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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, September 23, 2019
1:33 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

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16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

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20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

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5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

10

11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

13

14 LEGISLATOR DELIA DERIGGI-WHITTON

15 11th Legislative District

16

17 LEGISLATOR JAMES KENNEDY

18 12th Legislative District

19

20 LEGISLATOR THOMAS MCKEVITT

21 13th Legislative District

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23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

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2 LEGISLATOR JOHN FERRETTI, JR.

3 15th Legislative District

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5 LEGISLATOR ANDREW DRUCKER

6 16th Legislative District

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8 LEGISLATOR ROSE WALKER

9 17th Legislative District

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11 LEGISLATOR JOSHUA LAFAZAN

12 18th Legislative District

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14 LEGISLATOR STEVEN RHOADS

15 19th Legislative District

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17 MICHAEL PULITZER

18 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: Ladies and
3 gentlemen, we are going to start the meeting.
4 I would ask Legislator Tom McKeivitt to lead us
5 in the Pledge of Allegiance please. Please
6 rise.

7 Please remain standing, I'm sorry I
8 should have said that before, for a moment of
9 silence for a number of reasons. First, we
10 have Patrick McDermott, father of the PBA
11 president James McDermott, who passed away.
12 He was a member of the fired department of New
13 York. He was a veteran of Korea. Served in
14 the paratroopers. Again, he just recently
15 passed away.

16 Second, John Nicheal, battalion
17 chief New York City Fire Department
18 counterterrorism. Ex-chief of the New Hyde
19 Park Fire Department. He was an instructor at
20 the Nassau County Fire Academy. Chair of the
21 first battalion of the Nassau County Fire
22 Commission.

23 And Ed Oppenheimer from Rockville
24 Centre, who was one of the first charter
25 members of the Nassau County Legislature.

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2 Long time village trustee.

3 May we have a moment of silence for
4 all three.

5 Welcome to the Nassau County
6 Legislature. We have a very full calendar
7 today. What we are going to do first is we
8 are going to honor our top cops and top medics
9 for the month of September. We will then go
10 into the public comment portion of our
11 meeting. I know that a lot of these slips are
12 for one particular issue. So what we are
13 going to do is move that issue up and consider
14 it early so we can get people up to speak as
15 soon as possible.

16 Again, once we conclude the public
17 comment portion, we are then going to move
18 into the full legislative meeting and consider
19 all of the many, many things that we have on
20 today.

21 To start things off I would invite
22 from the PBA Ken Cordis, chairman of the board
23 of trustees for a presentation as to the top
24 cops for the month of September.

25 MR. CORDIS: As you know, I'm

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2 here for James McDermott. He could not be
3 here today because of the passing of his
4 father. I'm doing legislative top cops
5 September 2019. We're going to honor police
6 officers Christopher White, Matthew Timpanaro,
7 Andrew Mirenda and James Higgins.

8 On August 27, 2019 around 8:30 in
9 the morning police responded to a call for an
10 active shooter at Roosevelt Middle School on
11 Clinton Avenue in Roosevelt. Officers quickly
12 responded to the school knowing the potential
13 for multiple casualties in an active shooter
14 situation and arrived at the school within two
15 minutes. While school was not in session that
16 day, there was faculty and there were students
17 there at that time. Upon arrival, the
18 officers were met by several frantic school
19 employees who stated that a male subject had
20 fired several rounds at school employees on
21 school property. He had a handgun.

22 After firing his weapon at school
23 employees, the subject then fled the scene on
24 foot and ran into a nearby house located on
25 Bauer Avenue, which is next door to the

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2 school. Officers White, Timpanaro, Higgins
3 and Mirenda then evacuated the immediate area,
4 created a perimeter around the house and
5 requested that BSO respond. Officers held the
6 perimeter at gunpoint. They had helmets, they
7 had protective vests on and their handguns and
8 they held the perimeter for approximately 15
9 minutes until BSO arrived.

10 When BSO arrived they were able to
11 extract the subject from the house, place the
12 subject in custody. BSO recovered a
13 semiautomatic handgun at the scene. I would
14 like to say we are thankful and lucky that
15 there was no long gun involved in this.

16 Due to the officers quick response,
17 teamwork and bravery, they were able to secure
18 the scene and assist in taking this dangerous
19 subject into custody. I'm just thankful again
20 that school was not in session, that nobody
21 was hurt and there were no long guns
22 involved. The officers had everything that
23 they had on their hands ready to go for what
24 happened but they didn't have every tool
25 possible. So this is why we are proud to name

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2 them Legislative Top Cops for August 2019.

3 COMMISSIONER RYDER: Good

4 afternoon. First, I want to send our

5 condolences to the McDermott family.

6 That morning of that shooting at

7 the school there were no students in session

8 but as Kenny just stated, there were practices

9 going on, football practice, track going on.

10 The school did everything that we had trained

11 them to do in that type of situation. They

12 evacuated the field. If you know the

13 superintendent was on her job for a good old

14 two days at that point. She did an

15 outstanding job.

16 More importantly, these cops did an

17 outstanding job. They got there, they secured

18 the field. They secured the home. ESU got

19 there first. They took the second flow. And

20 after ESU, BSO came down when they brought in

21 their Bear Cat. And from the Bear Cat the

22 individual realized the gig's up and he came

23 out. Again, great work by these cops doing

24 exactly what we train them to do and we thank

25 them all and congratulate them for being top

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2 cops. Thank you.

3 MR. WHITE: I just want to thank
4 the leg on behalf of the officers here and the
5 officers that responded that day. I want to
6 thank PBA president James McDermott and I want
7 to thank Commissioner Ryder. Thank you for
8 your continued support and your support going
9 forward.

10 LEGISLATOR NICOLELLO: Thank
11 you. Minority Leader Abrahams.

12 LEGISLATOR ABRAHAMS: Thank you
13 Presiding Officer. I just want to continue to
14 express my gratitude and thanks to the
15 officers that respond. We read about active
16 shooter cases unfortunately weekly in this
17 country. I know many in Nassau County feel
18 safe in regards to their public safety but
19 this can happen anywhere. When it happens in
20 a school district where a parent gets the call
21 or they get the email, the notification that
22 there's an active shooter, I'm glad to know
23 and understand that we have the First
24 Precinct, the BSO and all the departments
25 within the police department responding so

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2 quickly, so diligently to make sure that the
3 situation was safe.

4 I read about this. I heard about
5 this. I contacted the commissioner about it.
6 I commended him on a job well done. And
7 thankfully also the person that was actually
8 firing surrendered so peacefully. Thank I'm
9 thankful as well. But I'm so thankful to you
10 to make sure the community, the teachers, the
11 faculty, the neighborhood will all continue to
12 be safe in this particular instance. Thank
13 you again.

14 LEGISLATOR NICOLELLO: Alternate
15 Deputy Presiding Officer Ford.

16 LEGISLATOR FORD: I too want to
17 express my gratitude for your quick thinking
18 and your courage. I'm sure that you never
19 know what danger you're going to face or what
20 you're going to come up to during the course
21 of your day when you're on patrol. Your quick
22 thinking, the way that you reacted, you have
23 to be commended for that. You never know.
24 This is something with the shooting last week
25 of course in Oceanside. The police had to

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2 respond to an unfortunate stabbing of a young
3 man. So, your training really comes, like, we
4 really see how well trained that you are and
5 the type of individuals that you are too.
6 That you are able to think quick on your feet,
7 be able to contain, control the situations as
8 best as you can.

9 And I have to say that because we
10 don't know what type of tragedy you're going
11 to enter, this is why we always try to
12 endeavor to make sure that you have the tools
13 and equipment necessary to be able to react to
14 whatever comes before you. So once again,
15 thank you very much for your courage and your
16 bravery and for watching out for our kids.

17 LEGISLATOR NICOLELLO: Thank you
18 again on behalf of all of us. We will invite
19 you up for a presentation. In the mean time
20 we will have DAI come up first.

21 Next presentation is the Detectives
22 Association. Michael Maloney, sergeant at
23 arms.

24 MR. MALONEY: Good afternoon. I
25 would like to thank Presiding Officer

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2 Nicoletto, Minority Leader Abrahams and the
3 full legislative body for honoring gang
4 investigation squad detectives Joseph Albergo,
5 Stewart Cabanillas and assistant district
6 attorney Brittany Gurrieri.

7 The facts in this case are, the
8 victim and his friend were innocently smoking
9 a cigarette and laughing outside of a home on
10 Dover Street in Westbury. The three
11 defendants, who were MS-13 gang members, rode
12 by on bikes several times and approached the
13 victims. One of the defendants asked the
14 victim and his friend what they were laughing
15 at. The same defendant then told him "The
16 beast is going to take you" which is an MS-13
17 gang term meaning you're going to die.

18 Immediately following the MS-13
19 threat the defendant took out a machete that
20 he swung several times at the victim, ripping
21 his shirt and scraping his abdomen. The
22 second defendant was armed with a knife and
23 tried to stab the victim. The third defendant
24 took out a gun and fired several shots at the
25 victim as he ran away in fear of his life.

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2 Thankfully all the shots missed the victim.
3 It turns out this violent attack was the
4 culmination of a year of threats made by the
5 defendants in this case who specifically
6 targeted and attempted to murder this young
7 man who refused to join MS-13.

8 The victim had to eventually drop
9 out of school because of the gang's
10 intimidation. The victim was extremely lucky
11 that he survived a violent attack by these
12 three MS-13 gang members.

13 Following an investigation by the
14 gang squad detectives Albergo and Cabanillas,
15 all three of the defendants were identified
16 and arrested. Nassau County ADA Brittany
17 Gurrieri, who is assigned to the Street
18 Narcotic and Gang Unit, was assigned to
19 prosecute this case. ADA Gurrieri worked
20 closely with the gang squad detectives during
21 the investigation, arrest and convictions of
22 these defendants. The detectives' gang
23 investigation and subsequent arrest, along
24 with working cooperatively with ADA Gurrieri,
25 was the main reason the defendants were

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2 convicted and sentenced to terms of 15 years
3 to life for attempted murder, criminal
4 possession of weapons and criminal use of
5 firearm.

6 Once again, the Nassau County
7 Detectives Association would like to thank the
8 full legislative body for your recognition of
9 our members' work and the continued support of
10 the Nassau County Police Department and the
11 detective division. Thank you.

12 COMMISSIONER RYDER: Old time
13 detective once said to me that the case
14 doesn't end with the arrest. That's what
15 these guys do. The follow-up work that get
16 done by our gang unit and all these gang
17 shootings and stabbings that occur these guys
18 are two of the best. Then they put that
19 package together and they walked over to the
20 DA's office. I'm very thankful that they're
21 getting recognition here today that they
22 deserve. Our district attorney assistants
23 that go out there day in and day out and work
24 hand in hand with these detectives that's what
25 makes it work. A whole team working together

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2 and bringing down these gang organizations
3 these two guys just proved it and that arrest
4 and there's more that happens day in and day
5 out.

6 I would like to say their
7 supervisor this is his last day. Michael
8 behind me. He will be retiring and moving on
9 to greener pastures. I want to thank him for
10 his great work.

11 MR. ALBERGO: Thank you for
12 recognizing the hard work of the Nassau County
13 Gang Squad and the Nassau County District
14 Attorney's Office. It's a pleasure serving
15 the residents of Nassau County. Thank you.

16 LEGISLATOR NICOLELLO: Legislator
17 Rhoads.

18 LEGISLATOR RHOADS: Brian, you're
19 not going to get off that easy. Come on up
20 and say a couple of words and let us have the
21 opportunity to give you some recognition for
22 your outstanding career service to the people
23 of Nassau County.

24 MR. MARINO: I appreciate that.
25 Today is my last day after 33 and a half

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2 years. Started out in Roosevelt and worked
3 the way to the beginning of the gang unit in
4 2005 in September. So 14 years I have been
5 with them. Considered a founding father. And
6 I feel I have the best detectives in the whole
7 entire job. They have the hardest job.
8 Victims are not cooperative in most cases.
9 They're afraid of retaliation. But they find
10 a way to get the job done and keep the levels
11 of gangs at the lowest levels they've been in
12 many years. I thank everyone. It's been the
13 greatest job of my life and I'm looking
14 forward to get away from it and rest a
15 little. It's 24-7 with this job and I thank
16 you all. Rich, I'll see you. Maybe I'll run
17 for office or something.

