGISLATOR SCHAEFER: Okay.
22 That's all for me.

23 LEGISLATOR ABRAHAMS: Eileen, we
24 just want to get a little more clarity
25 before we approve this next step, we want to

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2 get a little more clarity on what you will
3 be able to dig up for us.

4 I'm going to put a motion to
5 table and once you get the information back
6 to us, we will reconsider, and from there
7 hopefully we will be able to move forward.

8 LEGISLATOR SCHAEFER: Second.

9 CHAIRMAN NICOLELLO: Seconded by
10 Legislator Schaefer.

11 CHAIRMAN NICOLELLO: All in favor
12 of tabling signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 190 is tabled. 192 is next.

18 MS. KRIEB: 192 is with Ed Moore
19 Advertising Agency. The department utilizes
20 their services for all procurement of any
21 type of media venue.

22 This year we've included radio
23 where we found because of his expertise he
24 was able to purchase radio time for the
25 concerts that we had at a better rate.

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2 This is merely an increase up to
3 an additional \$50,000.

4 CHAIRMAN NICOLELLO: Is it
5 changing the term?

6 MS. KRIEB: The term is staying
7 the same.

8 CHAIRMAN NICOLELLO: Any other
9 questions on this one?

10 (No verbal response.)

11 Hearing none, any public comment?

12 MR. BUDNICK: John Budnick,
13 Massapequa Park. Members, I had one
14 question, comment.

15 Is the county parks department or
16 anybody else advising members of the county,
17 residents of the county, that they have
18 rights to go to places like Hempstead Harbor
19 Beach and other places that were transferred
20 particularly to the town of north Hempstead,
21 and advising them that they still have
22 rights to go there, and that these
23 facilities are open to them? On the same
24 basis as residents of the town of North
25 Hempstead. Thank you.

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2 CHAIRMAN NICOLELLO: Thank you,
3 Mr. Budnick. Any other public comment?

4 (No verbal response.)

5 All those in favor of E-192
6 signify by saying aye.

7 (Aye.)

8 Those opposed?

9 (No verbal response.)

10 Carries unanimously.

11 The one that they didn't put on
12 the list is E-191 of 2019, a resolution
13 authorizing the County Executive to execute
14 an amendment to a personal services
15 agreement between the county and Moody's
16 Analytics, Inc.

17 LEGISLATOR KOPEL: So moved.

18 LEGISLATOR ABRAHAMS: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Deputy Presiding Officer Kopel, seconded by
21 Minority Leader Abrahams.

22 MR. CONKLIN: Good afternoon,
23 Steve Conklin from Budget Office.

24 This is an amendment with a
25 contract with Moody's Analytics. The

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2 amendment will run through June of 2021.

3 Moody's provides the county with quarterly
4 sales tax and forecast reports which are
5 helpful to us in the budgeting process and
6 the reports are also seen by OLBR.

7 CHAIRMAN NICOLELLO: Very useful
8 information. Legislator DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON: Hi.
10 I was told that there was a telephone call
11 confirming that the procurement was reviewed
12 and all on this, but, normally, we require
13 that someone from the administration take
14 responsibility for the procurement with this
15 subject.

16 MR. CONKLIN: I'm not sure what
17 you're asking. I did receive a phone call.

18 MS. HORST: Good afternoon, Katie
19 Horst, County Executive's Office. Yes,
20 Deputy County Executive John Chiara has
21 reviewed this contract.

22 LEGISLATOR DERIGGI-WHITTON: He
23 will take responsibility for the
24 procurement?

25 MS. HORST: That's my

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2 understanding, yes.

3 LEGISLATOR DERIGGI-WHITTON: Thank
4 you.

5 CHAIRMAN NICOLELLO: Any other
6 questions?

7 (No verbal response.)

8 Any public comment?

9 MS. MEREDAY: Meta J. Mereday,
10 Baldwin resident. I'm concerned. I
11 appreciate the due diligence and at least a
12 number of the questions that have been
13 asked.

14 I would hope with this amount of
15 money that we continue to expend that there
16 would be more questions because the public
17 does not have the backup and resources and
18 the contracts. Unfortunately we find out
19 things in Newsday or News 12 later on.

20 I'm concerned particularly with
21 regard to this one and hearing about
22 amendments which means that there are
23 extensions on existing contracts which tells
24 me that the limited, if any, procurement and
25 outreach for minority women serviced

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2 disabled veterans, et cetera, continues to
3 not be a priority within Nassau County.

4 So I am trying to remain hopeful
5 and never opposed to necessarily having
6 institutional knowledge that provides cost
7 savings considering our budget is well over
8 3 billion, over 3 billion dollars -- close
9 to \$100 million, but it is a concern for me
10 and for many of the small business owners
11 whose doors are shutting and their homes are
12 becoming zombie houses because they can't
13 maintain the tax base here because they
14 can't seem to get a contract let alone
15 create jobs for others to be able to stay
16 here.

17 I guess since Newsday focuses on
18 millennials, some of us will have to speak
19 up for the baby boomers and our retirees who
20 are the ones who are the bed rock still of
21 this county.

22 That is my concern and I'm hoping
23 that you all, as the stewards of our
24 resources and taxes, will challenge those
25 contracts and provide those opportunities

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2 and open those doors for the diverse
3 businesses that are also leaving in droves.
4 Thank you.

5 CHAIRMAN NICOLELLO: Thank you.
6 Any other public comment?

7 (No verbal response.)

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Carries unanimously.

14 We had one other contract which
15 we will not be calling at this time at the
16 request of the administration, U-16 of 2019
17 will not be called.

18 There is actually one contract
19 that's tabled. We are going to untable at
20 this time. That would be E-21 of 2019, and
21 that would be E-21 of 2019, a resolution
22 authorizing the County Executive to execute
23 an amendment to a personal services
24 agreement between the county and Mercy
25 First.

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2 LEGISLATOR KOPEL: So moved.

3 LEGISLATOR DERIGGI-WHITTON:

4 Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Kopel, seconded by Legislator
7 DeRiggi-Whitton.

8 MR. BRODERICK: Good afternoon.
9 Paul Broderick, Acting Commissioner,
10 Department of Social Services.

11 MR. BRODERICK: The contract
12 before you is between the Department of
13 Social Services and Mercy First for
14 \$575,000. The purpose of the contract is to
15 provide non-secured detention of persons in
16 need of supervision and juvenile
17 delinquents. Do you have any questions?

18 CHAIRMAN NICOLELLO: Any
19 questions? Yes, move to untable.

20 LEGISLATOR DERIGGI-WHITTON: Hi.
21 How are you? Just according to the backup
22 for January 1, 2018 through October 31,
23 2018, family court has made complaint about
24 the services provided. DSS staff is
25 evaluating the complaints.

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2 What are the complaints that
3 family court made of the service? Do you
4 know?

5 MR. BRODERICK: They were
6 concerned about some of the placement
7 strategies and that was worked out between
8 the director of DSS and Mercy First. They
9 work very closely. They have frequent
10 visits and consultations as to the quality
11 of the services that they are providing
12 ensuring they meet our standards and those
13 of OCFS our state oversight agency.

14 LEGISLATOR DERIGGI-WHITTON:
15 What is the strategy for displacement, how
16 do you decide where the kids are placed?

17 MR. BRODERICK: I lot of time we
18 don't have a lot of discretion, a lot of it
19 comes from the family court.

20 LEGISLATOR DERIGGI-WHITTON: So
21 you are basically told what to do, where
22 they go?

23 MR. BRODERICK: Can you repeat
24 that, please?

25 LEGISLATOR DERIGGI-WHITTON:

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2 Well, what are the methods involved when you
3 decide where to place the kids?

4 MR. BRODERICK: Well, the
5 department does an evaluation along with
6 other stakeholders, could be probation, and
7 then it's submitted to the court and goes
8 from there. The courts actually make the
9 placements.

10 LEGISLATOR DERIGGI-WHITTON: So
11 it's interesting that the family courts are
12 the ones that seems to be making complaint
13 the complaint about it.

14 MR. BRODERICK: Well, you know,
15 you have various initiatives as you're aware
16 of. As raise the age close to home, there
17 are not a lot of providers in Nassau County.
18 That's part of the issue.

19 LEGISLATOR DERIGGI-WHITTON: I
20 think that because the courts are starting
21 to chime in, that they're not happy, I think
22 we should try to do everything we can to
23 accommodate their wishes going forward.

24 I understand that you have a
25 limited selection, but it's the courts that

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2 are saying there's an issue. That's what
3 concerns me.

4 I'm sorry the \$575,000, an
5 increase of time and extension. Is that per
6 year?

7 MR. BRODERICK: That's an annual
8 figure, correct.

9 LEGISLATOR DERIGGI-WHITTON: So
10 the 575 increase, is that --

11 MR. BRODERICK: It's not an
12 increase, that's the annual expense
13 associated with the contract.

14 LEGISLATOR DERIGGI-WHITTON:
15 That's what I thought. For some reason I
16 have increased used in the backup.

17 So are you increasing the amount
18 of the contract for this year?

19 MR. BRODERICK: No, not at all.

20 LEGISLATOR DERIGGI-WHITTON: All
21 right. Thank you.

22 CHAIRMAN NICOLELLO: Are there
23 any other questions? Legislator Drucker.

24 LEGISLATOR DRUCKER: Is your
25 office aware of any complaints and this may

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2 not have to do with your office, but a lot
3 of the complaints that I hear, I'm sure
4 Legislator Lafazan in Mercy First
5 neighboring residents, there is a lot of the
6 kids walking off the campus and walking
7 through the neighborhood and not coming
8 back.

9 A lot of the residents have
10 called the second precinct quite a bit and
11 they're getting involved and there's some
12 concern about that.

13 Is your office aware of any of
14 these issues?

15 MR. BRODERICK: We have heard of
16 the issues and Katie can follow up a little
17 bit more explanation, but primarily the
18 services that DSS relies on is a group home
19 in Massapequa. Our kids, our clients are
20 not being placed primarily in Syosset but in
21 Massapequa, but the issues that you have
22 brought up they have been discussed
23 extensively with management of Mercy First
24 and Katie can fill in the rest.

25 MS. HORST: So we've toured Mercy

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2 First up in Syosset, the Presiding Officer,
3 was there on Thursday. Mercy First has
4 installed a fence on the outside of the
5 property to help keep their clients inside
6 to stop going awol.

7 They have also started a
8 community group so they have members of the
9 community, members of the community and
10 second precinct, I believe Legislator
11 Lafazan sits on that group. They have met a
12 couple of times, just to keep the community
13 engaged to hear issues to address them as
14 they move forward.

15 LEGISLATOR DRUCKER: Great.
16 Thank you. Good to know.

17 CHAIRMAN NICOLELLO: Any other
18 questions?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Those opposed?

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2 (No verbal response.)

3 Carries unanimously.

4 I will put the committee in
5 recess. We will have the Full Legislature.
6 Give us five minutes to get it together and
7 we will have the emergency meeting on the
8 items on the Full Legislature.

9 (Whereupon, the Rules Committee
10 recessed at 2:31 p.m. and reconvened at 7:22
11 p.m.)

12 CHAIRMAN NICOLELLO: We are back
13 to Rules. I'm going to call the Rules
14 Committee out of recess. The first thing we
15 need to do is take a motion to suspend the
16 rules.

17 LEGISLATOR RHOADS: So moved.

18 LEGISLATOR DERIGGI-WHITTON:
19 Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator Bynoe, seconded by Legislator
22 DeRiggi-Whitton.

23 All those in favor of suspending
24 the rules signify by saying aye.

25 (Aye.)

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2 Those opposed?

3 (No verbal response.)

4 We have three contracts that are
5 with going to call from addendum number two.
6 We will do those first. B-13, B-14, B-15.
7 Resolutions authorizing the County Executive
8 to award and execute contracts between the
9 County of Nassau, and B-13 is with
10 Scalamandre and B-14 is with Phillip Ross
11 Industries; B-15 is with Scalamandre.

12 LEGISLATOR DRUCKER: So moved.

13 LEGISLATOR KOPEL: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Drucker, seconded by Deputy
16 Presiding Officer Kopel for these items.
17 Ken.

18 MR. ARNOLD: Ken Arnold,
19 Department of Public Works. B-13 is a
20 contract with RJ Scalamandre for side stream
21 centrate at state parks. Side stream
22 centrate is a process of removing nitrogen
23 from the de-watered sludge. It will help
24 reduce the nitrogen level at Bay Park.
25 There were five bidders and RJ was the

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2 lowest responsible bidder. Their MWBE is at
3 5.8 percent.

4 CHAIRMAN NICOLELLO: Any
5 questions on B-13?

6 (No verbal response.)

7 Move on to B-14.

8 MR. ARNOLD: B-14 is a contract
9 to do the pump station at Roslyn. It's with
10 Phillip Ross. It is \$3 million. It's an
11 MWBE participation of 26 percent. There
12 were four bidders and Phillip Ross was the
13 lowest responsible bidder.