18 LEGISLATOR RHOADS: I just want
19 to say God bless you on behalf of the
20 legislature and congratulations and thank you
21 for your amazing service to the people of
22 Nassau County and thank your family as well.
23 Too often we overlook the fact that behind
24 every police officer, behind every detective
25 is a family that has a lot of sleepless nights

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2 and has a lot of worries. I know you come
3 from an incredibly strong family. I don't
4 know if your family is here today, but I do
5 want to thank them as well for all the support
6 that they have given you over your 33 years of
7 service. God bless you and best of luck in
8 retirement.

9 LEGISLATOR NICOLELLO: Just for
10 the record, whose district do you live in?

11 LEGISLATOR RHOADS: One of the
12 reasons that I love the top cop presentations
13 that we do every single month is it gives us
14 the opportunity to be able to see the amazing
15 work that's done day in day out by our police,
16 by our detectives, by our medics and the
17 amazing sacrifices that they make on a daily
18 basis to make sure that the people of Nassau
19 County are safe. The victim in this case is a
20 very, very lucky young man. To have been
21 attacked by a machete, by a knife, by a gun
22 and thankfully to have survived.

23 But all of us in Nassau County are
24 very lucky people to have men and prosecutors,
25 detectives and prosecutors like yourselves who

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2 are out there behind the scenes working every
3 day to make sure that they keep us safe and to
4 make sure, as Commissioner Ryder said, that
5 it's not just the arrest we're concerned
6 about, it's making sure that person winds up
7 convicted and behind bars where they belong.
8 We are so grateful that we have a team like
9 you in place to make sure that that happens.

10 So, to detective Cabanillas, to
11 detective Alberto and to ADA Brittany Gurrieri
12 thank you so much for everything that you have
13 done. Thank you for serving the people of
14 Nassau County and keep up the great work.

15 LEGISLATOR NICOLELLO: Thanks
16 again. We will have you up in a couple of
17 seconds. Third presentation is by Kris
18 Kalendar, CSEA president of the police medics
19 unit.

20 MR. KALENDAR: Good afternoon
21 everybody. On May 8th at approximately six
22 o'clock police medics Roper and Spear were
23 dispatched along with police officers Daniel
24 Buckley, Billy Borshers, Danny Bilz and Nick
25 Marrone to a 13 year old female not breathing

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2 in Westbury. As they were responding to the
3 scene, police medic Hendrickson, who was
4 working inside Medical Control, came over the
5 radio requesting a forthwith response and that
6 she was coaching the parents on how to perform
7 CPR on their child over the phone.

8 Police Officer Buckley arrived
9 first on scene and ran inside the house with
10 his AED and oxygen. He applied the pads on
11 the patient and the machine advised him to
12 shock her. After shocking her, Bill Borchers
13 continued CPR and advised the incoming units
14 of what he had on scene. Officers Marrone and
15 Bilz arrived and assisted with CPR and oxygen
16 delivery.

17 Within four minutes from the time
18 they were dispatched, police medics Roper and
19 Spear arrived on scene. They connected her to
20 a cardiac monitor which showed that her heart
21 was not functioning at a level that could
22 sustain life. Police medic Spear established
23 access in her left leg bone to provide cardiac
24 medication, while police medic Roper actually
25 intubated her and put a tube into her lungs so

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2 that they could breathe for her.

3 While administering the cardiac
4 meds, the officers continued excellent CPR,
5 which is a vital, vital chain in this entire
6 link. Within one minute of administering the
7 medication, Kayla regain a pulse with a
8 sustainable blood pressure.

9 She was expedited to Nassau
10 University Medical Center and later
11 transferred to Cohen's Children Hospital to
12 continue care. While she was in Cohen she was
13 found to have a congenital defect called
14 ALCAPA. In this defect some of the pathways
15 between the heart and the lungs are crossed
16 up. It's a very rare defect. And now because
17 of the police medics and police officers
18 standing beside me, Kayla is now the sixth
19 known person ever documented to survive from
20 this incident during a prehospital cardiac
21 arrest. I'm going to emphasize it. Sixth.
22 We've also been told that she is the oldest
23 child survivor.

24 Again, the teamwork, everything
25 kind of came together for Kayla that day.

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2 Everything worked out exactly how we wanted it
3 to. Since then she's undergone corrective
4 cardiac surgery and progressed at such an
5 amazing pace that she was actually able to
6 return to school on the first day of school
7 this past year.

8 Since the event, police medics
9 Roper and Spear have maintained a relationship
10 with Kayla and her family. They have been
11 continuously checking in on her progress and
12 offering any assistance that her parents, Joy
13 and Rob who are here with us today, may need.

14 Working with the Pendergast Fund,
15 they discussed the possibility of donating an
16 AED. Tom and his wife, Penny Pendergast
17 Pendergast, who run the Pendergast Fund,
18 called the Robbs to let them know that they
19 will be fully funding a brand new AED for the
20 family to have in their home as a piece of
21 minor comfort for their family.

22 Thanks to the excellence and care
23 from police medics Rob Roper, Rob Spear,
24 Roseanne Hendrickson, as well as police
25 officers Bill Borchers, Dan Bilz, Christopher

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2 Buckley and Nick Marrone, I have the ability
3 to stand here before you today and introduce
4 you to the Viscozzi family and Kayla.

5 MR. VISCOZZI: I want to thank the
6 Nassau County Police Department for having us
7 here today. And my wife Joy, Kayla and myself
8 want to thank the medics, the police officers
9 who were at our house that day, the day our
10 world turned upside down. We can't thank you
11 all enough for the care you gave us and Kayla
12 from day one. Thank you.

13 LEGISLATOR NICOLELLO: Legislator
14 Ferretti.

15 LEGISLATOR FERRETTI: Thank you
16 Presiding Officer. As a father to two young
17 children, I'm sure many of my colleagues on
18 the legislature who are parents and many of
19 you in the audience who are parents today can
20 really reflect on this situation. Just
21 reflect on how one second your child could be
22 jumping on a trampoline and the very next
23 second everything can change.

24 When I read about Kayla's
25 experience the first thing that came to my

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2 mind was wow, this is truly a miracle that
3 Kayla is going to be here with us today. But
4 upon further reflection it's not so much a
5 miracle as much as it is a testament to the
6 incredible men and women on our police force,
7 the police medics, the detectives, all the
8 first responders we have here in Nassau
9 County.

10 We have ceremonies like this every
11 month because every month we hear about the
12 great work that our first responders are
13 doing. We are incredibly lucky to have these
14 first responders here for our kids. So yes,
15 in a way it is a miracle that Kayla is with
16 us, but it's also, like I said, a reflection
17 on our first responders.

18 Kayla, we had an opportunity to
19 meet a little bit earlier. I now know you are
20 a big fan of Kit Kats, which is great, and I
21 look forward to seeing you grow and hopefully
22 graduate Clark High School and God bless you.

23 LEGISLATOR NICOLELLO: We have
24 some citations. I would appreciate if we
25 start with the PBA. Come on up.

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2 We do have one point of personal
3 privilege. I would like to turn things over
4 to Legislator DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON:

6 Thank you very much Presiding Officer. It's
7 my honor and privilege to recognize a couple
8 from Glen Cove that they're both real
9 powerhouses. The president of Sons of Italy
10 1016 is Katherine Grande and she's here today
11 with her husband Angelo. I wanted to have
12 them here. Although Columbus Day is not
13 happening for a couple of weeks, I wanted to
14 start off the season by recognizing how much
15 work this couple and this lodge does to not
16 only to preserve the history of the Italian
17 culture, make sure that the Italian language
18 is still taught in schools and also support
19 our community in so many ways from Cooley's
20 Anemia support to the diabetes research to
21 many other local charities.

22 So if it's okay, I would love to
23 have Katherine speak. And the other reason
24 why I would love to acknowledge both of them,
25 the lodge is celebrating 100 years this year

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2 in Glen Cove basically promoting our culture.
3 But also they're celebrating their 50th
4 anniversary. So we have a lot of good
5 celebrations.

6 MS. GRANDE: Thank you very much
7 Legislator DeRiggi-Whitton and to all of the
8 legislators at the table. Yes, it's very
9 special for us being Italians. We are very
10 active with the Sons of Italy. And our lodge,
11 the Sons and Daughters of Italy now, they're
12 celebrating their 100th anniversary next
13 year. Can you imagine? That lodge started in
14 Glen Cove 100 years ago. Just imagine what
15 life was then.

16 We continue to do all we can for
17 the culture and for the children. And we are
18 very upset with the whole situation with
19 Columbus Day. Because the saddest thing is
20 what they're teaching the children in
21 elementary school and high school about
22 Columbus, what a terrible person he was. And
23 it's really sad that they want to change,
24 which they have in the Southampton School
25 District, they've made changes. They've taken

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2 Columbus Day off the school calendar. They
3 want to do away with the holiday. They Sons
4 of Italy are not upset about that. They feel
5 Indigenous People Day, that's what they want
6 to change the name to. There are 365 days in
7 the year that I'm sure there could be one
8 other day they can use rather than doing what
9 they're doing with Columbus Day.

10 You all heard that they want to
11 take the statues down in the city. It's not
12 only New York, it's other states also. As
13 Italians we really have to fight for what's
14 going on. I don't know where all this history
15 is coming from. We're working on literature
16 on fact and fiction of the stories about
17 Columbus. He was an explorer. He did all the
18 things that no one else would take a chance to
19 do. That's why he was able to bring -- people
20 came to this country because of what he
21 learned.

22 So we continue on with the
23 tradition. In our lodge every year we go to
24 the cemetery to respect and honor our deceased
25 members. We put flags on Memorial Day on

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2 their grave sites. We march in the Columbus
3 Day parade as well as the Memorial Day
4 parade. We honor Saint Joseph, which is a
5 tradition with the Italians. We set up an
6 altar. We have done so many things to try to
7 educate the children. With the language also
8 to try to promote it in the schools because
9 it's so important for our future.

10 Do you want to add some other
11 things?

12 MR. GRANDE: I'm chairman of the
13 scholarship committee for Nassau County. In
14 the state of New York we gave out \$80,000
15 worth of scholarships this past year to
16 deserving Italian-American students and I
17 think that's great. As Delia said, we give to
18 so much to charities. Cooley's Anemia which
19 is a Mediterranean disease. Alzheimer's and
20 cancer research. We are a national
21 organization but New York gives more than any
22 other state in the nation. Thank you.

23 MS. GRANDE: We just had a gift
24 of sight dinner this past weekend and what
25 they're doing now is collecting money to give

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2 dogs to the veterans. And we give a
3 scholarship every year to a blind student.
4 We've done so many things that people don't
5 really know about it but we do try to do all
6 that we can to promote and to charity. As
7 Angelo said, when they go to the national
8 convention thousands and thousands of dollars
9 are presented from New York State because we
10 donate a lot of money at our conventions from
11 all the different lodges throughout the
12 state. As far up as Schenectady, Rochester.
13 We are all over New York State.

14 We try to do what we can. We
15 appreciate when people recognize.
16 Unfortunately we always like to hear positive
17 things about the Italians and sometimes we
18 don't always. But we do have this Commission
19 for Social Justice, which is a group that
20 really works to try to promote only the
21 positive image of Italians.

22 I hope I covered all the things.

23 LEGISLATOR DERIGGI-WHITTON: You
24 did a fantastic job. I tried to go into the
25 lodge when my grandfather and father would

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2 go. It's been an incredible part of my life
3 and I thank you both for all that you do.

4 LEGISLATOR NICOLELLO: That
5 concludes the public comment portion --
6 actually it doesn't conclude. That concludes
7 the ceremonial portion of our meeting. We are
8 going to go into the public comment portion.
9 Two things. First is public comments is for
10 three minutes per person. If you get close to
11 the end we will let you finish up. But ask
12 you to try to abide by that because we have a
13 ton of public comments.

14 Just looking through the slips I
15 can see some of them are of a general nature
16 and they obviously will be called now. Some
17 of them are specific to items. So I'm going
18 to give you the option. If you want to speak
19 now on an item that's going to be called later
20 you may do so. If you want to wait until the
21 item is actually called you may do that as
22 well. So what I'm going to do when we get to
23 the item-related issues I'm going to mention
24 the item and anyone again who cannot stay
25 until the item is called will be able to come

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2 up at this time. Let's start off with the
3 president of the CSEA, Jerry Laricchuita.