14 Then B-15 is for secondary flood
15 protection and hardening for the Bay Park
16 sewage treatment plant. This project is
17 funded by our FEMA 406 program. There were
18 four bidders on this project. \$10.8 million
19 is the lowest responsible bidder and MWBE is
20 at 2.48 percent.

21 CHAIRMAN NICOLELLO: Any
22 questions on the three contracts before us?

23 LEGISLATOR DERIGGI-WHITTON: Can
24 we just put the correspondence that Robert
25 Cleary wrote dated September 9, 2018 be put

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2 on the record, be entered into the record?

3 CHAIRMAN NICOLELLO: Give to the
4 clerk. Any other questions or discussion?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Carries unanimously.

14 We have a number of items on both
15 the regular calendar and addendum that are
16 on consent will be adopted, will be
17 considered and voted on altogether.

18 Start 279-19, 280-19, 281-19,
19 282, 283, 284, 285, 286, 287, 291, 292, 293,
20 294, 295, 296, 298, 299, 301, 303, 304, 327,
21 328, 329, 331;

22 Now, the addendum items: 66, 67,
23 309, 310, 311, 312, 313, 314, 315, 319, 320,
24 321, 322, 323, 324, 325, 326, 334, 335, 336,
25 337, 338, 339, 340, 341, 342, 343, 344, 345,

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2 346, 347, 348, 349, 350, 351, 352, 353, 354,
3 355. These have all gone through committees
4 earlier in the day.

5 LEGISLATOR RHOADS: So moved.

6 LEGISLATOR DERIGGI-WHITTON:

7 Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Legislator Rhoads, seconded by Legislator
10 DeRiggi-Whitton.

11 CHAIRMAN NICOLELLO: Do we have
12 any debate or discussion?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Carries unanimously.

22 We are going to skip over the
23 first few items and then come back to them
24 later.

25 288 of 2019, a Resolution

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2 authorizing the County Executive to execute
3 an amendment to an intermunicipal agreement
4 with the City of Glen Cove.

5 LEGISLATOR DERIGGI-WHITTON: So
6 moved.

7 LEGISLATOR SCHAEFER: Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Legislator DeRiggi-Whitton, seconded by
10 Legislator Schaefer.

11 Do we have any debate or
12 discussion on this item?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Carries unanimously.

22 300, a Resolution appointing a
23 Democratic Commissioner of elections for
24 Nassau County.

25 LEGISLATOR ABRAHAMS: So moved.

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2 LEGISLATOR DRUCKER: Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Minority Leader Abrahams, seconded by
5 Legislator Drucker.

6 Any debate or discussion?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Carries unanimously.

16 We will hold 302 for the rest of
17 the assessment bills. 305 of 2019 is a
18 resolution authorizing the County Executive
19 to execute amendment to an intermunicipal
20 agreement with the Town of Hempstead in
21 relation to providing lifeguard services at
22 Nickerson beach.

23 LEGISLATOR KOPEL: So moved.

24 LEGISLATOR SCHAEFER: Second.

25 CHAIRMAN NICOLELLO: Moved by

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2 Legislator Deputy Presiding Officer Kopel,
3 seconded by Legislator Schaefer.

4 Any debate or discussion on this
5 item?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Carries unanimously.

15 330 of 2019 is a local law to
16 amend Section 22-4.3 of the Nassau
17 administrative code in relation to
18 increasing access to the annual statements
19 of financial disclosure of elected
20 officials.

21 LEGISLATOR RHOADS: So moved.

22 LEGISLATOR DRUCKER: Second.

23 CHAIRMAN NICOLELLO: Moved by
24 Legislator Rhoads, seconded by Legislator
25 Drucker. Do we have anyone here from the

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2 County Attorney's Office that can answer
3 this question specifically?

4 This is an administrative
5 sponsored item which we are moving along but
6 the question we have, I don't know if you
7 are able to answer or whether it has to be
8 answered by somebody else in the office.

9 But the concept of posting
10 identifiable information including stock
11 holdings and other similar information
12 online, doesn't that make it easy for
13 someone seeking to steal somebody's
14 identification?

15 In fact, if you have some of that
16 information already doesn't giving away
17 other information about that individual such
18 as -- whether they own bonds or stocks or
19 funds or whatever, doesn't that make them
20 susceptible to identity theft?

21 MR. VEVANTE: Nick Vevante,
22 Deputy County Attorney. I know the County
23 Attorney's Office is looking into this. We
24 don't have an answer yet. I believe by the
25 next time we will have an answer for you.

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2 CHAIRMAN NICOLELLO: That's fair.
3 Why don't we move it along before we get to
4 the Full Legislature we will have further
5 discussions.

6 MR. VEVANTE: Sounds good.

7 CHAIRMAN NICOLELLO: Any other
8 questions?

9 LEGISLATOR DERIGGI-WHITTON: You
10 know what, it also goes the other way
11 because I know if you have an American
12 Express card, if they have your name and
13 address, I don't know, to have that public
14 would just kind of help get someone half way
15 if they're trying to steal your identity. I
16 think the names of all the particulars
17 should be blocked, redacted, and I hope I
18 heard this was done, but I would personally
19 not have my children's names for public
20 record either.

21 CHAIRMAN NICOLELLO: Essentially
22 we will take this up in two weeks. Some of
23 this information is in our paper filed
24 disclosures currently, but someone has to go
25 physically and get those. It's a different

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2 thing altogether when someone can just go on
3 our website and download this information
4 that can be used to someone's detriment. So
5 let's take a look at that.

6 Ultimately we are going to pass
7 something that puts these disclosures online
8 but we want to make sure it's done in a
9 prudent manner.

10 Any other debate or discussion?

11 (No verbal response.)

12 Hearing none, all those in favor
13 signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Carries unanimously.

18 A couple of things on the
19 addendum I believe. I will do the next two
20 together. 332 and 333 of 2019.

21 332 is a Resolution to confirm
22 the County Executive's appointment of Nancy
23 Nunziata to the position of Commissioner of
24 Social Services pursuant to Section 203 of
25 the Nassau County Charter.

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2 333 is a Resolution confirming
3 the County Executive's appointment of Harry
4 Mulhotra to the Asian-American Advisory
5 Council pursuant to Section 203 and 214 of
6 the County Charter.

7 LEGISLATOR ABRAHAMS: So moved.

8 LEGISLATOR SCHAEFER: Second.

9 CHAIRMAN NICOLELLO: Moved by
10 Minority Leader Abrahams, seconded by
11 Legislator Schaefer. Any debate or
12 discussion?

13 (No verbal response.)

14 Ms. Nunziata was here today, and
15 she will be back for the Full Legislature
16 and I assume Mr. Mulhotra will also. They
17 are not here now.

18 Any other discussion or any
19 public comment?

20 (No verbal response.)

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

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2 Carries unanimously.

3 Now we are going back to the
4 assessment related items on the calendar.
5 Item 274-2019, a Resolution to require the
6 assessor to issue impact notices based on
7 the assessed values contained within the
8 tentative tax roll issued on January 2, 2019
9 and based on the 2019/20 tax levies.

10 We will call all these together
11 and we will debate them at once and, if we
12 need to break these out, we will break them
13 out separately.

14 275 of 2019 is a local law to
15 amend the County Government Law of Nassau
16 County in relation to the inspection of
17 residential properties by employees of the
18 Department of Assessment;

19 276 is a local law to amend the
20 Nassau County administrative code in
21 relation to assessments;

22 277 is a local law to amend
23 Section 605 of the County Government Law of
24 Nassau County to require public hearings in
25 relation to the completion of the tentative

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2 assessment roll;

3 278 is a local law to amend the
4 County Government Law of Nassau County in
5 relationship to the establishment of the
6 residency requirement for the county
7 assessor;

8 302 is a resolution to mandate
9 the Department of Assessment having a
10 dedicated phone line to be answered by a
11 live person.

12 LEGISLATOR RHOADS: So moved.

13 LEGISLATOR SCHAEFER: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Rhoads, seconded by Legislator
16 Schaefer.

17 Now, all of these items were
18 introduced by the majority and they all have
19 their genesis in the town hall meetings that
20 we have held throughout 2019, actually some
21 in 2018.

22 So all of these came as a result
23 of meeting with literally thousands of
24 residents and each of these percolated up
25 about issues that residents have that they

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2 want to address. All of them deal with the
3 issues of transparency, fairness,
4 accountability and Democratic standards.

5 Number one is the tax impact
6 notice, obviously forced the administration
7 last year to send out tax impact notices
8 towards the end of the year. It followed
9 the egregious incomplete notice that
10 confused the heck out of the vast majority
11 of this county that the assessor chose to
12 send out.

13 That did have information that
14 was valuable to the people. This will have
15 information and will be equally valuable in
16 that the phase-in that was passed by the
17 state has been finalized in that there are
18 more up to date figures so people can
19 evaluate really what the impacts are on
20 their taxes.

21 Secondly, we learned that during
22 our hearings and during our meetings that
23 the Department of Assessment was
24 conditioning inspections based on a full
25 inspection of a house regardless of what the

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2 condition at issue was, the characteristic
3 of the house. Thus, for example, a resident
4 who wanted to tell the Department of
5 Assessment you are incorrect, I do not have
6 a garage, the Department of Assessment's
7 response was, okay, we will come out and
8 look at your garage but you have to let us
9 in and look at your entire house.

10 So, basically we will stop the
11 practice of conditioning inspections of an
12 entire premises for one small
13 characteristic.

14 Obviously if, say, for example,
15 the characteristics involves the basement
16 and going through the house to get to the
17 basement, the inspector sees something that
18 is an issue with respect to characteristics,
19 they can take account of that.

20 However, the idea is that when
21 you go before the Department of Assessment
22 and say I do not have a garage and you say I
23 do, you don't need an assessor walking
24 through your house trying to figure out how
25 many faucets you have.

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2 The third item has to do with the
3 level of assessment. A particularly
4 frustrating feature of this reassessment for
5 residents who just do not understand how
6 government can change the rules on them, is
7 that we explain to them that the county
8 administration, despite agreement not to do
9 is had altered the level of assessment to
10 remove the protections in state law.

11 The residents in this county, I
12 can tell you personally, each one of us can
13 tell you, are incredibly frustrated over the
14 fact that our government can step in and
15 alter the way they are doing thing to avoid
16 and circumvent the state law.

17 So, what this does, it does not
18 prevent a change of the level of assessment,
19 it simply requires a process in which their
20 elected representatives on the Legislature
21 are involved in that procedure.

22 Next, local law to amend the
23 County Government Law of Nassau County
24 involves requiring public hearings.

25 Again, we spent hours and hours

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2 and hours with literally thousands of
3 residents answering questions.

4 Legislators, the one question
5 they wanted to know, where is the county
6 assessor? The county assessor has refused
7 to have town hall hearings, refused to meet
8 with the people unless under very specific
9 circumstances.

10 This is not the way government is
11 supposed to run. The people want to get
12 answers from their officials. They can get
13 some answers from us and we did the best we
14 could but some answers, the person is
15 responsible for, should be under any sort of
16 Democratic standards out in the public
17 answering those questions and the last time
18 we did that they did.

19 Next, this law requires that the
20 assessor reside in the County of Nassau.
21 Again, people are frustrated by this
22 assessor, his lack of involvement with the
23 vast majority of people about the mistakes
24 that were made and the lack of
25 accountability.

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2 The fact that he lives in
3 New York City and has no stake in the game
4 are not lost on any of our residents.
5 Finally, 302 involves the last and most
6 frequent response we have gotten, any of our
7 office has gotten if you have ever tried to
8 contact the Department of Assessment is, I
9 can't get anybody on the phone. That's bad
10 enough.

11 But the assessor has now put out
12 information on the website that says we
13 don't have enough people to answer the
14 phones so email us your questions.

15 We talk about a government that
16 is openly hostile and has some contempt,
17 don't call us, we're not going to answer the
18 phone, just email us. Number one.

19 Number two, they recently put up
20 on the website a statement of the effects of
21 the phase-in. If a resident clicks on the
22 statement, uploads it, and reads it, it
23 doesn't have the Department of Assessment's
24 telephone number on it. Don't call us.
25 It's gives them our number.

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2 This Department of Assessment has
3 become hostile to the very people they are
4 supposed to represent.

5 We today by introducing these
6 bills are going to force them to become
7 transparent, to treat their residents like
8 clients, like customers, to have some
9 customer service, to instill some fairness
10 and accountability in this process.

11 That is the nature of these
12 bills. Legislator Rhoads.

13 LEGISLATOR RHOADS: I certainly
14 agree each and every one these agenda items
15 is absolutely essential. I think to
16 dovetail on the chairman's point, this
17 process has been an absolute disaster from a
18 public standpoint.

19 It's been incredibly convoluted,
20 it's been unfair. The legislation that we
21 introduced, we've introduced in the hopes of
22 restoring some transparency to this process.

23 The Presiding Officer has gone
24 through each of the individual points. I
25 know that we do have representatives from

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2 the administration here that have their own
3 opinions or ideas about some of these items
4 that I'm sure you're willing to share, and I
5 would like to engage with the permission of
6 the chairman in some give and take if that's
7 okay.

8 So how do you want to do it, with
9 respect to each individual item?

10 CHAIRMAN NICOLELLO: Whatever
11 works. Go item by item.

12 LEGISLATOR RHOADS: So first we
13 have the Resolution requiring the assessor
14 to issue tax impact notices.

15 We have received correspondence
16 from Mike Santeramo indicating there was an
17 issue with respect to issue those impact
18 notices for October 15th of 2019. Is that
19 your understanding; what exactly is the
20 problem?

21 MR. KELLY: Michael Kelly, Deputy
22 County Attorney, counsel for the Department
23 of Assessment.

24 There are actually several
25 problems with this. The first are, and

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2 certainly not the least is that to the
3 opposed legislation requires that a
4 comparison point be made to the 2019, 2020
5 tax levies. Those tax levies do not exist.
6 The school tax levy for 2019-2020 will not
7 exist at least until the end of this month,
8 and the 2020 general tax levies won't exist
9 until the end of 2019. So it's impossible
10 to put that in a statement that's going to
11 come out on October 15th.

12 Secondly, the proposed
13 legislation requires that the county, that
14 the Department of Assessment in addition to
15 school taxes, special district taxes, town
16 taxes and leaves out county taxes, also have
17 this information for city and village taxes.
18 The Department of Assessment and the County
19 of Nassau do not get involved in city or
20 village taxes.

21 In addition, as I said, county
22 taxes are not reflected in the proposed
23 local law.

24 In addition, the proposed local
25 law says that the notices must be sent to

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2 all residential homeowners, which would also
3 include some Class 2 taxpayers, and the
4 notice contain the exemption calculation in
5 section 485 of the Real Property Tax Law or
6 what's referred to as the taxpayer
7 protection plan.

8 485U of the Real Property Tax Law
9 only affects Class 1 properties so it can't
10 be implemented for Class 2 properties.

11 In addition it is practically
12 impossible for the Department of Assessment
13 to issue notices by October 15th. Generally
14 it takes between three and four weeks to put
15 those notices out. These notices would cost
16 the Department of Assessment 230 to \$240,000
17 to mail to all 385,000 properties in Class 1
18 in Nassau County.

19 LEGISLATOR RHOADS: Dealing with
20 some of those points specifically, what
21 you're indicating is, obviously you don't
22 have, according to what you're saying you
23 don't have the information that you need to
24 be able to produce the notices. You can't
25 get that information by October 15th. But

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2 my understanding is, you should have that
3 information as of January 1st; is that
4 correct?

5 MR. KELLY: The 2019 tax levies
6 would be available by January 1st, yes.

7 LEGISLATOR RHOADS: And it takes
8 four weeks to produce?

9 MR. KELLY: Approximately. I
10 have not seen the form or the notice, I have
11 not spoken to a mailing company. That's an
12 estimate based on prior experience.

13 LEGISLATOR RHOADS: So if we were
14 to amend the legislation to create a
15 February 1st, 2020 deadline, that's
16 something that you would be able to meet?

17 MR. KELLY: I would have to speak
18 to the administration about that. That's
19 not the legislation before us right now.

20 LEGISLATOR RHOADS: I understand
21 that's not the legislation but part of the
22 reason of having this debate and discussion
23 is to get feedback from you as to what is
24 possible.

25 We are simply trying to

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2 accommodate and respond to some of the
3 points you have raised.

4 MR. KELLY: I appreciate your
5 response, however I'm the attorney for the
6 Department of Assessment, I would have to
7 get back to the Department of Assessment and
8 the administration on any new proposals.

9 LEGISLATOR RHOADS: I understand
10 you are one of the Deputy County Attorneys,
11 but the idea of having this, we would have
12 loved to have someone from the Department of
13 Assessment if they have a logistical issue
14 or a problem to be able to come and explain
15 that problem and be able to see if we can
16 come together to work out a solution to that
17 problem.

18 MR. KELLY: And I have Mary
19 Brower with me who is the acting chief
20 deputy assessor.

21 LEGISLATOR RHOADS: Great.
22 Thanks, Ms. Brower.

23 We have been told we have an
24 issue because you won't find out until the
25 end of September what your tax levy is for

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2 schools and you won't fine out until the end
3 of December what your levy is for towns and
4 the county as well as I would imagine
5 villages, correct?

6 MS. BROWER: We do not do
7 villages, but the county and the general and
8 the school we would have by that point.
9 But, again, we do not do the villages or the
10 City of Glen Cove or the City of Long Beach.

11 LEGISLATOR RHOADS: But the
12 information you do have at your disposal,
13 you would all of the information you would
14 need by January 1st, correct?

15 MS. BROWER: I believe so for the
16 school and the general, yes.

17 LEGISLATOR RHOADS: And if it
18 takes four weeks to produce those notices,
19 give or take if we give a deadline of
20 February 1st, that's the deadline that you
21 believe based on the information that you
22 have today that you should be able to meet,
23 correct?

24 MS. BROWER: It would be a soft
25 deadline because I can't say that in

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2 particular, these are complicated
3 calculations and mailing and et ceteras.
4 But in or around possibly. I'm not going to
5 commit to that data that is basically what
6 I'm saying, but in or around we could
7 possibly produce that.

8 LEGISLATOR RHOADS: So the issue
9 with the Department of Assessment and the
10 issue with the administration is that it's
11 not that you don't want to provide the
12 information I'm assuming, correct?

13 MS. BROWER: No, not at all.

14 LEGISLATOR RHOADS: You want to
15 provide the information?

16 MR. KELLY: The Department of
17 Assessment and the administration are maybe
18 not agreed by you but are transparent about
19 this process. We don't have an objection to
20 sharing information generally.

21 MS. BROWER: We have shared
22 information on our public website as opposed
23 to mailing it for a cost of 230, \$240,000.

24 LEGISLATOR RHOADS: Again, we are
25 talking about the issue of transparency,

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2 right, we all say that we are in favor of
3 transparency but when the rubber hits the
4 road it seems as though we are opting over
5 233,000 in exchange for the public being
6 fully aware of exactly what's happening with
7 respect to tax impact.

8 What effort if I could ask,
9 because there's notices on line right now,
10 correct?

11 MS. BROWER: Yes.

12 LEGISLATOR RHOADS: Has there
13 been any effort by the administration?
14 Obviously you haven't mailed any of those
15 notices, correct?

16 MS. BROWER: We have not mailed
17 any.

18 LEGISLATOR RHOADS: Has there
19 been any effort on the part of the
20 administration whatsoever to let the general
21 public know that those notices are available
22 on line because, if so, I haven't seen
23 anything. So how is the public supposed to
24 know other than us going around and knocking
25 on doors and speaking to people that that

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2 information is even available?

3 Because I can tell you, out of
4 every ten constituents I speak to, virtually
5 ten have no idea that the notice is there.

6 MR. KELLY: The administration
7 has had press conferences on this as well as
8 news releases and also advertises tax
9 exemption seminars that people are available
10 from the Department of Assessment to ask
11 questions about the taxpayer protection plan
12 statements.

13 LEGISLATOR RHOADS: We're asking,
14 was this a taxpayer protection plan
15 statement or is this a tax impact notice?

16 MR. KELLY: It's both a taxpayer
17 protection plan statement, specifically not
18 a tax impact notice. A tax impact notice
19 is a form that's required by the law in
20 certain circumstances and at certain times
21 which would not be the notice that you're
22 saying, that you're describing here.

23 MS. BROWER: What we have online
24 now is hypothetical, so to call it a tax
25 impact notice could be slightly misleading.

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2 LEGISLATOR RHOADS: Well, the
3 original tax impact notice was exactly that,
4 was it not? You gave a hypothetical.

5 In fact, you gave a hypothetical
6 including this taxpayer protection plan
7 which was supposed to replace the
8 protections of state law that was stripped
9 away when you dropped the level of
10 assessment, correct?

11 MR. KELLY: I wouldn't agree that
12 the state law protections were stripped away
13 by dropping the level of assessment.

14 LEGISLATOR RHOADS: When you
15 artificially deflate assessed values by 60
16 percent, the buyers should have additional
17 room to be able to fully implement the
18 change in market value.

19 MR. KELLY: That was not the
20 purpose of lowering the level of assessment.

21 The purpose of lowering the level
22 of assessment was to impose a correct level
23 of assessment versus the one quarter of one
24 percent which was frozen for eight years
25 which was the subject of criticism and could

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2 potentially lead the county into ratio
3 challenges which would be a great expense
4 for Nassau County.

5 So lowering the level of
6 assessment was meant to impose accuracy into
7 the tentative assessment roll and also avoid
8 liability from refunds from ratio challenges
9 that could come. It was not for the purpose
10 of trying to remove the 6 and 20 rule.

11 LEGISLATOR RHOADS: That's
12 exactly the effect that it had though, was
13 it not?

14 MR. KELLY: The 6 and 20 rule
15 still applies and there are certain people
16 in the 2020-2021 assessment role who are
17 benefitting by this.

18 LEGISLATOR RHOADS: About five
19 percent of all of Nassau County homeowners
20 as opposed to 100 percent.

21 MR. KELLY: The 6 and 20 rule
22 still applies. In addition the 6 and 20
23 rule applies to market value, not assessed
24 value.

25 LEGISLATOR RHOADS: Wasn't it the

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2 case that ratio challenges were always
3 settled?

4 MR. KELLY: Ratio challenges are
5 settled which was is settled by stipulation
6 which of course lead to the practice in the
7 Assessment Review Commission of mass
8 settlements and settling just as strictly
9 based on ratio which caused an unfair and
10 inaccurate assessment role especially in the
11 time of the frozen assessment.

12 LEGISLATOR RHOADS: We are kind
13 of getting into the weeds of it. Actually,
14 Legislator Kopel made an excellent point.
15 How are you going to adjudicate 260,000
16 cases? Aren't you now getting into a
17 situation where you're going to wind up
18 dealing with the county guaranty again and
19 massive refund liability?

20 But, just to set that point aside
21 for a moment, dealing with 274-19 you
22 believe that you should be able to send out
23 some version of a tax impact notice some
24 time around February 1st of next year, based
25 on the information that you have?

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2 MR. KELLY: Again, we can't
3 commit to timing as I said before, bring it
4 back to the Department of Assessment and the
5 administration, but, however, that
6 information would be available by January
7 1st as the Chief Deputy said that it would
8 be something in the ballpark, but I can't
9 commit to a date and I can't commit without
10 the input of the administration or
11 Department of Assessment.

12 LEGISLATOR RHOADS: Okay.

13 Now, with respect to 274 of '19.

14 CHAIRMAN NICOLELLO: I had some
15 follow-up. When you sent the tax impact
16 notices out in the last year, what year did
17 you use? What tax levy? What year was
18 used?

19 MR. KELLY: You are referring to
20 the statements that went out two months ago?

21 CHAIRMAN NICOLELLO: No. I'm
22 talking about the statements that went out
23 in October '18, tax impact notices.

24 MR. KELLY: It was '17, '18.
25 That was the last available tax year.

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2 MS. BROWER: Full tax year.

3 CHAIRMAN NICOLELLO: You
4 mentioned problems with '19 and '20, '18 and
5 '19 is available now?

6 MR. KELLY: Yes, '18, '19 has
7 been, yes.

8 CHAIRMAN NICOLELLO: So '18-'19
9 was a year later, using that as a base would
10 give a resident a little more accurate
11 picture as to what the tax impact would be,
12 correct?

13 MR. KELLY: That was already
14 included in the statement issued about a
15 month and a half ago.

16 CHAIRMAN NICOLELLO: Did it
17 provide estimated tax impacts?

18 MR. KELLY: Yes.

19 CHAIRMAN NICOLELLO: Did it list
20 what their taxes were in 2017-18 so they
21 could compare?

22 MR. KELLY: Yes, in '18-'19, not
23 '17-'18.

24 LEGISLATOR RHOADS: But it didn't
25 list the change in market value, correct?

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2 MR. KELLY: It had the market
3 value on it, yes.

4 LEGISLATOR RHOADS: Not the
5 change in market value, you may have listed
6 what the taxes they paid were in '18-'19,
7 but the --

8 MR. KELLY: The '20-'21 market
9 value was listed on the statement.

10 LEGISLATOR RHOADS: Right, but
11 the '18-'19 market value was not nor was the
12 change in the level of assessment, correct?

13 MR. KELLY: Nor do we believe
14 that it's relevant because we just used
15 levies from the '18-'19 tax roll. We didn't
16 use assessments. Assessments from '18-'19
17 are relevant in calculating what the GPP
18 exemption is in what the hypothetical taxes
19 are. '19-'20 versus '20-'21.

20 LEGISLATOR RHOADS: But if what
21 you're attempting to do is give the
22 recipient of that notice -- I should say the
23 recipient, I should say the person lucky
24 enough to find that the notice exists, the
25 person that reads that, if you are trying to

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2 give them a full picture of what the change
3 is between what they dealt with in 1819 and
4 what they are dealing with respectfully in
5 2021, why wouldn't you include the change in
6 market value and the change in level of
7 assessment? Those are two major changes
8 since the '18-'19 roll.