4 MR. LARICCHIUTA: Thank you
5 Majority Leader Nicoletto and Minority Leader
6 Kevan Abrahams and the entire board. I
7 appreciate the time you've giving us here.
8 I'll try to do this as fast as I can. We're
9 doing like a preemptive informational here
10 because we read the other day in Laura
11 Curran's budget of \$3 billion that even though
12 the head count is even lower than it is 2018
13 and 2019 there will be no change in services.
14 Now, I got to tell you folks, that's the
15 biggest lie I have heard in years coming from
16 a county executive.

17 The services in this county,
18 listen, thank God for that beautiful young
19 lady Kayla. That is a story that I will
20 always remember for the rest of my life.
21 Thank God it all worked. 911 was called and
22 the police were there and the police medics
23 were there and everything worked out. Had
24 that happened Friday night we might have had a
25 different outcome. We were 50 percent down on

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2 ambulances on Friday night. 50 percent.

3 Instead of having 20 ambulances out there we
4 had ten.

5 I got to tell you, I used to blame
6 the police commissioner. You remember them
7 days when I'd get up here and me and Krumpter
8 be pushing each other out of the way. I can't
9 do that anymore. This police commissioner has
10 been extremely cooperative and actually wants
11 to improve things. This is coming from Helena
12 Williams again. Our chief deputy county
13 executive. Why is everybody afraid to mention
14 this lady's name? What's going on? She's
15 running this county not Laura Curran. It's
16 Helena Williams.

17 Let me run through some really
18 quick things because I know you got a lot to
19 talk about today. And when the budget
20 hearings start believe me I'm going to be here
21 and we're going to be talking about talking
22 these and addressing them but I appreciate the
23 time you're giving us here.

24 Just as a quick -- mosquito
25 control. In Suffolk County they got 73

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2 identified areas of West Nile. We have three
3 or four in Nassau. We have one mosquito
4 control technician in DPW. If you ever read
5 the Nassau County website, and I'm going to
6 leave these for you, I forgot to give them
7 out, he's supposed to be monitoring thousands
8 of street basins, sumps, ponds, hundreds of
9 miles of fresh water streams, breeding sites
10 are inspected for the presence of larvae.
11 Ditches are maintained on the county's south
12 shore which allows fish to reach and consume
13 mosquito eggs, larvae. DPW continues aerial
14 applications. We haven't done that in years
15 number one. And if one guy can do all of that
16 work he's worth a lot of money. I'd like to
17 have him on my team I'll tell you that much.
18 We used to have 15 mosquito control people.
19 Now we have one. So when the public is told
20 everything's fine they're being lied to and so
21 are you.

22 911. There's a story in Newsday
23 from Oceanside, a horrible story where a young
24 man I believe was stabbed to death and -- give
25 me a couple of more seconds. A young man was

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2 stabbed to death. Let me tell you, it's in
3 Newsday here that, in fact, the teenagers did
4 try to intervene. They did everything they
5 could to help. In fact, they called 911 and
6 guess what? They were put on hold and the
7 call dropped. Is that what we're all about
8 here? Is that the kind of county we want to
9 live in? The most dangerous county in America
10 where if you call 911 you get put on hold and
11 can't get police assistance. Not because of
12 our operators or because of the cops. Because
13 Helena Williams will not release the funding
14 to hire them. I said her name again. I'm
15 going to keep saying it until somebody listens
16 to me for once. It's not the unions. We're
17 not your enemies. We're your neighbors.
18 We're your employees. We're trying to do the
19 best job we can with the worst workforce
20 numbers ever, ever, ever.

21 Real quick. Probation officers.
22 We're so low we do track sex offenders anymore
23 after 4:30 on Monday through Friday. We do
24 not track them at all on weekends. We do not
25 track them on holidays. Judge tells them to

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2 wear a GPS bracelet so they can't get near
3 schools where children play they can do it
4 4:31 on a Friday until, if it's a holiday on
5 Monday, until Tuesday morning they can do it.

6 Police medics I told you about.

7 Snow removal. I know no one cares about
8 snow. It's 85 degrees today. Watch what
9 happens. We have 110 snow routes. We have 72
10 drivers. We're short. Statistics say we are
11 going to have a rough winter this year. We
12 are going to want to talk about this during
13 budget hearings.

14 Don't let the county executive try
15 to sandbag this legislative board again into
16 voting yes on a budget that's irresponsible.

17 Lastly, and then I'm going to leave
18 because I got so much more to talk about but
19 you got other people, this is going to be the
20 third year in a row with no -- and the
21 Republican caucus last year complained about
22 this -- they did not put raises in the
23 budget. That's almost criminal. This is the
24 third year. They're doing it again.

25 She said something in the paper

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2 about some \$7 million. I don't know what that
3 means that \$7 million number. But over three
4 years that comes to \$300 per employee
5 including the cops, detectives, CSEA
6 correction officers and everybody.

7 What we have is the most
8 dysfunctional county government right now ever
9 in this country and maybe one of the most
10 unsafest places to live. It's nobody fault
11 but upstairs. On that thank you all and have
12 a great day.

13 LEGISLATOR FORD: Thank you very
14 much. I agree with you with this budget. I'm
15 not happy with the cuts in the number of
16 people that we're going to have a lower head
17 count because I believe our head count is low
18 enough. Going out in the district and meeting
19 with some of your members to find out that we
20 used to have 50 guys in a garage maybe you
21 have 16. They're the ones that have to cut
22 the grass, clean the streets. When we all
23 call up and we say guess what? our
24 constituents are calling because the medians
25 need to be cleaned. We need the weeds taken

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2 out. We need this done. We are always put on
3 a waiting list. Guess why? Because we don't
4 have enough people to do this ordinary quality
5 of life work.

6 We have people that work in our
7 sewer departments that are getting ready to
8 retire. We're losing type of knowledge. We
9 don't have young people coming up the ranks to
10 take over for these people. We're losing
11 necessary people. Necessary workers.

12 Tomorrow night there's a meeting.
13 I myself along with Legislator Mule and
14 Legislator Kopel represent Oceanside. It is a
15 horror what happened last week to that poor
16 young boy. And one of the things that
17 happened was there's so much anger of so many
18 people because they thought these young kids
19 did nothing. And these poor children, these
20 students, were called all sorts of names. I
21 thought oh my God they're so self-centered.
22 They're on their cell phones taking pictures.
23 They did nothing to raise a hand to help this
24 young man.

25 Tomorrow night this will be said to

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2 them because they are having a meeting.
3 They're bringing all the parents in, they're
4 meeting with the school board as well as the
5 police department. I'm going to make sure
6 that the residents understand that this is a
7 danger. Because we always say well, we think
8 we have enough people. And yes, we did have
9 enough medics for Kayla. But something like
10 this is something that we have fought
11 against. About the lack of training in the
12 911 bureau. That we need to have better
13 training. We have to make sure we have enough
14 people and that we have to make sure that the
15 calls are going through and be answered
16 adequately. And obviously this was not done
17 last week and this is horror and this is
18 something that will not be let go. And I will
19 make sure that the residents in Oceanside know
20 that we can thank Helena Williams for this.
21 Thank you.

22 MR. LARICCHIUTA: Thank you.

23 LEGISLATOR NICOLELLO: Thank you
24 Jerry. Pete Gaffney.

25 MR. GAFFNEY: Pete Gaffney,

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2 Westbury-Carle Place School District. Thank
3 you and happy fall everybody. Question is,
4 should Nassau County Department of Public
5 Works reevaluate how they maintain, repair and
6 resurface county roads? The current road
7 program is not working because the roads are
8 deteriorating quicker than ever. Virtually
9 every single roadway has some type of fatigue,
10 transverse or longitudinal crack. Eventually
11 they develop pot holes all too often costing
12 more to fill and to repair motorist's
13 vehicles.

14 I question large scale road patch
15 programs that's currently underway. Back in
16 May, the department had an entire road crew
17 along with road surfacing equipment to
18 resurface approximately 30 percent of Glen
19 Cove Road to IU Willets Road. The traffic
20 heading south was limited to one lane. So you
21 had a traffic jam. But it was piecemeal. It
22 was patch. Most of the roadway was not done
23 and has severe longitudinal cracks and pot
24 holes that were not treated at all. The
25 repairs are going to have to be done in the

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2 very near future.

3 My question is, would it have been
4 more cost effective to do the entire side of
5 Glen Cove Road? The county DPW must do a
6 better job in proper maintenance, cleaning,
7 patching, sealing and resurfacing our roads.
8 But more importantly the county legislature
9 has got to provide the necessary budget
10 dollars so that public works can do their work
11 correctly. Then you can hold them
12 accountable.

13 Next issue is third track
14 constructors. The LIRR construction dates for
15 Glen Cove Road bridge overpass has been moved
16 up. It was scheduled to be in 2022. But what
17 I'm asking you is to really find out what the
18 plans are and how they're going to affect our
19 community there. The complete plan does need
20 to be in writing because 3TC and Long Island
21 Railroad and MTA they kind of had a tendency
22 to leave out the important details. If it's
23 anything like the disastrous Long Island
24 bridge replacement on Cherry Lane in Carle
25 Place residents safety could be jeopardized.

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2 The reality is that the bridge was
3 closed and actually there was no access to the
4 south in Carle Place and in Westbury. It was
5 going to add, if there was an emergency
6 situation, it would have added anywhere from
7 eight minutes to 18 minutes in a safety
8 situation. We were promised from the
9 beginning all the way through all these
10 meetings that there was going to be emergency
11 responders on the southern side while they
12 were doing the weekend repair. There was
13 not. If that happens on Glen Cove Road the
14 same issue is going to occur.

15 The last thing I want to tell you
16 about is the joint roads. If the county owns
17 a roadway but yet why is the town responsible
18 for the signage? It should be whoever owns
19 the roadway is responsible for signage. We
20 have a major problem on Old Country Road.
21 North Hempstead is the north side. Their lack
22 of signs and on the south side is Hempstead.
23 It makes no sense. You need to correct this
24 and make this a law. Who owns the road
25 they're the ones that should be responsible

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2 for the signs. Thank you.

3 LEGISLATOR NICOLELLO: Thank
4 you. This is the first slip for food
5 allergies. It looks like there's 20 or 30
6 slips here. You have the option. If you want
7 to speak on food allergies speak now or wait
8 until I call the item on the calendar. I take
9 it you want to speak now. Martino? What's
10 your name?

11 MS. LOPEZ: Katy Martino Lopez.
12 Good afternoon ladies and gentlemen. My name
13 is Katie Martino Lopez. There is someone here
14 I would like you to meet that is my youngest
15 child Casey James being held by his uncle,
16 godfather, my brother Michael.

17 At a recent checkup with our
18 allergist Casey was introduced to another
19 young patient of his with his doctor saying
20 meet Casey, he has over 30 food allergies.
21 I'm here today in full support of Legislator
22 Lafazan's bill for mandatory food allergy
23 safety awareness, training and signage for
24 Nassau County restaurants.

25 I am not only a food allergy

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2 parent, but I'm also a professional pastry
3 chef. Having spent over 20 years working in
4 kitchens and teaching at a culinary school
5 here on Long Island. I know the restaurant
6 industry well and I understand what a
7 challenge this will be. However, I believe
8 the time is now to stress the urgency of this
9 law.

10 I'm about to present a statement
11 that is devoid of any other exaggeration or
12 dramatization. The reality of a
13 life-threatening food allergy is that if one
14 of our loved one ingests an allergy there is
15 always a possibility that they will die. If
16 an allergic food is ingested this injection of
17 epinephrine is the first line of defense to
18 stop an anaphylactic reaction not Benadryl.

19 Casey's first of three anaphylaxis
20 happened one week before his first birthday.
21 After 24 hours in the ICU, three epinephrine
22 shots and an intubation my son is still here.
23 Anyone with a food allergy cannot ever be
24 without this medication. A food allergy is an
25 assault on the autoimmune system and there is

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2 no cure for this. Our lives are significantly
3 affected by these allergies. And even
4 something as simple as trusting our children
5 will be safe in their school cafeteria, let
6 alone going out for a meal, is a harsh
7 reality.