9 MR. KELLY: To be frank, it's
10 your taxes that you see. It's your taxes
11 that you feel. It was the taxes that were
12 reflected on those statements.

13 To have a market value to have an
14 assessment from the past which doesn't even
15 exist any more doesn't seem relevant to a
16 calculation. The whole paint point of the
17 statement was to compare taxes to taxes, to
18 show how it would affect you.

19 LEGISLATOR RHOADS: But how is
20 the homeowner supposed to compare assessed
21 value to assessed value, how are they
22 supposed to compare apples to apples if they
23 only have half of the equation?

24 MR. KELLY: Every homeowner
25 receives a notice of their tentative

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2 assessment every year, receives their
3 assessment every year. Their statements,
4 the same place --

5 LEGISLATOR RHOADS: I get it. So
6 not only are the owners supposed to go out
7 of their way to find the statement --

8 MR. KELLY: Not go out of their
9 way --

10 MS. BROWER: It's right on the
11 front page.

12 LEGISLATOR RHOADS: -- to go out
13 of their way to find on the website this
14 latest impact notice that they don't know
15 exists, but then they are supposed to take
16 that notice and they're supposed to read it
17 in conjunction with other notices they
18 received to try to piece together on their
19 own exactly how all of this works, is that
20 the administration's idea?

21 MS. BROWER: No, they don't have
22 to look at another notice. Three year's
23 worth of the assessments are there.

24 For the taxpayers, as we all
25 know, the ratio is confusing. They are more

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2 concerned with the taxes. We show the
3 difference in taxes, the difference in the
4 value change they already received some
5 notice from. So they know that the market
6 has changed since their last full assessment
7 and tax bill.

8 LEGISLATOR RHOADS: If the ratio
9 was confusing and this kind of gets down to
10 a different piece of legislation, why didn't
11 the Department of Assessment try to take any
12 steps to try and educate the public with
13 respect to how the ratio works and what the
14 ratio change meant?

15 MS. BROWER: We had satellite
16 meetings. We had over 8 to 10,000 people
17 come in and we spoke to them one on one on
18 their property. We answered phone calls for
19 them.

20 LEGISLATOR RHOADS: How many
21 assessed properties are there in Nassau
22 County about 450,000?

23 MS. BROWER: That's with the
24 commercial properties.

25 LEGISLATOR RHOADS: About 383,000

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2 residential properties and you spoke to
3 eight to 10,000 of them?

4 MS. BROWER: Yes, face-to-face.

5 LEGISLATOR RHOADS: So, roughly
6 about three percent, right?

7 MS. BROWER: And your point?

8 LEGISLATOR RHOADS: Was there any
9 attempt on the part of the administration to
10 make any broader reach to the general public
11 so they can understand what was happening?

12 I know you are relying on
13 face-to-face meetings, but if you looked at
14 your strategic communications plan for May
15 of 2018 that your department produced, you
16 were supposed to have over 30 public
17 information sessions in every corner of the
18 county between June and September of last
19 year none of which took place. Not a single
20 one.

21 MR. KELLY: Those are what we
22 were referred to the exemption seminars and
23 they did take place last year.

24 LEGISLATOR RHOADS: No. Those
25 were not the exemption seminars. And none

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2 of them took place.

3 Now, what you did or the
4 administration did is that they showed up at
5 our exemption seminars, the legislative
6 exemption seminar and they gave a five
7 minute presentation and they answered a
8 handful of questions, whereas, you should
9 have had entire meetings that were dedicated
10 to how exactly the reassessment was going to
11 work, how homeowners had the ability to
12 protect themselves, how they could
13 understand what the ratio change meant, how
14 they could understand how the reassessment
15 was going to be conducted, and how it is
16 that the Department of Assessment was going
17 to reach the calculation that they reached
18 with respect to the value of their home.

19 That is the one question in all
20 the seminars we conducted because we
21 basically did your job as legislators, we're
22 the ones that had -- I had seven meetings in
23 my own district specifically on the topic of
24 assessment. Why? Because you didn't.
25 Right? I gave as much information as I

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2 could to the residents.

3 But the one question I couldn't
4 answer is the one question they wanted
5 answered, how did you calculate my value?
6 How did you reach the value you said my home
7 was worth?

8 The reaction by residents was
9 almost universally the same when they opened
10 up that initial notice they received. If I
11 could sell my house what you're telling me
12 my home is worth I would sell it tomorrow.

13 They didn't understand how it was
14 that you reached those calculations because
15 there was no effort on the part of the
16 Department of Assessment to educate anyone
17 on exactly how it was conducted.

18 In fact, what made it even worse,
19 and now we're getting into more pieces of
20 legislation here, what made it even worse in
21 order to have actually that formula
22 answered, in order to get that algorithm, in
23 order to get some answer to that question,
24 residents actually had to sue Nassau County
25 to be able to get the algorithm to try to

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2 calculate on their own how it was that the
3 Department of Assessment reached those
4 values.

5 So, again, were there any efforts
6 on the part of the administration and on the
7 part of the Department of Assessment to
8 actually do any public outreach to educate
9 the public on how the reassessment was
10 conducted, on how it was that we calculated
11 those individual values, and on what the
12 public could do if they felt those values
13 were wrong to protect themselves?

14 MS. BROWER: We are open five
15 days a week. We have a customer taxpayer
16 assistance area.

17 LEGISLATOR RHOADS: So you want
18 383,000 people to come to your office.

19 MS. BROWER: May I finish? You
20 had your say. We are open. We have a
21 staffed area for taxpayer assistance to
22 answer any questions exemptions or anything
23 on the taxpayer protection plan, we had walk
24 ins as well as people that scheduled
25 appointments. We also had the satellite

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2 offices to make it more convenient for
3 people to come in. Some people care, some
4 people don't.

5 The people whose taxes went down
6 in relationship to what they were before
7 probably didn't care as much as people that
8 went up.

9 So I think we make ourselves
10 available. I don't find that -- I find
11 people want to talk about their property not
12 necessarily the world of properties.

13 So hearings upon themselves, yes,
14 we get an opportunity to explain what we
15 did, but at the same point people want to
16 hear about their particular properties and
17 that's why we give the venues we do, such as
18 the satellites where we have them one on one
19 with people with computers with their tax
20 impact notice, with an explanation of their
21 sales in their area to try to educate them
22 in that way.

23 LEGISLATOR RHOADS: But, again,
24 with all of that you were only able to
25 educate approximately three percent of all

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2 residential property owners of Nassau
3 County?

4 MS. BROWER: And they're open, we
5 had more slots open and people did not come
6 in.

7 LEGISLATOR RHOADS: So your
8 answer is that they should come to find you,
9 you shouldn't have to go to find them.

10 I think that response in a
11 microcosm is the exact problem we are
12 talking about.

13 MR. KELLY: Legislator Rhoads, if
14 your point is that we should affirmatively
15 go out to each individual of 385,000 Class 1
16 properties --

17 LEGISLATOR RHOADS: No, my
18 suggestion is that you should have done what
19 your communications plan said you were going
20 to do. That you decided not to do for
21 whatever reason we haven't been able to get
22 an explanation as to why that's the case.

23 MR. KELLY: We had satellite
24 offices in which people came to talk to the
25 Department of Assessment to talk about their

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2 specific assessments.

3 In response to that there were
4 assessments that changed at the end of the
5 year, last year, in response to feedback we
6 received in order to make the assessment
7 roll more fair and accurate which is the
8 whole point of all this because for eight
9 years it was not.

10 LEGISLATOR RHOADS: By the way,
11 do you think with 260,000 challenges over
12 half of the properties in all of Nassau
13 County now have grieved their taxes because
14 they think they're inaccurate. How
15 confident are you in the accuracy of your
16 assessment roll?

17 MR. KELLY: The Department of
18 Assessment is confident in the accuracy of
19 its assessment roll.

20 LEGISLATOR RHOADS: I guess we'll
21 find out.

22 MR. KELLY: 260,000 grievances,
23 every year people grieve no matter what
24 because there is no downside to grieving
25 your taxes.

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2 CHAIRMAN NICOLELLO: Let's go
3 back to the tax impact notice legislation.
4 You've identified a number of technical
5 defects in the legislation; one involving
6 the year of the tax levy 2019, another
7 involving the failure to include county
8 taxes and the require tax impact
9 calculation.

10 A third involving the fact that a
11 hypothetical city and village taxes were
12 included and shouldn't.

13 And fourth would technically
14 involve Class 2. What if we removed all
15 those impediments, could you then send out
16 the tax impact notice?

17 MR. KELLY: Again, Presiding
18 Officer, as I said before that's a
19 suggestion I have to bring back to the
20 Department of Assessment and the
21 administration. It's not a commitment I can
22 make at this time.

23 CHAIRMAN NICOLELLO: It's not a
24 suggestion, it's legislation. We introduced
25 this two months ago and for you to come up

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2 here now and we may not have enough time,
3 why didn't you say that two months ago --
4 and let me finish --

5 MR. KELLY: The opinion on this
6 legislation --

7 CHAIRMAN NICOLELLO: Well, were
8 you aware of legislation that was announced
9 and filed at our clerk's office? Do we need
10 to have it hand delivered to you, is that
11 what you need to do?

12 MR. KELLY: Again, there was no
13 reach out from the Department of Assessment
14 of what can be done and what cannot be done,
15 the information was created by the
16 assessment in a vacuum.

17 CHAIRMAN NICOLELLO: You knew
18 that legislation had been filed, it was in
19 the newspapers, it was filed in our clerk's
20 office. You knew that we were going to
21 require that you send out tax impact
22 statements, so why would you wait eight
23 weeks to come and say, well, it's too late
24 now, is it because you just don't want to do
25 it?

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2 MR. KELLY: Mr. Nicoletto, as I
3 said before, I will bring that back to the
4 Department of Assessment and the
5 administration.

6 CHAIRMAN NICOLELLO: So let me
7 ask you this, you're telling us it is going
8 to take eight to ten weeks to produce this.
9 We heard this last year.

10 MR. KELLY: Three to four weeks.
11 That's the approximate time for a mailing
12 after --

13 CHAIRMAN NICOLELLO: So, look,
14 I'm telling you right now we can remove
15 those impediments so therefore we can do it
16 tomorrow if we need to.

17 So those impediments can go away,
18 so it will take three to four weeks, you can
19 make the October 15th deadline, can't you?

20 MR. KELLY: Listen, Mr.
21 Nicoletto, we cannot make the October 15th
22 deadline because the tax levies don't exist
23 until the end of the year.

24 CHAIRMAN NICOLELLO: No. We are
25 going to change the tax levy to the prior

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2 year, that exists, correct?

3 MR. KELLY: The '18-'19 levy
4 exists and those notices are already on
5 line, so to just nail out these notices
6 would simply just be an expense of \$240,000.

7 CHAIRMAN NICOLELLO: They are
8 available online. How many residents of the
9 380,000 know, how many do you think that
10 would be?

11 MR. KELLY: I don't have that
12 information.

13 CHAIRMAN NICOLELLO: Do you think
14 that would be important to know? It's
15 supposed to be available to the residents,
16 how many of them even know it's there?

17 MR. KELLY: I'm not sure how many
18 have access, I'm not sure of that
19 information.

20 CHAIRMAN NICOLELLO: But isn't
21 that the whole point of this legislation,
22 not to post something on line that you have
23 to navigate through the county's website?

24 MR. KELLY: The purpose of the
25 tax --

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2 CHAIRMAN NICOLELLO: I'm talking
3 about the purpose of this legislation.

4 MR. KELLY: The purpose of the
5 taxpayer protection statement was to give
6 the -- well, you're asking what the purpose
7 of the notices were so that people would
8 have the protections, the information that
9 they need. The purpose of the taxpayer
10 protection plan statement was to put out
11 hypothetical information at the decision of
12 the administration in a non-legally required
13 notice so that people could see what their
14 hypothetical taxes could be in the land of
15 485U of the Real Property Tax Law.

16 It was not legally required, that
17 was of our own volition, and it is
18 additional information which we are not
19 required to give out.

20 So taking this legislation and
21 imposing just '18-'19 on it would simply
22 just mean that we have to take those
23 notices, print out every single of them and
24 mail it at an expense of \$240,000.

25 CHAIRMAN NICOLELLO: So that's

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2 what the bottom line is, number one, you
3 don't want to put this in resident's hands,
4 correct?

5 MR. KELLY: That's not what I
6 said.

7 CHAIRMAN NICOLELLO: I know what
8 you are trying to say but how many residents
9 do you think can find -- if we had this room
10 full of 200 people and give them an
11 opportunity to look at the county website,
12 or the Department of Assessment website, how
13 many residents do you think can find it?

14 MR. KELLY: Tax protection plan
15 statements are on the land record view of
16 where everybody goes to look up information.
17 It's right at the top, says taxpayer
18 protection plan. It's right there where
19 everybody goes for their tax information for
20 their property. It's not a new website, a
21 website existed for years.

22 CHAIRMAN NICOLELLO: Here's what
23 the issue is. You don't want to send this
24 to taxpayers. You don't want to get this in
25 their hands.

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2 MR. KELLY: We don't want to
3 spend \$240,000.

4 CHAIRMAN NICOLELLO: What you're
5 doing today with this dance of, I have to go
6 back and talk to them, this is a dance. You
7 don't want to do it. You will look for
8 every possible excuse not to do it.

9 This is simply an administration
10 that does not want to inform its residents
11 because you're concerned about the public's
12 reaction.

13 We want you to provide as much
14 information to the residents not to tuck it
15 into a website, to get it into their
16 mailboxes so they can make an informed
17 decision. You don't want to do it.

18 All you are doing is a song and
19 dance to avoid having to do what you should
20 do and what you should want to do.

21 MS. BROWER: This information
22 that you're talking about right now, that
23 was published probably predated with what
24 you're requesting here which is, again,
25 obviously no one spoke to our department to

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2 ask us whether we do the city taxes, whether
3 we do the villages taxes. So to me this was
4 proposed a little bit in a vacuum.

5 You could have requested, that's
6 all I'm saying is that you could have
7 requested instead of creating a legislation
8 that really didn't address the proper
9 things.

10 CHAIRMAN NICOLELLO: The
11 legislation was not improved, it was
12 introduced.

13 Every time we submit legislation
14 there's a time period in which it can be
15 changed. If you were being honest about
16 this, you would have picked up the phone and
17 said, look, we know what you want to do but
18 there are several defects, or just have to
19 make these changes and those defects go
20 away.

21 Instead, you waited eight weeks
22 to come here. Actually we got this on
23 Friday night. A little less than eight
24 weeks. Several weeks and three days.

25 You waited all that time so that

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2 you could delay further to make sure that
3 this does not hit the mailboxes by October
4 15th. That's really what this is, just a
5 dance, right?

6 You're going to come up with
7 excuse after excuse and we went through the
8 whole thing last year with Mr. Moog. That's
9 what you're doing. You don't want to send
10 it out. And I think everyone in the room
11 knows it. You should just admit it.

12 MS. BROWER: I don't admit that.
13 I don't think that's the way we see it. We
14 see it a totally different way.

15 We are trying to save the county
16 the mailing because it is hypothetical, it
17 was not required.

18 If you want to require one,
19 that's your legislative option, but please
20 discuss with us up front what it is we can
21 provide and obviously whoever made this up
22 wasn't aware of some of our abilities.

23 Again, we are not trying to hide
24 anything. We, by our own volition, put up
25 the second notice. So, to me, we are being

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2 transparent in that way.

3 CHAIRMAN NICOLELLO: You want to
4 know something?

5 MS. BROWER: And we had to wait
6 for the following roll.

7 CHAIRMAN NICOLELLO: Don Clavin
8 is still doing forums and residents have no
9 idea what is up. So what he is doing for
10 residents is this, and this is something
11 unbelievable. He's telling residents, we
12 know you haven't found it. He said, I will
13 mail it to you.

14 So he's mailing out to residents
15 copies of what you put online because they
16 don't know it's there.

17 We have gotten a handful of calls
18 because our number is on there not your
19 number, we have gotten those calls because
20 Don Clavin, an official from the Town of
21 Hempstead, is doing for the residents what
22 we should be doing. He's sending out copies
23 to the people asking because they don't know
24 it's there. It's simple as that. The
25 people don't know it's there which I think

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2 that's the whole purpose of sticking it on
3 there.

4 Anyone else on this specific
5 item?

6 LEGISLATOR ABRAHAMS: First I
7 want to thank you for your time and so on
8 and so forth.

9 I want to make sure I understand
10 everything crystal clear. Did you work with
11 the majority to put together Clerk Item
12 274-19?

13 MR. KELLY: No, we weren't aware
14 of it before it was filed.

15 LEGISLATOR ABRAHAMS: By the
16 rhetoric I'm hearing, it sounds like they're
17 putting the onus on you to evaluate their
18 bill after they clocked it in and prepared
19 it without your knowledge, am I
20 understanding that correctly?

21 MR. KELLY: That's correct.

22 LEGISLATOR ABRAHAMS: I never
23 heard that before. We have worked on tons
24 of bills. We work with the departments
25 before we clock it in not after we clock it

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2 in.

3 Second, it seems to me regardless
4 of whether they worked with you on the bill
5 or not, I want to make sure I'm clear on the
6 record, just explain the time frame again.
7 Sounds like the bill on the face of it
8 physically can't be done?

9 MR. KELLY: That's correct. It
10 cannot be implemented.

11 LEGISLATOR ABRAHAMS: So if I'm
12 understanding the Presiding Officer's
13 comments correctly, he's saying put last
14 year's information on it to be able to send
15 the notices out by the 15th?

16 MR. KELLY: I don't want to put
17 words in the Presiding Officer's mouth.

18 MS. BROWER: The notice we have
19 right now --

20 LEGISLATOR ABRAHAMS: Ms. Brower,
21 you are from the Department of Assessment,
22 correct?

23 MS. BROWER: Yes.

24 LEGISLATOR ABRAHAMS: I'm
25 confused. How is it beneficial to the

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2 residents to put information that was based
3 off the '18-'19 which is hypothetical which
4 I understand is online.

5 But for the notice that we are
6 trying to inform them on, wouldn't that
7 information become a little bit stale?

8 Wouldn't be it confusing having
9 taxes gone up? I'm sure taxes have gone up
10 in 2019 whether it's in schools, with
11 respect to villages. The date goes back to
12 2018. I would think the information would
13 be confusing.

14 MR. KELLY: The 2018-2019 tax
15 roll is the most up to date tax roll we
16 actually have. Until September of this year
17 and December of this year when we will have
18 our final 2018-2019 tax roll is the most up
19 to date roll that we have, until September
20 and December of this year when we have a
21 2019 and 2020 tax roll assessments.

22 LEGISLATOR ABRAHAMS: Mr. Kelly,
23 does any of that truly reflect what
24 residents will truly see once the assessment
25 fully kicks in in '20-'21 roll?

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2 MR. KELLY: What is on the
3 statements are hypothetical numbers, so are
4 they exact numbers, no.

5 MS. BROWER: Basically when we
6 had these people at our satellite, taxpayers
7 at our satellite, we had to say to them,
8 this is for comparison purposes only. You
9 have two budgets to be voted, the '20 and
10 then the '21 before you get your actual bill
11 in your hand. That's I think one of the
12 things that confuses them every time you
13 send one of these, they think this is what
14 their tax bill is going to be.

15 We did the initial one in order
16 so they can see the comparison of this
17 change in new market value, because in some
18 cases, people's market value went up
19 significantly, and their taxes went down.
20 It was to show that relationship not the
21 actual taxes someone is going to pay.

22 LEGISLATOR ABRAHAMS: I
23 understand. So if I'm understanding the
24 arguments that are being presented, the
25 majority would like to see them go out now,

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2 or by October 15 so that people have
3 something, and then obviously, in terms of
4 accuracy and to get this more exact, it
5 makes better sense or some sense, some would
6 say it makes better sense to delay it until
7 we get closer to when we actually believe it
8 would be more pinpoint getting based off of
9 getting close to the 2021 site.

10 After we see a few municipalities
11 and jurisdictions, whether they raise taxes,
12 don't raise taxes, is it better to get
13 closer to that target date?

14 MR. KELLY: It's better for
15 people to have as much updated information
16 as possible, so I would agree that it does
17 rationally make better sense that if there
18 were a notice to go out, it would go out
19 with even further updated numbers, further
20 updated than what we have now.

21 LEGISLATOR ABRAHAMS: So at the
22 present time we are facing a bill which
23 obviously does have some shortfalls and from
24 your standpoint it sound like many of the
25 information would not be ready.

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2 So, in essence, the majority is
3 going to present amendments to this bill or
4 this bill would be tabled or finally they
5 would pass a flawed bill, am I summarizing
6 the three possibilities or is there a
7 fourth?

8 MR. KELLY: I'm not sure of any
9 additional possibilities.

10 LEGISLATOR ABRAHAMS: As minority
11 counsel tells me, they can withdraw it. But
12 none of them at the face of it none of that
13 would present to the taxpayers information
14 that if they went online and they saw it --
15 think about the guy that goes online, saw
16 it, and then he gets a notice in the mail.
17 That says 2018-19, he's like I looked at
18 something online a couple of months ago
19 what's this. God forbid, are you concerned
20 about what you presented on line versus what
21 that guy is getting in the mail is going to
22 be different? Would it be different? It
23 shouldn't be different.

24 MR. KELLY: Assuming somebody
25 would take what was on line, print it out

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2 and mail it, it shouldn't be. However, I
3 don't understand the question.

4 LEGISLATOR ABRAHAMS: I guess
5 what I'm saying is -- sorry, Legislator
6 DeRiggi-Whitton and I were just talking and
7 she's talking about the future when you do
8 the January letter, those numbers would be
9 different.

10 What I was talking about if you
11 did the letter based offer of what the
12 majority was suggesting, 2018-'19 notice
13 that would be the same?

14 MR. KELLY: Yes.

15 LEGISLATOR ABRAHAMS: So from our
16 standpoint, the guy that gets the letter,
17 that could create some confusion. I just
18 think it's very confusing to just print out
19 and send something.

20 I would strongly suggest, as I'm
21 sure there are probably many residents that
22 have not seen their notice online that the
23 county becomes more aggressive in making
24 sure those residents have the information
25 that they have. And encourage them to go

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2 online, encourage them to come into the
3 office.

4 I think it would send-off a
5 tremendous amount of concern to many of our
6 residents that received a notice when prior
7 months they received an actual -- they went
8 online and saw their tax impact notice in
9 the mail.

10 So I'm not too sure where,
11 Presiding Officer, you want to leave this
12 off but, from our standpoint, it seems based
13 on what we heard tonight has many many
14 concerns, this bill has many many concerns.
15 I would encourage a motion to table.

16 CHAIRMAN NICOLELLO: Motion to
17 table by the Minority Leader.

18 LEGISLATOR DERIGGI-WHITTON:
19 Second.

20 CHAIRMAN NICOLELLO: Seconded by
21 Legislator DeRiggi-Whitton. All in favor
22 signify by saying aye?

23 (Aye.)

24 All opposed?

25 (Nay.)

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2 Motion to table fails.

3 Just on the subject of the
4 staleness of the numbers from 2018-19, those
5 are numbers currently up online, aren't
6 they?

7 MR. KELLY: Those are the numbers
8 that are on the taxpayer protection plan.

9 CHAIRMAN NICOLELLO: And then
10 last year when the county did send out tax
11 impact notices, the numbers used were
12 '17-'18.

13 MR. KELLY: Correct.

14 CHAIRMAN NICOLELLO: So
15 approximately the same gap in terms of time.
16 This year '18-'19, and last year would be
17 '17-'18, correct?

18 MR. KELLY: '17-'18, last year,
19 yes.

20 LEGISLATOR RHOADS: Just to
21 follow-up, you could send out '18-'19
22 notices right now?

23 MR. KELLY: At a cost of almost a
24 quarter of a million dollars.

25 LEGISLATOR RHOADS: And you keep

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2 talking about the money.

3 MR. KELLY: That money is very
4 important.

5 LEGISLATOR RHOADS: I understand
6 that. It's taxpayer dollars that are being
7 spent and we are completely sensitive to
8 that, but the impact of these notices and
9 the ability for residents to be able to
10 understand what's happening to their taxes
11 is worth the cost.

12 MR. KELLY: I don't believe that
13 we agree it's worth the cost.

14 LEGISLATOR RHOADS: That's why we
15 get to have equal voices in this, we are the
16 Legislature. You guys are the executive
17 branch and I'm sure the County Executive
18 will have the opportunity to be heard on
19 that.

20 As of right now, you could send
21 out the '18-'19 notices, the tax impact
22 notices with the '18-'19 information on
23 them. They could be sent out by October
24 15th.

25 You should, with the '19-'20

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2 information, you should be able to send
3 those notices out by February 1st and
4 February 15th. Just so I understand where
5 we are in terms of the time frame.

6 MR. KELLY: As I said, there are
7 a lot of things that are physically
8 possible, however, I cannot commit to an
9 action on the Department of Assessment or
10 the administration at this time, that's my
11 ethical duty.

12 LEGISLATOR RHOADS: I understand,
13 we are going to pass some version of this
14 legislation, right, and I would prefer to
15 pass a version of the legislation that's
16 realistic. And one of the reasons that
17 we're getting feedback from you, and I know
18 you're frustrated because we didn't reach
19 out to you before the legislation was filed,
20 just like you haven't reached out to
21 taxpayers to let them know the notices are
22 up on line, but we're here now.

23 So, what you're telling us is,
24 the '18-'19 notices, if we were to say by
25 October 15th, they have to be mailed out to

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2 residents, that's something that you can do?

3 MR. KELLY: I'm saying that's a
4 conversation we can have, whatever the
5 outcome of today's meeting is, that's a
6 conversation that could be had with the
7 department of assessment and the
8 administration.