8 Legislature, hear me out on my
9 suggestion. First, I'm asking that education
10 and signage be mandatory for all food handlers
11 in English and Spanish. I know the rigorous
12 food safety training certifications that I
13 needed to receive and none of them required in
14 depth allergy training. It should be required
15 with as much importance as HOSIP and county
16 food handlers' licenses.

17 Secondly, there needs to be two
18 point people in case one is not available on
19 staff per shift. They are the ones who will
20 speak to the patron and prepare their food to
21 avoid cross-contamination. For example, if a
22 server touched a butter dish, did not wash
23 their hands and put a straw into Casey's cup
24 he could go into anaphylaxis.

25 Thirdly, it is critical that front

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2 and back of the house staff be trained in
3 recognizing the signs of anaphylaxis and how
4 to administer epinephrine. Food allergies can
5 occur at any time even if a person has never
6 had a reaction before. Staffs are trained in
7 performing the Heimlich and AED. Why not
8 epinephrine?

9 There are currently five states
10 that require food allergy training and signage
11 as well as New York City. We need to move
12 forward with this because these children will
13 soon be the next generation of patrons on Long
14 Island who will not spend their money on
15 places cannot or will not accommodate them.

16 Accidents happen from negligence or
17 lack of education. If we are providing
18 education for our county food handlers then
19 there is no reason we cannot make this
20 happen.

21 Ming Sai, one of this country's
22 most well know chefs the based out of Boston,
23 revolutionized the industry by making his
24 restaurant allergy friendly when his son was
25 diagnosed with multiple food allergies.

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2 Parents will move mountains when faced with
3 adversity for their children.

4 I respectfully petition this
5 legislature to be empathetic to something you
6 may not understand but are hopefully willing
7 to learn. Let's move a mountain. Thank you
8 for your time.

9 MS. TONNA: My name is Emily Tonna
10 and I've lived with severe food allergies
11 since I was born 15 years ago. I'm allergic
12 to dairy, eggs and nuts. I've had several
13 anaphylactic reactions over the years. Many
14 of which required me to be given epinephrine
15 and go straight to the emergency room for
16 treatment and monitoring. Over the years,
17 when we would be out to eat, we were often met
18 with blank stares and even some eye rolls and
19 we're looked at with annoyance when we
20 explained my food allergies.

21 We always enjoyed going out to eat
22 and when traveling we're always eating at
23 restaurant. We have found it varies wildly
24 depending on restaurant and how knowledgable
25 wait staff is with managing my allergies.

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2 Sometimes wait staff would mistakenly think
3 eggs are dairy and some don't understand
4 cross-contamination. Which means using the
5 same utensils or plates for allergic foods.

6 There are some basic steps that are
7 crucial to keep us safe. For example, if you
8 have a dairy allergy, it's important to wear
9 new gloves when at a bagel store. Or even
10 when ordering deli meats if the meats were cut
11 on the same slicer as cheese it's now
12 contaminated.

13 The worst is when restaurants tell
14 us they cannot accommodate us when you know
15 they can they're just choosing not to.

16 I think consistency among
17 restaurants in Nassau County is an absolute
18 necessity. They have posters on the wall for
19 choking. Why don't we have anything on the
20 walls for signs of food allergies. We need to
21 create balanced guidelines in handling
22 allergies in food restaurants and making sure
23 people are aware of what could be deadly
24 reactions.

25 I'm currently a sophomore at

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2 Massapequa High School. If anyone is familiar
3 with the school knows it's an open campus.
4 Which means we all go out to eat for lunch
5 every day. This is fine for a typical kid but
6 not so much for me. I can't eat. It's not
7 fun not being able to eat during your off
8 campus lunch, which is a privilege to have.
9 Instead, I have to rely on people who may not
10 really understand the severity of my allergies
11 to order maybe two or even three items that
12 are safe for me to eat. It's a daily worry
13 for me and my parents. I think the food
14 allergy restaurant safety ordinance really
15 improves the consistency of restaurants across
16 the county and increases food allergy
17 awareness all around. Thank you for your
18 time.

19 LEGISLATOR NICOLELLO: Thank
20 you.

21 MS. FRANGELLA: My name is
22 Catherine Frangella. Good afternoon. This is
23 my daughter, Ashley Nicole Frangella. Ashley
24 would have loved to be here today to explain
25 how difficult life is living with a severe

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2 food allergy. However, that is not possible
3 since Ashley passed away on December 1, 2010
4 at 20 years of age. Ashley was allergic to
5 milk.

6 Ashley was at work that day,
7 November 26th, the Friday after Thanksgiving,
8 Black Friday. Ashley ordered lunch and
9 explained to the person taking the order about
10 her dairy allergy. She explained the severity
11 of her allergy and assured her order was
12 safe. Ashley did not die from cardiac arrest
13 as her death certificate stated. Ashley died
14 from an allergic reaction brought on by a
15 mistake made by a food handler on November
16 26th who either used a dairy product in her
17 take out order that day or used a utensil to
18 cross-contaminate with her order from a food
19 item containing dairy. Either way, a
20 celebratory lunch devastatingly became her
21 last meal. And instead of Ashley's sisters
22 accompanying Ashley one day for her wedding
23 dress we heartbreakingly instead had to shop
24 for the dress and casket to bury her in.

25 Ashley had her epi pens on her that

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2 day and was administered to her. The
3 responders who came 14 minutes after a second
4 phone call had to be made was unequipped and
5 ill trained on what to do during an
6 anaphylactic reaction. It was a tragic day in
7 more ways than one.

8 Research shows immunology is
9 successful when administering small amounts of
10 an allergen to build a resistance. Not so in
11 Ashley's case and in many others like Ashley.
12 In fact the opposite was true. Those small
13 amounts of mistakes food handlers made did not
14 desensitize Ashley's allergies. Instead they
15 helped to weaken and compromise her system.
16 With each mistake her reactions onset was
17 faster and more severe, more intensive, until
18 the last one was fatal.

19 How do you excuse the restaurant
20 who adds cheese to a little girl's hamburger
21 when made aware of a severe allergy? Who goes
22 to the kitchen, takes off the slice of cheese
23 and returns with the very same burger with the
24 slice of cheese removed but still residual
25 cheese on the plate? Or the famous restaurant

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2 when inquired about the ingredients in the
3 buns when explained the severity of Ashley's
4 allergy forgets to tell Ashley that there are
5 bread crumbs with cheese in their burgers in
6 order to plump them up. Or the waitress who
7 doesn't realize the cheese and dressing on the
8 salad or the cross-contamination of the spoon
9 stirring and serving Ashley's food. Each
10 incident requiring the epi pen and an
11 emergency room visit.

12 I'm here today to bring awareness,
13 information and to educate you on the total
14 and fatal consequences of a mistake the food
15 industry can have by improper or total lack of
16 training. I am here today to implore that you
17 do your job and legislate. Please do not be
18 just one more group that let Ashley down. I
19 believe the majority of people have good
20 intentions and want to do the right thing.
21 Please let us help to know how to do the right
22 thing. Please prove that today. Make
23 Ashley's life matter. Maybe Ashley's death
24 matter just as well. Please pass ordinance
25 number 77-2019, the Food Allergy Restaurant

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2 Safety Ordinance. Thank you.

3 LEGISLATOR NICOLELLO: Thank
4 you.

5 MS. PICLAR: My name is Harriet
6 Piclar. Just talking quickly because I have
7 to run back and get my own kids. I wanted to
8 come and show my support for the food allergy
9 bill. I am a food allergy sufferer myself
10 with lifelong asthma. My own two teenage sons
11 have multiple food allergies and unfortunately
12 have suffered anaphylaxis at restaurants due
13 mostly because of their dairy allergy because
14 servers do not understand that butter is not
15 okay. Or when it means that we need plain
16 pasta that it's not okay to put butter on top
17 of the pasta. It is so important that our
18 servers understand the severity of potential
19 food allergens of mix-ups and
20 cross-contamination.

21 I was involved in the New York City
22 Department of Health Schools Committee before
23 I moved to Nassau County. We worked on
24 getting food allergy posters in every single
25 restaurant. If you go to New York City their

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2 restaurants have posters that identify all top
3 eight food allergens. It's inexcusable that
4 Nassau County does not even have that on their
5 walls. But training is the most imperative
6 thing that we can do.

7 I've spent my summers also as the
8 food allergy specialist at a day camps here in
9 Nassau County. I have been responsible for
10 over 100 kids' meals making sure that their
11 meals have been prepared appropriately to
12 their specific allergens. I have seen what we
13 have to do in the kitchen to ensure that we
14 can make kids with food allergies and adults
15 with food allergies eat safely out. It is not
16 that difficult. All we need to do is have
17 training, understanding of
18 cross-contamination, label reading, proper
19 hygiene and separating areas within the
20 kitchen and people with food allergies will be
21 able to eat out without fear. Thank you.

22 LEGISLATOR NICOLELLO: Thank
23 you. Good afternoon.

24 MS. FRANKEL: My name is Tracy
25 Frankel. I have a life-threatening food

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2 allergy. My son has a life-threatening food
3 allergy and my mother has a life-threatening
4 food allergy. As the president of the Syosset
5 school board, I also understand what it means
6 to serve a community. To be in a position to
7 act in their best interests and to so act.

8 Today I would like to talk about a
9 man named Owen Carey. Owen Carey recently
10 turned 18 years old and wanted to celebrate at
11 a restaurant. By 18 Owen, who has a
12 life-threatening food allergy to dairy,
13 understood the questions he needed to ask
14 before ordering his meal. He wanted to order
15 grilled chicken. So he alerted staff to his
16 dairy allergy. After being reassured about
17 his choice, Owen ordered the chicken and
18 within a few bites began to feel tingling in
19 his lips and stomach discomfort. Within an
20 hour he collapsed and he later died.

21 You see, the chicken had been
22 marinated in buttermilk. The menu made no
23 reference to any marinade or potential harmful
24 ingredients. He specifically alerted the
25 server to the allergen and he was never

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2 informed about the marinade.

3 Owen's death is tragic but not only
4 because his life was cut way too short but
5 because it was so preventable. Had the staff
6 had the knowledge and training to understand
7 the severity of what they were being alerted
8 to. Had they known how to retrieve the
9 information needed to accurately respond to
10 Owen's question about the food on their own
11 menu Owen would still be here.

12 This is not a one-off example.
13 Children and adults face these challenges
14 every time they dine out. Those of us with
15 life-threatening allergies know the questions
16 to ask but that's not enough. We necessarily
17 rely on the people making and serving food to
18 provide us with the information we need to
19 survive a meal. Think about that. It is the
20 information we need to survive a meal, not
21 just to enjoy the meal.

22 Today you have the ability to save
23 lives by voting for a bill that encourages
24 knowledge and training of food service
25 provider. You have the ability to encourage

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2 what can only be seen as a win for all of your
3 constituents. Those with life-threatening
4 allergies and those who care about them.

5 This bill is in the best interests
6 of our local businesses. Who most certainly
7 do not want a tragedy like Owen's to occur in
8 their establishments. Food allergies do not
9 discriminate. There are too many of us. With
10 your help today, we cannot only feel safer but
11 we can be safer. Thank you Legislator Lafazan
12 for creating this bill and thank you to all of
13 you for your careful consideration.

14 LEGISLATOR NICOLELLO: Thank
15 you.

16 MS. LYONS: Elizabeth Lyons from
17 Levittown. Thank you for this opportunity to
18 be heard on this important issue regarding
19 food allergy restaurant safety and the
20 proposed bill Ordinance 77 that you will be
21 voting on.

22 I am not well versed on the health
23 department's laws and regulations but I do
24 know some basics. For instance, I know that
25 food must be kept at a proper temperature to

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2 ensure the health and the safety of patrons.
3 With proper refrigeration there would be much
4 harm done to a person ingesting foods that
5 were not stored proper properly. I'm sure
6 cleaning products such as bleach and other
7 hazardous materials are not stored in
8 proximity to food. Could you imagine if one
9 of those poisons contaminated food that was
10 served to a patron resulting in severe
11 sickness or even death? We could image it.
12 That's why there are laws and regulations in
13 place to prevent such things.