9 LEGISLATOR RHOADS: You said it
10 takes three to four weeks. You have all the
11 information for '18-'19 now. It's a matter
12 of taking the information that's on line --

13 MR. KELLY: You're not going to
14 get a different answer. The answer that I
15 gave that's a question I have to bring back
16 to the Department of Assessment and the
17 administration. That's my ethical
18 obligation.

19 LEGISLATOR RHOADS: So I
20 shouldn't put any credence in the three to
21 four week time frame that you gave us 15
22 minutes ago?

23 MR. KELLY: I'm saying that in
24 the past it has taken three to four weeks;
25 with this particular mailing, I can't say

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2 one way or another, you are talking about
3 doing something differently than is in the
4 proposed legislation?

5 LEGISLATOR RHOADS: So if we were
6 to amend the legislation to say that the
7 notices have to go out by October 15th with
8 the '18-'19 information on them, that is
9 something within the realm of possibility.
10 So if we were to amend the legislation going
11 forward, requiring that notices be sent out
12 on February 15th of every succeeding year
13 with tax impact, that's also a possibility,
14 correct?

15 MR. KELLY: It is a possibility.

16 LEGISLATOR RHOADS: Thank you.

17 CHAIRMAN NICOLELLO: Let's move
18 to the next one.

19 Understand that I'm reading from
20 the objections from Mr. Santeramo. Since
21 you're both attorneys for the Department of
22 Assessment, Ms. Bower, you're in the
23 Department of Assessment, do you know why
24 this came from -- this letter in opposition
25 came from Mike Santeramo?

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2 MR. KELLY: Mike Santeramo is a
3 member of the administration.

4 CHAIRMAN NICOLELLO: These are
5 all assessment related items. You think the
6 assessor would want to weigh in?

7 MR. KELLY: The assessor weighs
8 in the same level as the administration
9 weighs in. This is the administration, the
10 assessor works for the administration.

11 CHAIRMAN NICOLELLO: But going to
12 the second item, inspection of resident's
13 properties. Looking at some of your
14 objections. Do you understand that this is
15 limited? It doesn't prevent an assessor
16 from going into a property who sees
17 something that has to be reported and that
18 would affect someone's assessment, it
19 doesn't present them at all.

20 The only thing it does is prevent
21 conditioning and full inspection of a house
22 on any inspection. So basically we want
23 someone who has an issue outside or in a
24 basement, we want them to be able to contact
25 the Department of Assessment, for them to be

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2 able to go into the house, take a look at
3 what they need to and then leave, instead of
4 saying we have to see every bit of your
5 house.

6 MS. BROWER: Okay, well, that is
7 not how we understand it to be based on what
8 was put out there.

9 When people came in to us to meet
10 and say, listen, you have me down as having
11 three bathrooms and I have two, we said for
12 the people that came on earlier, we will
13 change it but we reserve the right to come
14 in the future and inspect to make sure that
15 that's the situation.

16 We asked to see the entire house
17 simply because our data is very important to
18 the valuations of the property and the
19 fairness of our total roll. We do not ever
20 force our way in. We ask if we can come in.

21 We also, if we go to the doors
22 and doesn't let us in, or they're not there,
23 we leave our card with them and they can
24 call us back and confirm information, set
25 another time, et cetera.

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2 We do this and say we would like
3 to see whatever you have in the house
4 because a lot of times we want to update our
5 inventory.

6 If you had a neighbor that had a
7 finished basement, a finished attic that did
8 it illegally without permits and had three
9 bathrooms and you had a one and a half
10 bathroom, no basement no attic finished
11 house, and we have an opportunity to get in
12 and see an entire property, we are only
13 going to take wharf permitted work they if
14 they had it permitted.

15 If they did not have it permitted
16 and they added a dormer, we want to be able
17 to capture that because that affects the
18 resale of that property and they'll legalize
19 it later on.

20 So we don't want to say that we
21 want to circumvent the building codes. We
22 don't want to say that we turned a blind eye
23 to seeing other things that are there.

24 We actually in the many many
25 cases we are using GIS and using aerial

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2 views on property so brought up an example
3 of a garage, we would go and look at the
4 aerial view unless we had some reason to
5 suspect they finished that into a living
6 area.

7 For the people that came in we
8 did change for them, but we did say we
9 reserve the right to come in the future. If
10 you don't want us to come in the future,
11 then we're not going to change it at this
12 point in time.

13 CHAIRMAN NICOLELLO: The average
14 resident is concerned of getting over
15 intrusive investigation by a governmental
16 official. That's the way it is. I think we
17 are all the same way.

18 This Legislature doesn't say to
19 assessment, you should be circumventing the
20 building codes, it doesn't say you have to
21 turn a blind eye to other things on the
22 property.

23 It simply says if there is a
24 reason you are being brought on to the
25 property, you have to refine and restrict

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2 yourself to that reason.

3 Otherwise what you're doing in a
4 way is trying to intimidate residents from
5 asking for you to come on and correct the
6 county's information because people don't
7 want a full investigation of the house if
8 they don't have a garage and you say they
9 do.

10 So all we want you to do is
11 restrict yourself to the characteristic,
12 correct the characteristics, so our
13 information is correct and not feel free to
14 roam around somebody's house because you're
15 on a search.

16 MS. BROWER: What you're saying
17 is this is when we are requested only to
18 come in the property, so if I have a permit
19 for work that I want to see, then I can
20 inspect the entire house to make sure that
21 permit is live, or is it only upon the
22 taxpayer's request?

23 CHAIRMAN NICOLELLO: It's a
24 reasonable limitation for the property
25 characteristic, that's what we're saying to

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2 you.

3 MS. BROWER: Well, we read it
4 also as you saying, I get permits for work
5 on the property and I can only see the one
6 bathroom I have a permit where I have five
7 plumbing fixtures or they may have had a
8 dormer.

9 Very often when we get plumbing
10 permits from one of the towns, they will
11 send us five or six permits when they've
12 literally demoed the house and built a new
13 house.

14 So if it's the restriction of the
15 person invites us to come and see the
16 property, that is your concern, or is it
17 that we don't get to inspect the entire
18 property, because our fair and equitable
19 role is based on its reporting, all the data
20 we have on that property or obtained on that
21 on property.

22 The number of people doing things
23 without permits and finishing areas, et
24 cetera, is quite large. We run into it
25 quite frequently, could be a full dormer on

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2 the property. So we need to make it much
3 more defined from what I hear you saying.

4 CHAIRMAN NICOLELLO: What if it's
5 a shed outside, do you have to look at the
6 entire property, inside the house?

7 MS. BROWER: No, we could do it
8 from an aerial view. Don't even go on the
9 property.

10 If it's a deck, we can see it if
11 there's not a lot of trees and things, or if
12 it's a garage, and we don't suspect that
13 they've turned it into illegal living area,
14 we can see it from the street. That's not
15 the issue.

16 The issue is, if you tell me, oh,
17 I don't have five bathrooms I only have two.
18 Now I'm looking at 6 to 5,000 square foot
19 house. I want to be able to properly report
20 that property because it's going to make a
21 different to the market value.

22 CHAIRMAN NICOLELLO: I think we
23 have the same goals in terms of wanting the
24 characteristics that the county has on file
25 to be accurate.

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2 I think what we are differing
3 though is from the perspective of which you
4 are coming from, you are coming from
5 somebody inside government that wants to get
6 an opportunity, a door opens and you want a
7 top to bottom investigation.

8 Whereas, we're coming from
9 representing people who say, look, we do
10 have a bathroom in the basement. You can
11 come and take a look at the basement, but
12 you're not getting access to the entire
13 house. I think they are being reasonable
14 and I think by adopting that posture, what
15 you are doing is, intimidating, maybe a
16 better word, those homeowners from ever
17 contacting you. It's not worth it.

18 Why do I want an assessor, no
19 disrespect, but assessors are a little bit
20 like the IRS, they come and look at all my
21 records.

22 They're not going to say, all
23 right, well, your average resident is not
24 going to say this characteristic is wrong on
25 the county records, but if I call the

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2 Department of Assessment, they're going to
3 do a full colonoscopy of my house. I don't
4 want that to happen.

5 MS. BROWER: If you were the
6 neighbor you would. We get those complaints
7 from neighbors at times to say my neighbor
8 has this and this and this, go see my
9 neighbor, et cetera.

10 It comes down to fair and
11 equitable. I don't want to seem like I'm
12 trying to intimidate anyone. I don't want
13 to make a taxpayer uncomfortable. I just
14 want to make sure that I don't get the
15 people -- in the first reassessment I met
16 with taxpayers and I had one of them say,
17 oh, my attic isn't finished, my attic isn't
18 finished. We will arrange an inspection.
19 It will be finished by the time you get
20 there. We're trying to be fair. That's
21 all.

22 I don't know if you need to
23 legislate fairness, but we can't have you
24 legislate keeping them from doing our job in
25 a fair and equitable way.

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2 CHAIRMAN NICOLELLO: Again,
3 there is nothing in this legislation that
4 say that the assessor has to turn a blind
5 eye to something he or she sees that's
6 different from characteristics on file.

7 There's nothing that says or
8 requires the Department of Assessment to
9 circumvent building codes or anything else.

10 MR. KELLY: I agree it's not the
11 Legislature's intent to tell the Department
12 of Assessment not to turn a blind eye to
13 improvements to someone's house; however,
14 that is the way we read that law, where it
15 specifically says in the law that if we are
16 invited into a home for a specific reason,
17 that we can only look at that specific
18 reason.

19 Your example in the very
20 beginning where you said, if the improvement
21 is in the basement, and you have to walk
22 through the front door, traverse half way
23 through the house and down stairs, into the
24 basement, you had said that if you see
25 something in that trip, then that's fair

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2 game.

3 I don't read the law that way. I
4 don't believe that the law is drafted that
5 way.

6 I believe the law says when I
7 walk into house, I have to do this, go all
8 the way down in the basement not look at
9 anything in the way. I'm not saying that's
10 what we have the issue with is, if we go in
11 a house and if we're not allowed on our way
12 to look at improvements, not allowed, wait a
13 minute, that third bathroom that's not on
14 the plans, what that essentially does is
15 create an inaccurate unfair tax roll
16 because, if we can't capture that
17 improvement, then the value of that home is
18 going to be artificially low which means
19 everybody else bears the burden.

20 CHAIRMAN NICOLELLO: I get that.
21 And obviously no one in the Legislature
22 wants that to happen, just as, if you saw
23 from your aerial view, a small house that's
24 been blown up, just as if we wouldn't want
25 you not to take that into account.

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2 So I think maybe there is a way
3 that we can resolve these issues in terms of
4 other legislation. Anyone else have
5 anything on this?

6 LEGISLATOR ABRAHAMS: I'm sorry.
7 I just want to go back to the previous bill
8 because I didn't get a chance to ask a
9 question.

10 I just want to make sure I'm
11 clear. I think every one here agrees that
12 notifying the public is essential and
13 necessary but, Mike, I want to go back to
14 your point or to what you had said.

15 When would be the opportunity to
16 be able to send the notice out with the
17 2019, 2020 tax levy information? When is
18 the earliest we can do that by?

19 MR. KELLY: Assuming for a moment
20 that it does take three or four weeks to put
21 out this notice and assuming the beginning
22 of the year we are also getting out the
23 tentative assessment notice, the earliest
24 that it could possibly happen is some time
25 in February. That's a guess not a

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2 commitment.

3 LEGISLATOR ABRAHAMS: To your
4 knowledge, and I kind of posed this to the
5 majority as well, where does this October
6 15th date come from? You want to try to
7 provide the information as fast as you can,
8 as quickly as you can to the public or it
9 would be information based off the '18-'19
10 roll and not '19-'20 roll which if we waited
11 a couple of months we'd be able to get that,
12 and I'm sorry --

13 MR. KELLY: I was just going to
14 say that the October 15th date was included
15 in the legislation. We didn't create the
16 October 15th date.

17 CHAIRMAN NICOLELLO: Very simply,
18 it's very similar to the date we came up
19 with last year. The idea is to get this
20 information in the hands of residents as
21 soon as possible. If you wait a little bit
22 longer you're into the holiday season and it
23 tends to get lost.

24 And, as you are pointing out, if
25 we wait long enough then it becomes stale,

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2 then you have to look at '19-'20. And then
3 you're sending something out in January
4 February March. Now you're over a year
5 since your last notice. You are basically
6 delaying this.

7 LEGISLATOR ABRAHAMS: Now that
8 we're hearing the '19-'20 would be ready at
9 the earliest by February, '19-'20 doesn't
10 become a possibility for at least another
11 five or six months, that seems to me like
12 the greatest opportunity to send this
13 information out, it would have the most
14 updated and current information to the
15 taxpayers in February of next year, they
16 would still have at least, eight to nine
17 months before it actually would take affect
18 in the fall, am I getting that right?

19 MR. KELLY: Yes, for the school
20 taxes about seven months.

21 LEGISLATOR ABRAHAMS: So, to me,
22 getting it more accurate and more precise
23 would make more sense, but, be that as it
24 may, 275-19, my interpretation of the law
25 was similar to yours.

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2 If I'm reading this correctly,
3 the local law would restrict the DOA,
4 Department of Assessment, from entering a
5 home without permission and to verifying
6 and/or correcting only those elements
7 identified by the homeowners as requiring
8 review.

9 If I'm understanding this law
10 correctly, correct me, Ms. Bower, how many
11 complaints have you received of the
12 Department of Assessment personnel entering
13 homes without permission that are you aware?

14 MS. BOWER: None. We make it
15 clear that we will not come in unless we're
16 invited in.

17 LEGISLATOR ABRAHAMS: So the
18 department has not heard of any complaints
19 of them entering properties or homes without
20 permission to your knowledge?

21 MS. BROWER: No.

22 LEGISLATOR ABRAHAMS: So my next
23 question would be in regards to, if I'm
24 understanding the bill correctly, the
25 department of personnel has been invited

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2 into a home, kind of like a vampire, get
3 invited into a home.

4 MS. BOWER: And an example is,
5 you have the condition of my property wrong.
6 It's about to fall down, please come see it.
7 We get those kinds of invitations.

8 LEGISLATOR ABRAHAMS: It's going
9 to fall down, please come and look at it.
10 You have me down for three bathrooms, I only
11 have one and a half.

12 So based on the understanding of
13 the bill, the Department of Assessment has
14 come in and they're not supposed to see
15 anything around them as they are walking to
16 see what they are there for to see.

17 MS. BROWER: That's how we read
18 it.

19 LEGISLATOR ABRAHAMS: And, Mr.
20 Kelly, tell me if this is accurate or not.
21 Is that something -- is that legal?

22 If the Department of Assessment
23 personnel walks into something and sees
24 something, he's going to try to do his best
25 not to see anything that he's not there for,

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2 but if he does see something, is he legally
3 obligated to report that?

4 MR. KELLY: Putting legally and
5 illegally aside for a moment --

6 LEGISLATOR ABRAHAMS: Let's say
7 ethically responsible.

8 MR. KELLY: Yes, ethically.

9 LEGISLATOR ABRAHAMS: So
10 basically we are asking the Department of
11 Assessment personnel to potentially do
12 something unethical in order to comply with
13 this bill?

14 MR. KELLY: In the way we read
15 the bill, we believe it forces the
16 Department of Assessment personnel into that
17 situation the way the bill is currently
18 drafted.

19 LEGISLATOR ABRAHAMS: Is it the
20 county's practice to put department
21 personnel in unethical positions for legal
22 purposes?

23 MR. KELLY: Not to my knowledge.

24 LEGISLATOR ABRAHAMS: Thank you.
25 That's all I have.

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2 CHAIRMAN NICOLELLO: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: Now,
5 it's not that different from the building
6 department, your role, and I had a kitchen
7 done in the last year. When they came in
8 they looked at the whole house and they
9 looked at the fire detectors, and my
10 furnace, and looked at everything.

11 If you're doing it right or at
12 least if you're trying to do it right, you
13 have nothing to worry about. If you are
14 hiding something you have something to worry
15 about.

16 But that's the whole point of
17 getting the assessment roll correct is
18 trying to be fair and equitable to
19 everybody.

20 MS. BROWER: And if someone does
21 have a concern that we might see a shed or a
22 finished basement or something along those
23 lines, we publish on our website the
24 property description that would say, we
25 don't have your basement finished, or would

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2 say we don't have any fireplaces or things
3 like that. So they could check that out
4 ahead of time if they were concerned about
5 that.

6 LEGISLATOR DERIGGI-WHITTON: So
7 they know before they invite you in?

8 MS. BROWER: Yes.

9 LEGISLATOR DERIGGI-WHITTON:
10 Another thing is, I've spoken to so many
11 people about assessment, and believe me I
12 have had a lot of problems with the way a
13 number of things have happened. But I never
14 heard from anyone that I spoke to that
15 anyone has ever forced the door in or
16 anything like that.

17 I don't want to send the wrong --
18 there are enough issues with this, I don't
19 want to send out any kind of unnecessary
20 fear to our constituents for something I
21 haven't heard a word about.

22 CHAIRMAN NICOLELLO: I don't
23 think anyone is saying that people are, that
24 assessors are knocking down doors.

25 Let me ask, legislator,

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2 philosophically, I can tell you what I feel,
3 but since you raised the subject; if a
4 homeowner reports that they have no garage
5 and the Department of Assessment says they
6 do, can the Department of Assessment say,
7 I'm not coming out to look at that and
8 confirm that unless you let me look at your
9 entire home. Is that something that we
10 should allow as a policy?

11 LEGISLATOR DERIGGI-WHITTON: I'm
12 saying, that's what happened with the
13 building department.

14 CHAIRMAN NICOLELLO: That's what
15 I'm asking you. Do you think that's
16 something that we should let happen?

17 LEGISLATOR DERIGGI-WHITTON: I
18 sort of felt that you have to play by the
19 rules, that's why we have a society that has
20 rules.

21 If you a finished basement and
22 you know that we see that you don't, and
23 you're going along paying an inaccurate
24 amount of taxes, I think like what you said,
25 the neighbor across the street isn't being

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2 treated fairly.

3 Our whole idea with assessment is
4 to have a fair and accurate roll. Do I
5 think this is a fair and accurate roll?
6 Absolutely not. I think there has to be a
7 lot of changes to it which I guess are going
8 to happen through ARC I hope.

9 But I think the premises is we
10 should be taxed on what we have. If you
11 know that the Assessment Department doesn't
12 know that you have a jacuzzi and wet bar and
13 God knows what else in your basement, maybe
14 you have to take that into consideration
15 before you invite them to come in.

16 I don't like to live that way. I
17 say come in and see what you want. Maybe as
18 an elected official I feel very strongly
19 about that. I do my best. If I made a
20 mistake, which I had to get another fire
21 detector, then you do it.

22 CHAIRMAN NICOLELLO: I think
23 there is a philosophical difference here,
24 maybe a Republican Democratic thing because
25 my feeling is people have tremendous rights

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2 of privacy in their home. Any time
3 government can come in, and there are
4 legitimate reasons that government can and
5 should come in their home but that should be
6 as limited a possible.

7 I think people's rights to
8 privacy trump, in many cases, government's
9 want that desire to, in this case, inspect
10 every square inch of someone's home.

11 I think government has a right to
12 go in, especially if they're invited to look
13 at a characteristic, building permit, et
14 cetera, but I do not believe that's carte
15 blanche. I'm going to call and say, my
16 siding is different than what you said and
17 our government is going to respond, okay,
18 open up your doors, I'm going to look at
19 your basement and your attic which is
20 exactly what Mr. Moog said is the policy of
21 the department in a hearing on March 18,
22 2018. I simply disagree.

23 LEGISLATOR DERIGGI-WHITTON: I
24 understand and I live with a Republican and
25 he showed him around the house. I get it.

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2 But, the bottom line is, first of
3 all, if you say you don't have a garage,
4 that you won't even go to the house even
5 for, you do an aerial view, correct? If you
6 are seeing something on the outside of the
7 house, you are not going to ask to go in the
8 house.

9 You are only going to be in the
10 house if the person says there's something
11 wrong with your -- if there's a discrepancy
12 with your description of my home and what
13 is. So --

14 MS. BROWER: Or we have a permit.

15 LEGISLATOR DERIGGI-WHITTON: I
16 understand what you are saying about having
17 privacy, I do, but you are the one making
18 call to have them correct something, so you
19 kind of have to be ready to show them, you
20 are opening yourself up.

21 If you are doing everything
22 right, you have nothing to worry about.

23 CHAIRMAN NICOLELLO: Part of the
24 genesis of this, it comes from the hearing
25 we had in March, a resident, Mr. Duffy, said

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2 he called the Department of Assessment with
3 respect to a condition outside his house.
4 They would not inspect the condition and the
5 characteristic without allowing them a full
6 inspection.

7 I asked Mr. Moog if that was the
8 policy and he said yes. If you don't think
9 that's happening, that's what this
10 Department of Assessment is doing.

11 Mr. Rhoads.

12 LEGISLATOR RHOADS: Yes. And
13 there is a complete difference between a
14 taxpayer generated request and a department
15 generated request to come in and see
16 somebody's home. They are two completely
17 different things.

18 I think what we are trying to
19 avoid here is a scenario where if a
20 homeowner comes in and says, look, you're
21 telling me I have a finished basement. I
22 don't have a finished basement, and you're
23 going to come in and inspect, according to
24 Mr. Moog, they're telling that homeowner, we
25 will come in and look at your basement but I

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2 have to be able to go onto of the third
3 floor of your house and see if you have an
4 extra bedroom, where, if you have an extra
5 bathroom in that bedroom. I think that's
6 completely out of bounds and that's the
7 situation we are trying to avoid.

8 Homeowners have a certain right
9 of privacy in their home. I believe the
10 Department of Assessment should be honoring
11 and respecting that right of privacy and
12 this legislation is designed to try and
13 protect that right of privacy.

14 We're not asking the Department
15 of Assessment to turn a blind eye to
16 something they happen to see on the way to
17 the basement, if you're there, you see it
18 you see it. But to actually require a top
19 to bottom inspection of somebody's house,
20 when there is a specific problem or a
21 specific inconsistency that's been
22 identified that you go in there to look for
23 I think is incredibly unfair.

24 Plus, when you are doing a full
25 inspection like that, you're talking about

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2 the inconvenience to homeowners as well,
3 having to take time off of work, I'm sure
4 you're not going out there to inspect on the
5 weekends. That's another concern that has
6 to be addressed as well.

7 MS. BOWER: My question to you
8 would be of your travels and speaking to
9 taxpayers, how many people have actually
10 said that we would do that?

11 I think we do have some people
12 that are very protective of their property,
13 very protective of their rights, and say I'm
14 not going to let you in the entire house.

15 It's not something that we
16 generally hear any complaints on. I'm sure
17 being people are concerned about their taxes
18 and assessments, I would wonder what
19 percentage of the people would actually say
20 that we tried to come in and see the entire
21 house and cause a problem. Yes, would we if
22 we can, yes, we're asked to. If someone
23 says no, we turn around and walk out. So
24 it's upon request, it's not upon --

25 LEGISLATOR RHOADS: To answer

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2 your question, I have spoken to numerous
3 homeowners who have expressed the fear that
4 they hesitated in

5 Calling the Department of
6 Assessment to correct an error because
7 they're concerned about the full inspection
8 of their home as a result.

9 But we've also heard testimony
10 from your boss who said that's exactly what
11 the Department of Assessment will do.

12 MS. BROWER: We will make the
13 request, yes.

14 LEGISLATOR RHOADS: That's not
15 what he said. What he said was, we will
16 only come out if they agree to allow us to
17 do a full inspection of their home. That's
18 his testimony. Either he's wrong --

19 MS. BOWER: We would only make --
20 from my point because I was implementing the
21 policy, we would only put the change in on
22 somebody.

23 So if you said to me, I don't
24 have five bathrooms, I have three, I'm not
25 going to change it from five to three on the

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2 current roll which we did for quite a number
3 of people, change it to that, without the
4 option of coming to see the property at some
5 point in the future.

6 LEGISLATOR RHOADS: I can only go
7 by the testimony of our qualified assessor.

8 MS. BOWER: Okay. I would just
9 say the language from our point of view is
10 very restrictive to what we do.

11 CHAIRMAN NICOLELLO: Okay. The
12 next item involves the adjustment to the
13 level of assessment. We already touched on
14 that.

15 Does anyone feel you want to
16 revisit the issue again? You already had
17 your peace. Legislator Rhoads has said his
18 peace.

19 Anyone want to discuss the level
20 of assessment legislation? You already
21 responded today.

22 MR. KELLY: I think we spoke
23 about policy about the level of assessment.
24 We didn't speak about legal points.

25 It's the opinion of myself and

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2 the County Attorney's Office that the
3 Legislature doesn't have the authority to
4 enact this local law as it conflicts with
5 Charter Section 602 and Section 305 of the
6 Real Property Tax Law dealing with the
7 establishment of levels of assessment.

8 602 of the Charter states as the
9 duty of the assessor in a manner hereinafter
10 will require to assess all property. Now,
11 assess all property doesn't just mean
12 establishing market values. It means
13 establishing assessed values.

14 And, essentially, the key point
15 in assessing or establishing assessed value
16 is multiplying market value by that level of
17 assessment. That level of assessment is
18 arrived at in scientific fashion.

19 The proposed local law would bar
20 the level of assessment from being changed
21 and, Presiding Officer, you said in the
22 beginning that the Legislature could change
23 it, however, there is nothing in the law
24 that says that it can be changed. It just
25 says that the assessor cannot change the

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2 level of assessment relative to the year
3 prior. So, in that case, all that law means
4 is it will stay the same forever.

5 So it's our position that there
6 is a legal impediment to the adoption of
7 this local law as this is a duty of the
8 assessor and as well a standard, a best
9 practice, to change to consistently, or on
10 some basis, review the level of assessment
11 as established by the Office the Real
12 Property Tax Services.