14 For someone with food allergies the
15 risk of their food being contaminated due to
16 lack of regulations is a very real life and
17 death situation as you heard from my aunt. I
18 will give you one example.

19 My family went out to dinner at a
20 popular local Mexican restaurant. We spoke to
21 our waiter as soon as we were seated making
22 them aware of our seven year old daughter's
23 food allergies to dairy, eggs and tree nuts.
24 She ordered plain beef tacos. Again we
25 stressed plain, no cheese, no dairy, et cetera

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2 and the waiter said okay.

3 When our dinner arrived her plain
4 beef tacos were on a plate with beans
5 smothered in cheese. Immediately we notified
6 the waiter. The plate was removed and those
7 two tacos were put onto a new plate. The same
8 two tacos. They were contaminated with
9 dairy. Again, we informed our waiter that we
10 needed a completely new order. And at this
11 point our daughter became anxious and was
12 afraid to eat her meal.

13 Without the proper training and
14 food allergy awareness this contamination
15 could have caused a severe reaction that could
16 even lead to death. Yes, even from a trace
17 amount left on a taco.

18 Let's switch out a food allergen
19 for poison like I said before. What if it
20 were poison on that plate? Would we remove
21 the contaminated food and serve it? The
22 answer is a resounding no.

23 It's very difficult for my family
24 to enjoy frequenting the many wonderful
25 restaurants we have in our community because

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2 we fear for the health and safety of our
3 child. With proper food allergy awareness
4 training and proper signage in multiple
5 languages, allergic reactions can be avoided.

6 When any one of us goes out to a
7 restaurant we have expectations of a good meal
8 and a pleasant experience. Please put
9 yourself in the shoes of someone like my
10 daughter. Can you imagine that each time you
11 went to a restaurant your thought was not
12 about looking forward to that meal or
13 experience, but that the meal could make you
14 sick or cause an allergic reaction.

15 Proper training and food allergy
16 awareness, food preparation, the risks of
17 cross-contamination and proper signage in
18 multiple languages will go a long way to
19 ensure the health and safety of people with
20 food allergies in our community. One in 13
21 people have a food allergy. Thank you for
22 your time and please pass to vote yes to
23 Ordinance 77.

24 MS. HEALY: My name is Janet
25 Healy. Good afternoon honorable county

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2 legislators. As a mother of a food allergic
3 son, I'm here to ask your help with the
4 passage of the ordinance to enhance food
5 allergy safety measures at food service
6 establishments in Nassau County.

7 I spent the last 20 or so years
8 trying to keep my son alive from food
9 allergies. It's not a matter of breaking out
10 in a few hives but it's often a life or death
11 situation involving anaphylactic shock. It's
12 a real disability.

13 I've been told by many emergency
14 room staff through the years your son is
15 lucky, he almost died after having a food
16 reaction. My son grew up here in Nassau
17 County. And as the bill states, about 40
18 percent of children with food allergies are
19 allergic to more than one food. My son was
20 one of the 40 percent. He's allergic to milk,
21 eggs, dairy products, tree nuts and peanuts.
22 Do you realize how many foods have milk in
23 them? Some surprising examples are McDonald's
24 french fries, chewing gum, deli meats and
25 asthma medication.

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2 My son missed many days of school
3 because of the lack of adult knowledge of food
4 allergies and was late every day to his
5 elementary school classes because of an
6 allergic reaction to other students' breakfast
7 foods in his before school program and he
8 needed medical intervention almost every day.

9 When he went on a school trip to
10 Boston his roommates were eating buttered
11 popcorn and touched his Game Boy causing an
12 allergic reaction. He has a history of
13 emergency room visits and use of expensive epi
14 pens.

15 My son is 26 years old now and
16 still has issues with food allergies in
17 restaurants. He recently went to a popular
18 eatery where workers wear gloves to serve food
19 and they cross-contaminated allergic food
20 items. Other restaurants told about his
21 allergies and when told to serve him plain
22 pasta they put butter or peanut oil on it.
23 Even now, my son's friends have to taste test
24 the food he's served.

25 It is, as the bill states, both a

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2 safety and a quality of life issue. Going out
3 to eat in a restaurant should be an enjoyable
4 experience. But when restaurant workers are
5 not trained in food allergies it becomes a
6 very anxiety-provoking experience.

7 I'm asking you to support this
8 important bill to save lives in Nassau
9 County. Your constituents with food allergies
10 will greatly appreciate your passage of this
11 bill and we won't forget it. It would be such
12 a relief to so many people to know that there
13 are food safety officers trained in
14 restaurants. I'm almost in disbelief that I
15 have to even ask for this.

16 But thank you very much for
17 allowing me to speak today.

18 MR. KELLY: My name is Alan
19 Kelly. I'm from Lynbrook. I want to thank
20 you for your story about your daughter earlier
21 and you're going to hear countless more
22 stories this afternoon. You can do a lot to
23 prevent this from happening in the future.
24 I'm a father of four daughters. My daughter
25 Cara is here. She's 13 and she has fatal

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2 allergies to all nuts. My wife Susan is also
3 here. Who runs a lot of support groups and is
4 an advocate for everybody with allergies and
5 has done tremendous work over the last ten
6 years.

7 I'm really happy to be here. I'm
8 really happy that this is something that you
9 guys are considering. It's really, really
10 important. As a family, you've heard
11 countless stories already, it's very difficult
12 for us to go out and eat comfortably. It's
13 really difficult for us as a family to go to a
14 restaurant and eat comfortably. We got to go
15 through our whole checklist. This is a
16 quality of life issue for thousands of people
17 in Nassau County.

18 I just want you to remember, it
19 won't just help those with allergies, it's
20 going to help the restaurants. Education is
21 very important and it's very good. Having
22 those folks who serve us at our tables and
23 those folks in the kitchen understand what can
24 hurt people will make a big difference. It
25 will make the experience safer. It will make

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2 the restaurants happier and it will make all
3 those who suffer from food allergies much more
4 comfortable. We've had to leave dozens of
5 restaurants over the years because we have not
6 been comfortable in the way our daughter's
7 food would be prepared and if somebody had
8 been there to know what to do we would have
9 stayed. I know probably multiple occasions.
10 But when you go to Boston they have the same
11 legislation. You go to a restaurant there's
12 somebody trained there that can come out and
13 talk to you. They bring your food to you.
14 It's specially marked. It makes you feel
15 comfortable as a family and you're not at risk
16 of them giving your child as somebody
17 suffering from allergies food that can kill
18 them.

19 It's a no-brainer. I just urge you
20 to vote in favor of this legislation. I
21 mentioned earlier it's the equivalent of a
22 defibrillator for those who may suffer from
23 coronary issues or have coronary issues except
24 this is really proactive. It's not reactive
25 education. We need your support. Thank you

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2 for considering it. But please vote in favor
3 of this lifesaving legislation. Thank you
4 very much.

5 MS. BARUCH: My name is Rona
6 Baruch. I live in the Town of Hempstead and
7 my legislator is Steven Rhoads. I want to
8 tell you why I want you to support Lafazan's
9 bill. I have two kids with life-threatening
10 food allergies. One is allergic to peanuts,
11 hazel nuts and pecans and the other one is
12 allergic to milk and egg. The milk and egg
13 allergy is poorly understood when we eat out.
14 And honestly, I don't blame the 16 year old
15 who might be earning a minimum wage. They're
16 not trained. They don't understand that a
17 life threatening allergy to milk and eggs
18 means no butter, no cheese, no mayonnaise, no
19 shared fryer, no cross-contamination, no
20 cutting the sushi that had mayo with it on to
21 his food.

22 We allergy families put our lives
23 in the hands of what could be untrained,
24 minimum wage 16 year olds, who while trying to
25 do their jobs can make mistakes because

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2 there's no proper food allergy training.

3 Things we've heard while eating out
4 are the bread is safe because it's baked. Or
5 it's fine to eat the french fries even though
6 they've been cooked in a shared fryer because
7 the batter that has eggs in it it's on the
8 inside of the fryer. Or we hear of the 17
9 year old asking another 17 year old there's no
10 peanuts in that, right?

11 So, these are some of the reasons
12 we hardly eat out. As a family we eat out
13 maybe one or two times a month and the places
14 we eat at are place with allergy protocols and
15 training that we're confident in like Bare
16 Burger, Ali's Gluten Free and Chipotle.

17 Let me tell you what eating out
18 consists of. I go online and I look to see if
19 there's a menu and what the ingredients are.
20 Then I personally go to the restaurant during
21 a time it's not busy and try to prescreen and
22 talk to a manager to ask if there's something
23 my kids can eat so that we all go as a family
24 only to go and find out we can't eat
25 anything. Then if I'm satisfied that there's

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2 safe food we'll go as a family.

3 When we go out as a family our kids
4 present their chef cards that says what their
5 allergies are. Something important I've told
6 my kids is, even though you do all this, you
7 still have to size up if you feel confident
8 that they understand what you're talking
9 about. It's not okay to say oh, that's okay
10 because it's gluten free but that's not their
11 allergy. So you have still have to size it
12 up.

13 Let me tell you how I envision how
14 it would look if this bill is passed. We
15 could be driving on the road and be hungry and
16 just pull over at a place that has the sign
17 that says there's a food allergy training or
18 that there's an officer there. Maybe they'll
19 say yes, it is safe or maybe the food allergy
20 officers on sight will say no, it's not.
21 Everything could be contaminated. But that's
22 okay because there would be some training.
23 I'd appreciated if they would have the
24 knowledge to tell us that.

25 Thinking of how this legislation

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2 could impact my kids I see it having a great
3 impact. Right now we hardly go out to eat.
4 As for my teenagers, there could be someone
5 that they could speak to or they could even go
6 out alone without us as they are growing up
7 and there would be a food allergy officer to
8 talk to. For these reasons I hope that you
9 all pass this bill.

10 LEGISLATOR NICOLELLO: There are
11 a number of slips remaining to go. Let me say
12 this. There are a number of people waiting.
13 Again, we are going to be considering this
14 bill relatively soon. Unless you have to
15 leave now then would ask you to hold your
16 comments until we consider the bill. If you
17 have to leave now, I see a lot of parents and
18 stuff here, if you have to go get your kids
19 obviously you have to go you go.

20 MS. ZIMMERMAN: Elana Zimmerman.
21 Mommy I'm scared. Mommy, I don't feel well.
22 Something bad is happening. I'm sick. I'm
23 not teething mommy. I'm scared. Am I going
24 to die? I'm crying but you don't know what's
25 wrong. I'm crying louder and I see you're

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2 worried. Yes, I'm having an allergic
3 reaction. I need medicine. Help me please.

4 Just Thursday morning, my baby Arlo
5 had an anaphylactic reaction. Since she's too
6 young to talk I imagine these are the
7 terrifying thoughts that she was having prior
8 to violently vomiting the ingested allergen
9 out of her system and waiting for the
10 emergency epinephrine to work its magic.

11 I am mom to two year old Axton and
12 one year old Arlo who are allergic to sesame,
13 eggs, tree nuts and kiwi and combined they
14 have suffered seven life-threatening food
15 allergic reactions in just their short lives.

16 Prior to finding out Axton had food
17 allergies, I would consider myself a laid back
18 and fun mom. Fast forward to now. I'm a
19 shell of who I was. I'm anxiety ridden and
20 constantly worried about my babies while
21 trying to hide it so they don't suffer. I've
22 given up my career to stay at home and focus
23 on keeping them safe and advocating for them.

24 As we all know, food is the
25 epicenter of social gatherings, community

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2 get-togethers, celebrations, family and
3 culture. Restaurants were a huge part of our
4 lives but are now a source of major fear and
5 anxiety. We love food but my family fears
6 it. One bite of something can send our world
7 crashing down. One mistake can be a matter of
8 life and death. Each and every time I see
9 them, despite preparing the food myself, I
10 worry. Imagine how it feels to rely on others
11 to prepare food on their behalf?

12 There are so many places where
13 something can go wrong while eating at a
14 restaurant. Just think about how often you
15 get something and you say I don't like cheese,
16 don't put it on, and it comes out with it.
17 That's something you don't want to have. It's
18 not something that might kill you if you don't
19 have food allergies. Without proper education
20 and understanding of what food allergies are
21 how to guarantee something is allergy free
22 mistakes often and will happen.

23 Two weekends ago I called ahead to
24 a restaurant guaranteed they could make a
25 plain piece of grilled chicken for my food

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2 allergic children. We got to the restaurant,
3 placed the order and they assured me that
4 their premarinated grilled chicken was gluten
5 free and safe for my babies. Well thanks. My
6 kids aren't allergic to gluten but that adobo
7 marinade you failed to mention on the phone
8 could kill them.

9 These people had no clue what was
10 in their marinade but told me it was safe.
11 There was nothing I could feed my children
12 there. My husband had to run home and prepare
13 food for my one year old who was screaming in
14 hunger while we all sat there because we were
15 out with other people.

16 Food allergies are not something we
17 chose, it's not an inconvenience, but a matter
18 of life or death. It was a sentence that was
19 handed to us and I don't wish it on my worst
20 enemy. We make accommodations for those with
21 disabilities to enter our restaurants. Why
22 don't we make accommodations for those with
23 food disabilities to stay safe when they do
24 enter our restaurants?

25 So please get on board. Vote yes.

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2 Be a leader and be a community where people
3 want to come out to eat and get together and
4 gather over food. Thank you.

5 LEGISLATOR NICOLELLO: Again, I
6 request if you can wait to please wait. We
7 now have a number of people who are waiting to
8 speak. If you have to leave please come up.
9 If you don't have to leave please wait until
10 the item is called.

11 MR. LUNDSTRUM: Rustan Lundstrum.
12 I have the Coach Grill, an Oyster Bay
13 Restaurant. I here to kind of represent food
14 service providers in support of the bill.

15 On a human level, as a parent of
16 two girls, I'm very moved by the testimony of
17 the parents here today. Everyone should feel
18 safe when entering an establishment. Morally
19 it's our responsibility as food service
20 providers to do everything possible to ensure
21 the safety of our guests. Currently there is
22 no allergy safety training available to our
23 staff or myself. That makes it nearly
24 impossible to keep customers with allergies
25 safe. It would be a tremendous asset to have

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2 this legislation pass and have our staff be
3 able to learn how to accommodate customers
4 with allergies. We are in the customer
5 service business. This legislation will help
6 us improve our customer service. Which will
7 help the growth of our business.

8 I'm proud to say when this
9 legislation is adopted, we, the Coach Grill
10 and Tavern, will be the first restaurant in
11 line to opt into this amazing important
12 program so that our friends and guests feel a
13 safe when they visit us. Thank you all for
14 the parents who shared the stories.

15 MS. KELLY: Hello. My is name is
16 Cara Kelly. I'm 13 years old and I'm an
17 eighth grader at Lynbrook North Middle
18 School. I have grown up with severe
19 life-threatening food allergies. I want to
20 thank you for considering this important
21 legislation.

22 Just yesterday I helped my friend
23 from karate with her black belt testing. She
24 needed a partner to help her prepare for two
25 days of intensive testing. As a thank you,

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2 her mom wanted to take me out to breakfast to
3 celebrate. I didn't have time to check out
4 the place where we were going to and I'd never
5 been there before. When I walked into the
6 restaurant I didn't feel safe. I noticed
7 there was a high risk of cross-contact with my
8 allergens. I got a drink while the rest of my
9 friends ate a big breakfast.

10 Believe it or not, this type of
11 situation happens to me a lot. If I knew
12 these restaurants were trained in food allergy
13 management, I would have had more confidence
14 in speaking up for myself and asking for help
15 knowing someone would understand me. This is
16 unacceptable and it needs to change. I
17 shouldn't fear for my life every time I eat
18 out and order a drink when everyone else eats
19 together.

20 Thank you for considering why this
21 legislation is so important. Your vote today
22 will improve my quality of life and others.
23 Thank you.

24 MR. NARAYANAN: My name is RK
25 Narayanan from Westbury. We stand here in

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2 front of you on behalf of our son who is a
3 high schooler at Jericho. He couldn't be here
4 but he wanted to convey his wishes and never
5 done advocacy but this is our first time.

6 There are 35 million other people
7 like our son. One in 13, that is two in each
8 classroom, are allergy sufferers, our kids.
9 Imagine going to a restaurant, having fun, but
10 for kids and families with food allergies this
11 simple act is a nightmare. So what do we do
12 about this?

13 This law that Legislator Josh
14 Lafazan is trying put forward is a tool in the
15 tool kit that could prevent such things from
16 happening. It is critical that this problem
17 is attacked at its root. Which is at the
18 level of education, awareness and training.
19 Is it really that hard to train people who run
20 restaurants? Not that hard. One simply needs
21 to ensure that the food served does not
22 contain or is cross-contaminated with
23 allergens and be educated about the symptoms
24 of food allergic reactions.

25 Being compliant may be hard for

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2 some restaurants but the trade-off of saving
3 the customer's life should be given a higher
4 priority. Let us make millions of these
5 wishes and dreams come true and show the
6 urgency needed and not wait for more deaths in
7 order to pass this law. Let Nassau County be
8 an advocate who transforms the lives of people
9 with food allergies. Maybe children dream and
10 live to build better society.

11 We would like to thank Legislator
12 Josh Lafazan for his help and everybody else.
13 Thank you very much.

14 MS. SMITH: My name is Kristen
15 Smith. I'm from Malverne. Thank you for the
16 opportunity to speak today. I'm a Nassau
17 County resident. I'm a health care provider.
18 I'm a wife and I'm a mother. That last title
19 being my most honored and important.

20 My son Alex was diagnosed with
21 multiple food allergies starting at the age of
22 one. He was fortunate in that he's outgrown
23 all of them but one and that one is
24 life-threatening for him. This become a very
25 sobering reality when he was only five years

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2 old. He ate some food from a restaurant we
3 frequented and suffered an anaphylactic
4 reaction.

5 The restaurant didn't understand
6 how important it was to provide accurate
7 information or that an error for Alex could be
8 fatal. Alex has been excluded from events and
9 declined numerous invitations merely because
10 of the food. He even had to change schools
11 when we realized his allergies were not taken
12 seriously and he was put in harm's way on more
13 than one occasion.

14 Food allergy awareness training
15 will not only highlight the seriousness of
16 food allergies but will also give vital
17 information regarding cross-contamination.
18 Something food allergy sufferers are all too
19 familiar with all but the vast majority of
20 others are not. Food allergies are not going
21 away. The prevalence is growing daily yet
22 they are still commonly misunderstood and the
23 reactions are poorly recognized.

24 This law is an easy way to help
25 save lives. Education and awareness are key.

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2 My entire family is well-versed on food
3 allergies and we are as vigilant as possible.
4 Signage and training in restaurants will bring
5 this awareness to others specifically those
6 who are directly dealing with the very thing
7 that could cause a reaction. This law will
8 give them the tools necessary to potentially
9 save lives and allow people like my son to be
10 able to dine out more safely and enhance his
11 quality of life.

12 I would like to thank Josh Lafazan
13 for introducing legislation. I'd also like to
14 thank Bill Gaylor from my district for taking
15 time out of his weekend to speak with me
16 regarding this important issue directly. It
17 is my sincere hope that all the legislators
18 will support this law to help an industry that
19 is left ignorant of food allergies that could
20 lead to tragic consequences. Yet given the
21 proper tools can and will save lives.

22 Again, on behalf of my family and
23 everyone here today, thank you.

24 MR. SMITH: My name is Alex
25 Smith. I am 12 years old and I have a severe

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2 peanut allergy. This legislation before you
3 today would really help me and my family feel
4 more comfortable to go out in restaurants in
5 Nassau County knowing that the workers in
6 restaurants would know about food allergies
7 and would be able to let us know if I can
8 safely eat there or not. Even though I carry
9 epi pens every where I go, I can't really go
10 to new places with my friends and family
11 because I don't know if it is safe for me.
12 There have been times where I was so worried
13 if I would have a reaction that I couldn't
14 actually enjoy being out.

15 There also have been times when I
16 have asked if food was safe and given the
17 wrong information because they didn't
18 understand cross-contamination or food
19 allergies.

20 This new law could mean I could go
21 out to more family events, birthday parties
22 and other places with my friends. And all my
23 friends can't actually worry when they go to
24 new restaurants but I have to. I'd actual
25 like to feel like I didn't have to worry. I

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2 hope all of you vote in favor of this bill
3 because I really feel like it can save lives.
4 Thank you.

5 MS. KAGAN: Good afternoon
6 respected legislators. My name is Dana
7 Kagan. I'm 13 years old and I'm a freshman at
8 Great Neck South High School. I'm one of the
9 close to six million children in the United
10 States who have food allergies. I've had
11 dozens of allergic reactions, many of them
12 severe enough to land me in the emergency room
13 and some of them near fatal. Looking back at
14 all of these moments, I noticed how many of
15 these reactions were caused by mistakes made
16 by untrained restaurant employees. Every time
17 I eat a meal outside of my home I'm forced to
18 put my life in the hands of others. Whether
19 it's trusting that employees at a pizzeria
20 used a clean cutter to cut my pizza or praying
21 that the teenage workers at the local ice
22 cream shop were right about the pistachio ice
23 cream being made on separate equipment from
24 the chocolate favor.

25 At times, restaurant staff members

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2 do not realize how serious food allergies can
3 be and they are often unaware of the
4 ingredients in the food that they are
5 serving. Additionally, being a kid, I'm not
6 always taken seriously when I try to advocate
7 for myself. There have been countless
8 occasions during which my questions and
9 concerns regarding my safety have simply been
10 dismissed with the wave of a hand or when I've
11 been assured that I would be just fine before
12 I can even finish explaining what my allergies
13 were.

14 I believe that having at least one
15 food safety officer on the premises of every
16 restaurant at all times would ensure that
17 people with food allergies could have someone
18 who is trained and aware of the seriousness of
19 food allergies whenever they go out to eat.

20 In addition, allergy awareness
21 signage can help not only to increase
22 awareness but will show both restaurant
23 patrons and employees how to recognize
24 allergic symptoms and take action in case of
25 an allergic emergency. I fully support the

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2 passing the food allergy restaurant safety law
3 and I hope you do too. Thank you.

4 MS. O. KAGAN: Good afternoon.
5 My name is Olga Kagan and I live in Nassau
6 County. I'm here today because I also wear
7 many hats like some of the people have
8 mentioned here before. Not only that I'm a
9 health care professional, public health care
10 advocate and also parent of two children with
11 food allergies. And unfortunately the reality
12 of living with food allergies is not always
13 the most glamorous. When we see death related
14 to food allergies it affects all of us. As a
15 community it affects our families. It affects
16 communities that you preside over.

17 I hope that today you will consider
18 seriously passing this bill and thank you very
19 much to Josh Lafazan for proposing it and
20 thank you all for considering. Thank you.

21 MS. S. KELLY: Good afternoon.
22 You met my husband Allan earlier and my
23 daughter Cara. My name is Susan Kelly and I
24 live in Lynbrook, New York. I'm a mom of four
25 daughters and I'm also a registered nurse and

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2 I work for an allergist. I am a parent of a
3 child with life-threatening food allergies
4 like many here today. I also lead a major
5 support group with thousands of families who
6 live in fear of dining out every time they
7 leave their house. This is a major issue and
8 quality of life issue.

9 As a nurse, I believe mandating
10 food allergy training and providing reminders
11 through signage is just as important as food
12 borne illness training. Nobody expects to
13 dine out and end up hospitalized with food
14 poisoning. Food allergic customers shouldn't
15 live in fear of dining out and ending up
16 hospitalized with anaphylaxis or losing their
17 life. This is not good for anyone, customers
18 or businesses.

19 Therefore, passing this legislation
20 would be a win for all of us. Food
21 establishments deserve the right tools to
22 learn and understand how to safely accommodate
23 food allergic customers. And food allergic
24 customers need to know their orders will be
25 prepared and handled safely instead of holding

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2 on to a hope and a prayer their medical
3 condition was understood. This is common
4 sense training.

5 Food allergies are a growing public
6 health concern. The latest number estimates
7 at 31 million Americans are living with
8 life-threatening food allergies.