13 CHAIRMAN NICOLELLO: Legislator
14 Rhoads.

15 LEGISLATOR RHOADS: I think the
16 issue we are trying to address is the issue
17 that was created last year. The County
18 Executive likes to talk about how we should
19 be working in a bipartisan fashion with
20 respect to assessment. That's exactly what
21 we tried to do.

22 When we approved the contracts to
23 move ahead with the assessment, we were in
24 agreement as a Legislature, majority and
25 minority. We reached an agreement with the

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2 County Executive that she would not change
3 the level of assessment.

4 She issued an executive order.

5 We voted based on that executive order. And
6 in September of 2018 she broke her word.

7 She changed the level of assessment
8 unilaterally. No discussion. No public
9 debate. No notifications to the Legislature
10 or even really to the public that that was
11 going to happen.

12 That's exactly the situation that
13 we are trying to avoid happening again.
14 That if the level of assessment is going to
15 change, we're not saying that the level of
16 assessment can change, what we're saying is,
17 there has to be an open, public, and
18 transparent process where the assessor and
19 the County Executive will have to describe
20 their reasons for it, and the Legislature
21 will have a voice in which we approve or
22 disapprove that.

23 Now, the administration, as I'm
24 sure you do, may have a disagreement as to
25 whether or not we have that power, but the

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2 reality from our perspective is, this has to
3 be an open and transparent process and what
4 happened last year is the exact opposite of
5 that.

6 This is the best way we can
7 ensure that there will be a public airing of
8 the reasons for the change in the level of
9 assessment. We're not saying it will never
10 change. We're not saying that there are
11 legitimate reasons for it to change.

12 What we're saying is, there needs
13 to be an honest exchange of what those
14 reasons are and there should be an agreement
15 between the executive and legislative branch
16 whether those reasons are legitimate.

17 MR. KELLY: Again, I'm not
18 attacking anybody's motive. With regard to
19 the change in the level of assessment from
20 .25 to .10, obviously I was not an employee
21 of the county at the time.

22 However, I do know the reasons
23 why it was changed in conjunction with my
24 understanding of levels of assessment and
25 the theory behind them, that the level of

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2 assessment was changed because the level of
3 assessment essentially remained frozen for
4 years at .25.

5 In order to alleviate the county
6 of the liability that could come from ratio
7 challenges which we already knew were a
8 possibility and there were ratio
9 stipulations at the Assessment Review
10 Commission, in order to avoid that, changing
11 the level of assessment to .10 to a more
12 what we believe to be a more level of
13 assessment would avoid the liability
14 associated with keeping it at .25 and create
15 a more accurate assessment roll.

16 So obviously you have your
17 position on your version of events and okay.

18 However, I don't believe that
19 this is the way to resolve this situation
20 even as written that this law takes away a
21 power from the assessor which is given to
22 the assessor by state law, I don't think
23 that it's our position that the Legislature
24 doesn't have the authority to do that.

25 LEGISLATOR RHOADS: I think we

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2 respectfully disagree.

3 CHAIRMAN NICOLELLO: You
4 mentioned a couple of times that the level
5 of assessment hadn't changed for eight years
6 and roll was frozen. In the eight years
7 before that the level of assessment was
8 changed three times by the prior
9 administration, changed to one, then changed
10 to .5 and then down to .25.

11 In recent history of this county,
12 the level of assessment was changed multiple
13 times in a very short time period which our
14 dealings with the residents just creates a
15 profound sense of certainty and distrust by
16 those residents of the whole process, it
17 looks like we understand the reason that you
18 do it, and the requirements of state law.

19 But it looks like to the average
20 resident that the system is rigged. So I
21 think what this requires us to do is to have
22 a legislature involved and have it in terms
23 of making alterations to the level of
24 assessment going forward.

25 LEGISLATOR RHOADS: The other

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2 thing, too, is that it should be done in a
3 public forum. You are articulating a reason
4 why you believe the level of assessment was
5 changed was the position of the
6 administration last year.

7 That reason should have been
8 flushed out in a public forum where the pros
9 and cons were discussed, why you believe it
10 was necessary, none of that transpired.

11 The County Executive and the
12 assessor made the determination and nobody
13 could say anything about it. The real
14 reasons for that weren't articulated to
15 anyone.

16 I think part of what we're trying
17 to do through with this legislation is
18 making sure that when decisions like that
19 are made, there is a full vetting and public
20 disclosure of what the rationale behind it
21 is because when we are talking about
22 openness and transparency, that's what
23 openness and transparency is. That's the
24 goal here.

25 CHAIRMAN NICOLELLO: All right.

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2 What we are going to do at this point --

3 LEGISLATOR ABRAHAMS: Real quick.

4 I know the night is long and it's getting
5 late.

6 Obviously in regards to the
7 changing of the level of assessment, it's
8 not really a question it's more of a
9 statement.

10 We believe the best way to
11 protect taxpayers in regards to their
12 assessed values and everything that's going
13 on, the confusion, the taxpayer protection,
14 which has already been passed by the state,
15 which would be able is to phase in those
16 that are going up, as well as phase in those
17 going down is the greatest protection that
18 Nassau County taxpayers can see.

19 It will allow them to prepare
20 over a five year period to be able to truly
21 see what they would be like at the end of
22 the five years for whatever reason that
23 particular legislation unfortunately is
24 being stalled here.

25 If we were able to pass that than

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2 many of these issues with regards to
3 resident's concerns, are alleviated because
4 they understand exactly where they're going
5 to be next year and the next five years to
6 come which is the greatest amount of sense
7 of direction they can have at this
8 particular juncture.

9 So I just want to continue to
10 urge the majority to consider passing that
11 bill as quickly as possible because many of
12 the concerns here I truly believe would be
13 addressed if the residents knew exactly
14 where they would stand over the next five
15 years.

16 CHAIRMAN NICOLELLO: Legislator
17 Rhoads.

18 LEGISLATOR RHOADS: One question
19 that I would have for the administration is
20 a question that we posed to the
21 administration. How is the phase-in going
22 to work when the plan is to conduct annual
23 reassessments?

24 What is the impact of a five year
25 phase-in on homes that were substantially

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2 damaged by Superstorm Sandy which is a major
3 concern in my district and is in South Shore
4 communities.

5 The phase-in is going to be using
6 the tentative roll as of January 2nd, 2019,
7 however, with over 260,000 grievances filed,
8 what's the effect of a phase-in being based
9 upon numbers that will change substantially
10 throughout the grievance process?

11 Are we guaranteeing an accurate
12 phase-in by using numbers that will
13 invariably change?

14 Where is the \$200 million that
15 was offered in Senator Kaplan's plan to
16 provide relief to property owners and why
17 wasn't that included in the phase-in that
18 was negotiated in Albany?

19 There is serious and legitimate
20 questions that have to be answered and the
21 administration has refused to answer those
22 questions.

23 LEGISLATOR ABRAHAMS: So,
24 Mr. Rhoads, let me try to understand you
25 correctly, are you considering not voting

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2 for this particular legislation even though
3 it would probably help thousands of your
4 residents who are going up?

5 LEGISLATOR RHOADS: At some point
6 we are going to have to pass some version of
7 a phase-in.

8 LEGISLATOR ABRAHAMS: So you just
9 don't know if you like this phase-in plan?

10 But you do agree that residents
11 should receive relief?

12 LEGISLATOR RHOADS:
13 Unfortunately, because of what happened with
14 the level of assessment and because the Real
15 Property Tax Law protections were bypassed
16 by dropping the level of assessment,
17 taxpayers are now exposed to tremendous
18 risks of substantial tax increases.

19 The five year phase-in is the
20 administration's attempt to try to undo some
21 of the damage that it did as a result of
22 bypassing the RBTL. Is this the best deal
23 we could have gotten out of Albany and how
24 exactly is this phase-in going to work in
25 light of the considerations that I just

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2 discussed?

3 Those are questions I would like
4 to have answered because if a constituent
5 asks me how this is going to work, I would
6 love to be able to give them an answer.

7 LEGISLATOR ABRAHAMS: Mr. Rhoads,
8 let's be fair. If I understand the
9 questioning on the tax impact notices, you
10 were pretty much asking the administration,
11 Mr. Kelly and Ms. Brower, to propose
12 hypothetical numbers.

13 However, every scenario that you
14 just painted as it pertains to the taxpayer
15 protection plan would be hypothetical.

16 So, if I'm understanding this
17 correctly, hypothetical is good when it
18 comes to the tax impact notices, but
19 hypothetical is bad when you are trying to
20 get the taxpayer protection plan correct?

21 LEGISLATOR RHOADS: Hypothetical
22 is good in the absence of any other
23 information. Right now taxpayers know
24 nothing. So providing them with some basis
25 for comparison is better than providing them

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2 with nothing.

3 LEGISLATOR ABRAHAMS: I have to
4 tell you though, Mr. Rhoads, if taxpayers
5 are seeing their numbers are going up, and I
6 can tell you thousands of my residents are
7 seeing their numbers going up, they want to
8 know that a taxpayer protection plan exists
9 whether it's hypothetical, whether it needs
10 to be smoothed out, whether it has
11 Superstorm Sandy numbers or damage to
12 people's homes, they want to know that that
13 phase-in plan has been passed, and that they
14 can count on relief for the next five years
15 that's going to be phased in, whether it's
16 hypothetical or not.

17 To me, it comes off a little bit
18 hypocritical that you are asking the
19 administration to do taxpayer impact notices
20 that will be hypothetical there, but you
21 want everything to be crystal clear as it
22 pertains to the taxpayer protection plan,
23 just a little bit.

24 I'm just saying, I would prefer
25 that we would do it all.

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2 CHAIRMAN NICOLELLO: We are going
3 around in circles at this point. We all
4 made our points.

5 Unless there is an objection to
6 the next three items, I don't know that we
7 need to have further debate or discussion on
8 this.

9 We've been debating these first
10 few items pretty thoroughly and we have
11 another opportunity two weeks from now with
12 respect to these items and give all the
13 other Legislators an opportunity to speak on
14 them.

15 If the members of the committee
16 feel strongly about debating each and every
17 one of these, we will continue, otherwise I
18 think we can put it to a vote.

19 We will do separate votes, but
20 I'm talking about further debate or
21 discussion.

22 I'm sure Ms. Brower and Mr. Kelly
23 would rather we just go to a vote at this
24 point. You want to debate these things?

25 Again, if this was the ultimate

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2 vote then we would stay here as long as it
3 took to debate these things out. But we
4 will be back in two weeks debating these
5 very same bills.

6 Having said that, it's been
7 requested we vote on these separately.

8 Item 274 of 2019, and first of
9 all, before I do that, anyone in the
10 audience, member of the public want to have
11 a word or public comment?

12 (No verbal response.)

13 274 of 2019, all in favor signify
14 by saying aye.

15 (Aye.)

16 Those opposed?

17 (Nay.)

18 Passes by a vote of four to
19 three.

20 Next 275 of 2019, all in favor
21 signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 Passes by a vote of four to

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2 three.

3 276 of 2019, all in favor signify
4 by saying aye.

5 (Aye.)

6 Those opposed?

7 (Nay.)

8 Passes by a vote of four to
9 three.

10 277 is before us with respect to
11 requiring public hearings.

12 All in favor of the that item
13 signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Abstain?

18 (Abstain.)

19 LEGISLATOR ABRAHAMS: We want to
20 get more information on this one. The
21 administration has made it clear that they
22 are already holding hearings, and I think it
23 was good back and forth between Legislator
24 Rhoads and the administration on this
25 particular item and we want to give the

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2 administration an opportunity to get back to
3 us on whether or not they're actually
4 meeting the requirement that's already being
5 set forth in these bills, the legislation or
6 not.

7 CHAIRMAN NICOLELLO: We will have
8 two weeks to do that. So we should be good
9 to go. But for the record it was four in
10 favor and three abstentions.

11 278 of 2019, all those in favor
12 signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (Nay.)

16 Passes by a vote of four to
17 three.

18 Last but not least, 302 of 2019
19 which is the requirement of a dedicated
20 phone line to be answered by a live person.
21 All in favor signify by saying aye.

22 LEGISLATOR ABRAHAMS: Before you
23 take the vote, I believe Mr. Chalmers who
24 was here, Maurice, are you are still going
25 to be able to prepare a report in

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2 anticipation for the 23rd meeting on this
3 particular item?

4 MR. CHALMERS: Yes.

5 LEGISLATOR ABRAHAMS: He said
6 yes. We plan to vote on this with
7 abstentions for this one as well pending Mr.
8 Chalmer's report. So I just wanted to make
9 sure.

10 CHAIRMAN NICOLELLO: All in favor
11 of 302 signify by saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Abstaining?

16 (Abstain.)

17 So it's four zero three.

18 We need a motion to adjourn.

19 LEGISLATOR SCHAEFER: So moved.

20 LEGISLATOR DERIGGI-WHITTON:

21 Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Schaefer, seconded by Legislator
24 DeRiggi-Whitton. All in favor of adjourning
25 signify by saying aye.

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2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 (Whereupon, the Rules Committee
6 adjourned at 9:08 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 30th day of September, 2019.

FRANK GRAY