9 On a personal note, I have watched
10 fear consume my daughter while dining out at
11 unfamiliar places as you have heard from the
12 other children here. Even as a child she
13 knows food allergy management isn't required
14 training. She must rely on both her and her
15 communication skills, trust her instincts and
16 trust those who are preparing and handling her
17 food. She can only hope they understand the
18 seriousness of her food allergies. Imagine
19 having that fear every time you eat out.
20 Dining out with food allergies is stressful,
21 exhausting and truly affects our quality of
22 life.

23 With that being said, we are so
24 grateful for our local restaurants, there are
25 a very handful, who have been willing to learn

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2 and help us while showing compassion and
3 kindness to our child. We have very loyal
4 customers and that is good for business.

5 Because of the collaborative
6 efforts today and listening to our voices, we
7 are very hopeful for the future. You can help
8 so many of us by strengthening community
9 through education and training and protecting
10 lives. I strongly encourage you to vote yes
11 on this food allergy safety ordinance. Thank
12 you for your time.

13 MS. REID: Good afternoon. My
14 name is Jean Reid. I live in Lynbrook with my
15 husband and two sons. The youngest, Owen, is
16 allergic to peanuts. Professionally I am a
17 nurse currently working part time. However,
18 I'm a full-time food allergy mom. What I mean
19 by this is that you never get a meal a bite or
20 a sip of drink off from food allergies. Owen
21 has experienced anaphylaxis more than once.
22 Therefore, constant vigilance is a must.

23 On December 15, 2018 we ate dinner
24 out at a restaurant as a family. On the ride
25 home Owen asked for his inhaler. This did not

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2 alarm me because he is also asthmatic as many
3 food allergic children are and uses his rescue
4 inhaler when needed.

5 A short while later he says mom,
6 there's something wrong with my eye. When I
7 looked at him his eyes are swollen, completely
8 closed. I lift his shirt to find hives on his
9 torso and neck. Owen says Mom, my stomach is
10 doing flips. I know he is experiencing
11 anaphylaxis. I grab his epinephrine auto
12 injector and tell my husband to take him to
13 the emergency room immediately.

14 There's no explaining the fear at
15 that moment. Not only Owen but mine. It had
16 been more than an hour since the restaurant
17 meal and the rule is epi first epi fast. Was
18 I too late? I thought about that evening
19 every day when an allergic reaction occurred.
20 What could I have done differently?

21 I called the restaurant earlier
22 that day to find out if they could accommodate
23 my son. We the hostess -- I still get upset
24 six months later -- about his peanut allergy
25 when we arrived. We told our waiter when

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2 placing his order. And like always, I had two
3 epinephrine auto injectors in my purse just in
4 case. My husband and I do not allow Owen to
5 take risks with his food consumption. Our
6 house motto for years has been when in doubt
7 do without.

8 He has learned to advocate for
9 himself but we cannot do this alone. Food
10 handlers, preparers and chefs need to be aware
11 of food allergic patrons whose dietary
12 requests are not a choice, it is not a fad
13 diet, is not a food intolerance or sensitivity
14 and it is life threatening. Thank you so much
15 for your time today and allowing me to speak.
16 Owen would like to share something with you.

17 MR. REID: My name is Owen Reid
18 and I'm nine years old and in the fourth
19 grade. I have anaphylaxis. I have had this
20 anaphylaxis. I was upset at the restaurant
21 because they told me there was no
22 cross-contact with peanuts in my dinner but
23 there must have been. For weeks after I could
24 not sleep because I was afraid I would have
25 anaphylaxis again.

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2 MS. ATAL: My name is Zara Atal.

3 I do apologize I know you'd like us to wait
4 but I have a train to catch. I'm a fourth
5 year medical student up in Albany, a former
6 clinical research coordinator at the Jaffey
7 Food Allergy Institute at Mt. Sinai in
8 Manhattan and I'm a lifelong sufferer of
9 severe food allergies. When I was a child I
10 was allergic to dairy, eggs, tree nuts,
11 peanuts, shell fish and mushrooms. I'm,
12 compared to many of the kids and adults
13 sitting here, very lucky. I outgrew almost
14 all of my allergies without treatment. With
15 the exception of tree nuts and they have been
16 very severe and I've had several reactions.
17 As I have gotten older I've had to adjust to
18 eating out both professionally and
19 personally. And in the last year alone I've
20 had five allergic reactions. One of which
21 landed me in the hospital.

22 When I was a little kid we were
23 able to avoid going out. In general we cooked
24 at home. I brought my own food to school.
25 But as I've gotten older that hasn't been

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2 possible. When I was in middle school we
3 started to notice that I was having a lot of
4 reactions at like catered family gatherings
5 that were a lot of South Asian food. We
6 didn't understand what was going on because
7 this is all the food I had grown up eating,
8 all the same dishes. We thought we knew what
9 was in them. And when you look at all the
10 catering menus all the ingredients looked
11 safe.

12 But what we weren't realizing and
13 what kitchens weren't realizing is that they
14 were, first of all, adding ingredients like
15 cashew powder and cashew paste without telling
16 us. Their staff didn't know what was going
17 into it. And like everyone here has already
18 mentioned, they were using the same utensils
19 which was causing a lot of problems.

20 It quickly became clear to us that
21 restaurant staff needed better knowledge on
22 what food allergies are, how to treat them and
23 most importantly, how to prevent them.

24 Something as seemingly benign to
25 many of us as cutting a grilled cheese

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2 sandwich with a knife, wiping it off on a
3 kitchen towel and cutting a peanut butter and
4 jelly sandwich can be deadly if the person
5 you're serving has a severe dairy allergy.

6 My mom, who is here with me today,
7 and I set to work. For the past several years
8 we've been working with Assembly Member Linda
9 Rosenthal to pass similar food allergy
10 legislation at the state level.
11 Unfortunately, it didn't pass this past June
12 but I'm still thrilled to see that you guys
13 are considering this legislation here. We
14 truly believe that this bill will improve the
15 quality of life for those of us with food
16 allergies. It will save lives. And as many
17 of you have pointed out, it will improve
18 business for all of your Nassau County
19 restaurants.

20 As I mentioned, I had a reaction
21 that landed me in the ED this year. In May, I
22 went to a restaurant. I told the waiter that
23 I had a severe nut allergy and to please make
24 sure that none of my food had any nuts in it.
25 The waiter assured me that he had communicated

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2 it to the kitchen and he never came back to
3 say anything so I assumed my food was safe.
4 The dish in particular I had ordered was a red
5 pepper sauce that apparently had walnuts in it
6 and I didn't realize until it was too late.
7 My throat started to close up. I was having
8 trouble breathing. I'm an asthmatic. By the
9 time I got to the ED I had a very low blood
10 pressure. I had a high heart rate. My oxygen
11 saturations was pretty low. It was pretty
12 terrifying. I'm 27 years old. I've worked in
13 food allergies and I'm becoming a doctor and I
14 was scared. I can't even imagine what it must
15 be like for the rest of you.

16 To their credit, the restaurant did
17 a great job responding. They refunded my
18 check. They paid for my hospital copay and
19 they said if I ever wanted to come back they
20 would offer me a free meal. It took me awhile
21 before I was comfortable enough to return but
22 this past Friday I did go back and they had
23 changed their menu. They had better allergen
24 labelings. The staff had clearly been
25 trained. And I was so impressed with them

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2 that I'm planning to go back tomorrow with a
3 groups of friends and many nights thereafter.

4 So I came here all the way today
5 from Albany just to talk to you guys even
6 though I'm not a Nassau County resident for
7 two reasons. One is that we are still working
8 on this statewide legislation and I would love
9 to be able to point to you guys as an example
10 of what we can do.

11 And two, just last week I actually
12 received two interview offers for paediatric
13 residency at NYU Winthrop and at Cohen
14 Children. And as part of my decision making
15 for where I would like to go for my training,
16 I would like to know that there are
17 restaurants that are safe that I can eat at.
18 I enjoy eating out in between the 24 hour and
19 36 hour shifts. I hope there are places I can
20 have a little down time. Thank you for
21 considering this important legislation.

22 MS. CAIAZZA: I apologize. I too
23 need to leave. Thank you for the
24 opportunity. My name is Antonella Caiazza.
25 Thank you for the opportunity to share my

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2 family's life with food allergies.

3 Every three minutes a food allergy
4 reaction sends someone to the emergency room.
5 Which means in the time that I'm speaking to
6 you another children may be experiencing
7 anaphylaxis and arriving at the ER with their
8 friends and parents wondering if they will die
9 from ingesting an unknown food allergen.

10 I was one of those parents just one
11 month ago when my five year old daughter
12 experienced anaphylaxis after ingesting
13 walnuts for the first time. I can tell you
14 with certainty that was the most terrifying
15 day of my life. I experienced many emotions
16 in the weeks to follow. Fear of how I would
17 keep her safe in the future. Frustration that
18 food could literally be poison to my
19 children. And anxiety about something so
20 basic as feeding them. Terror that gripped me
21 so fiercely at times causing dreadful
22 nightmares and feelings of helplessness.

23 Being a mom to children with food
24 allergies is exhausting, terrifying and can be
25 isolative. It means cooking separate meals

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2 and washing and rewashing everything. Time
3 freezing when you hear your child cough in her
4 sleep and your heart skips a beat as you
5 wonder did she eat anything new today?

6 Your stomach turning when your
7 child says they have a tummy ache or feels
8 itchy or has any symptoms they've experienced
9 during an anaphylactic episode and watching
10 them like a hawk to see if more symptoms
11 arise.

12 Contacting every parent who sends a
13 birthday invite and asking will there be food
14 served and will it be nut free? And wondering
15 if they are really aware of what nut free
16 mean.

17 Checking and rechecking food
18 labels. Calling food companies repeatedly to
19 inquire about shared facilities and
20 cross-contamination. Going everywhere with an
21 emergency action plan, Benadryl and epi pens
22 and panicking at the thought of forgetting
23 these life saving items.

24 Worrying about what your child
25 might touch that could have nut proteins on

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2 it. Things like a table, playground equipment
3 or crayons. Worrying when your child is in
4 another person's care about whether others
5 will notice symptoms and act thusly if the
6 reaction occurs. And having sitting out on
7 activities that include food including dining
8 out.

9 How do I explain to my child that
10 even though she ordered plain pancakes, french
11 fries or mac and cheese, food that seemingly
12 doesn't have nuts in it that they could still
13 have traces of nuts? How do you explain
14 cross-contamination to a five year old when
15 many adults still don't understand what it
16 means? How do I explain that there are adults
17 in this world restaurant owners, chefs, wait
18 staff who just don't care enough to educate
19 themselves on food allergies or don't believe
20 that they can be fatal. I don't want my
21 daughter to live in fear. I want her to be
22 able to eat freely and enjoy eating with
23 others.

24 Please pass this bill to help save
25 lives. Improve the quality of life of so many

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2 and to set the stage for spreading even more
3 awareness so the safety of individuals with
4 all allergen can be taken seriously. Be the
5 change. Reduce ER visits. Decrease anxiety.
6 Improve and save lives. Thank you.

7 MR. FRANKS: Good afternoon. My
8 name is Theo Franks. I'm 17 and a senior in
9 high school. I'm the starting catcher for the
10 baseball team and I got my license a few
11 months ago. I'm a good student and I work
12 hard for my grades. After hearing this, you
13 might think I got the world at my fingertips.
14 That my path should be an easy one. But I
15 have a disability. I have life-threatening
16 food allergies to peanuts and tree nuts. I
17 can't go to a Yankee game without trying to
18 avoid people shelling peanuts. I can't go out
19 to the majority of restaurants with my
20 friends, and I can't eat at my prom unless you
21 pass this legislation today.

22 I had my first reaction from a
23 walnut in a cookie that my mom gave me. We
24 were food shopping and the bakery was handing
25 them out. I was two years old and that day

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2 changed my life. In order to keep me safe my
3 parents changed the way we lived and ate.
4 Most restaurants became off limits as there
5 are very few safe choices.

6 We tried one restaurant that was
7 supposed to be food allergy aware. My mom
8 emailed the manager and he promised us we
9 would have no issues. When the manager came
10 over to the table I identified my allergens
11 and ordered a burger. My extra cautious
12 mother asked if the buns were safe just to be
13 sure. The manager told her that they came
14 from a bakery which is a big red flag for
15 people with food allergies. My mother asked
16 which bakery it was hoping it would be a nut
17 free one but it was not.

18 I share this story because this was
19 a restaurant that had claimed to be very
20 allergy aware. However, ultimately they were
21 not. This is an extremely danger scenario for
22 people with food allergies. One that could
23 cost us our lives. Because there is no food
24 allergy education or regulation for
25 restaurants, any eatery can make claims but

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2 all it takes is for one person to think they
3 know what they're doing who makes promises and
4 gives reassurances despite not having proper
5 training and it could cost me my life just
6 because I wanted to eat in a restaurant.

7 I would love to enjoy the freedoms
8 afforded to non-food allergic people who can
9 go to a restaurant and know with certainty
10 that their dining experience will be handled
11 in a serious and professional manner.

12 I know there was a time when
13 smoking was permitted in restaurants. But the
14 laws changed. Some may have had concerns that
15 was it might be deemed as unpopular. But
16 medical science stated that smoking is
17 unhealthy and could lead to illness and even
18 death. Now we can't imagine eating in a
19 restaurant filled with smoke. This situation
20 is no different. Medical science has stated
21 anaphylaxis kills. But we don't need them to
22 tell us that food allergies kill. We know
23 this. It's those who don't understand food
24 allergies who are the most dangerous to us.
25 The time has come to change the laws to

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2 protect us because, just like smoking, we all
3 know better now.

4 My mom signed me out of school
5 early today so I could come here to speak to
6 you in person. To show all of you the face of
7 food allergies and to implore you to give
8 serious consideration to this legislation. It
9 would be life changing for people like me but
10 would also be life saving. Thank you for your
11 time.

12 LEGISLATOR NICOLELLO: Dr. Eve
13 Kreif.

14 DR. KREIF: Good afternoon. My
15 name is Dr. Eve Kreif and I am a pediatrician
16 and I'm the legislative chair of the New York
17 Chapter Two American Academy Pediatrics that
18 represents 1500 pediatricians across Long
19 Island, Queens and Brooklyn.

20 I would like to thank the
21 legislature for moving forward with 350-19,
22 the tobacco advertising regulations bill. As
23 you know, advertising plays a key role in
24 influencing youth to begin experimentation
25 with e-cigs and nicotine. Working on the

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2 developing brains of youth quickly facilitates
3 addiction. Despite what people claim,
4 traditional advertising for tobacco products
5 is still everywhere and children are not just
6 being influenced by social media. They see
7 these ads from their windows on the bus and
8 while waiting for their parents to pick them
9 up from school. And we can stop this with
10 this legislation. I urge you all to vote for
11 that bill.

12 Pediatricians are in the front
13 lines of the vaping crisis affecting our
14 youth. And I can tell you that right now
15 vaping is an epidemic and we must act. More
16 of our children are getting addicted to vaping
17 and nicotine every single day. Pediatricians
18 have been sounding the alarm for some time
19 now. The rate of vaping mornings among youth
20 has doubled since 2017. With almost 28
21 percent of high school students using these
22 products and 5,000 kids starting to vape every
23 single day in this country. Vaping poses
24 serious threats to the health of our
25 children.

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2 We are now seeing young people get
3 seriously sick and dying from vaping-related
4 illnesses. The extremely high nicotine levels
5 in e-cigs far exceeds that in traditional
6 cigarettes and puts teens at risk for a life
7 time of nicotine addiction and progression to
8 smoking. Nicotine has adverse affects on the
9 developing teenage brain, including anxiety
10 and depression. And the substances they are
11 inhaling contain chemicals and heavy metals
12 that are potentially dangerous and
13 carcinogenic.

14 E-cig flavors include yummy gummy,
15 bubble gum, cotton candy, marshmallow, candy
16 corn and doughnut. And are clearly marketed
17 and designed to target and appeal to youth.
18 This normalizes and glamorizes vaping to teens
19 who are the unsuspecting victims of this
20 industry. 65 percent of the teens who vape
21 are not even aware that these products contain
22 nicotine. Flavor e-cigs are addicting a new
23 generation of youth to nicotine after 50 years
24 of progress in tobacco control.

25 We must urgently do everything in

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2 our power to prevent more of our children from
3 becoming addicted. That means teachers. That
4 means pediatricians like myself. That means
5 parents. That means you legislators. You
6 need to act now. This is a crisis and every
7 day will make a difference. The American
8 Academy of Pediatrics applauds the efforts of
9 Legislator Drucker to protect the health of
10 our children and joins him in urging the
11 Nassau County Legislature to vote for a bill
12 that will prohibit the sale of flavored e-cigs
13 in Nassau County. Thank you.

14 LEGISLATOR NICOLELLO: Michael
15 Margolis.

16 MR. MARGOLIS: Good afternoon
17 legislature. I'm actually here to talk on two
18 topics today. One is personal and the second
19 is the taxpayer protection plan. So I request
20 six minutes.

21 LEGISLATOR NICOLELLO: No. You
22 have three minutes. There's a room full of
23 people waiting. When you're finished with
24 your three minutes you can come back later
25 on.

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2 MR. MARGOLIS: Then I'm going to
3 talk about the taxpayer protection plan.
4 Ms. Curran proposed a taxpayer protection
5 plan. I submitted into all of you legislation
6 that was approved by the state that you guys
7 are going to vote on. I'm not quite sure how
8 anyone is not talking about this topic more
9 because we are about to release a bomb on
10 Nassau County if this goes into affect. I ask
11 that you guys pay attention and immediately
12 look at Section 485-U number three where it
13 says exemption calculation. It says the
14 assessor shall calculate the exemption of a
15 percentage of the exemption base.

16 Now they define the exemption base
17 shall be the amount by which the assessment of
18 a property on the 2020-2021 tentative
19 assessment -- I repeat that again tentative
20 assessment roll -- issued on or about January
21 2, 2019 exceeds the equalized assessment on
22 the 2019-2020 final assessment roll.

23 The federal government gives a lot
24 of leniency when it comes to state taxation
25 because otherwise the states wouldn't have

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2 money to spend and we wouldn't be in
3 existence. There's only two ways to stop
4 where you can to go to federal law to get a
5 state statute knocked down. One of those ways
6 is by discrimination. I think this pretty
7 much doesn't discriminate a protected class.
8 So I think we might be okay there.

9 However, there is a due process
10 problem here. When you talk about using a
11 tentative assessment number, when you're
12 determining what someone is going to pay in
13 real estate taxes, that means exactly what it
14 says, tentative, because no one had a chance
15 to argue against the fair calculation. Which
16 means everybody in Nassau County would be
17 deprived of their due process rights.

18 Now, what happens if you guys pass
19 this and everybody is deprived of their due
20 process rights? And the federal government,
21 when this is challenged in federal court,
22 which it will be because 50 percent of the
23 people -- let's take this back. We're calling
24 it a taxpayer protection plan but we can
25 equally call the plan a taxpayer protection

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2 plan for 50 percent of the taxpayers at the
3 expense of the other 50 percent of the
4 taxpayers. I see this going down one of two
5 ways.

6 The first way. It will be
7 challenged in federal court right before and
8 they will give a stay and then we're not going
9 to be taking in that tax revenue for the extra
10 money that the people that are overpaying have
11 to pay. Which will cause a serious problem.
12 Think about all that money. If they do put it
13 through and don't issue a stay in federal
14 court on this, then we're looking at in five
15 years when potentially the Supreme Court rules
16 on this and if they do say it's
17 unconstitutional, guess who has to pay back
18 all that money? Nassau County.

19 You guys are worried about people's
20 home values, people having to sell. Where are
21 we going to get this money from that all of a
22 sudden everyone has to pay back the people
23 that overpaid? Our houses will be worth
24 nothing. No one is going to pay this money in
25 taxes.

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2 I thank you for your time. I
3 understand I only have three minutes on this
4 issue but I would like to talk on my other
5 topic and will wait to talk on it. Thank
6 you.

7 LEGISLATOR NICOLELLO: Robert
8 Orosz.

9 MR. OROSZ: Good afternoon. My
10 name is a Bob Orosz. I have been a resident
11 here, a property owner for about 29 years and
12 I was a former member of the residential
13 assessment reform team to Nassau County.

14 The county's new plan under this
15 administration seems to want to penalize those
16 homeowners who had legally challenged and
17 received tax reductions while rewarding those
18 who chose not to challenge. Simply put, the
19 department of assessment has the values wrong
20 and it took the individual property owner to
21 correct the department's mistake.

22 Residential, the taxpayer bill of
23 rights, which I help write some years ago,
24 seems to have been replaced in favor of a
25 so-called protection plan, which has yet to

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2 prove any useful information and relies solely
3 on a five year phase in while providing no
4 guidelines, no oversight to protect the rights
5 and accuracy of the individual property
6 owner's assessments.

7 The proposed assessment tax bill of
8 rights would provide this needed oversight by
9 using full disclosure as to how the individual
10 property owners were valued. This information
11 would include all calculations, comparable
12 home sales, adjustments and formulas used to
13 value one's property while safeguarding
14 against any abuse by any county agency by
15 means of open communication and transparency.
16 To do any less is to disregard in this respect
17 the tax paying property owners in Nassau
18 County. Thank you.

19 LEGISLATOR NICOLELLO: Thank you
20 Mr. Orosz. Roseanne Galak.

21 MS. GALAK: My name is Roseanne
22 Galak. I'm from Bayville, New York. I'm here
23 on another case of life or death. That
24 regards the tethering of dogs outside. Dogs
25 are pack animals. They want to be with their

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2 people. They want to be integrated. When
3 they are isolated they become vicious. 17
4 percent of the bites in the United States are
5 from tethered dogs. The CDC has said that
6 tethered dogs are 2.6 times more likely to
7 bite than untethered dogs. You have a child
8 that goes into the yard to pet the dog, the
9 dog gets aggressive, bites the child and
10 that's not a good scenario for either.

11 Also tethered dogs can get the
12 choke collars that grow into their necks. I
13 have found one that was walking deliriously in
14 the street. He was bleeding. We couldn't get
15 the choke collar off of him. Took him to the
16 vet. He had to be euthanized. There was
17 nothing that could be done for him. These are
18 just individual cases but this goes on over
19 and over.

20 I would also like to give the
21 police more power to intervene. I also
22 suggest that there would be a committee of
23 people that would help the police to speak to
24 the owners. It doesn't mean that the owners
25 have to give up the dogs. They have to be

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2 educated as to what they are doing, what they
3 are causing and hopefully that would help them
4 to become better pet owners. That's all I
5 have to say and thank you very much.

6 LEGISLATOR NICOLELLO: Thank
7 you. Scott Diamond.

8 MR. DIAMOND: My name is Scott
9 Diamond. I'm from Levittown and I'm here to
10 discuss this alleged property owner bill of
11 rights. It's billed as supposedly common
12 sense. To my mind it is not common sense at
13 all. It looks to me like nothing more than
14 political posturing. For example, you want
15 the assessor to be a resident of Nassau
16 County. I don't know about you but I want a
17 qualified professional to be the assessor.
18 Limiting them to being a resident of Nassau
19 County limits the pool of candidates that we
20 can choose from.

21 Another provision talks about
22 sending out the tax impact notices so that
23 they can, the homeowners can know exactly what
24 they will pay. That shows a lack of
25 understanding about the assessment process

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2 because we will never know exactly what we
3 will have to pay until the tax rates are
4 calculated. The tax impact notices were a
5 farce. They were imposed upon the Department
6 of Assessment by the legislature and they were
7 a total farce.

8 The limit on the ability of the
9 county executive to adjust the level of
10 assessment. Mr. Mangano played with the level
11 of assessment for eight years and the
12 legislature did absolutely nothing about it.
13 I know Ms. Curran promised you to maintain the
14 .25 but she was advised correctly so that by
15 maintaining that .25 it would take a decade or
16 more before the tax rolls were made accurate
17 and correct. So she had to choose the proper
18 way, the better way to make sure that the tax
19 rolls became accurate as quickly as possible.

20 This whole thing is, this whole
21 bill of rights doesn't protect the taxpayer at
22 all. It protects your egos because you got
23 bent out of shape when she broke her promise
24 on .25. I'm assuming you still are going to
25 pass it because you still have the majority.

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2 I hope and expect Ms. Curran to veto it as she
3 should because this is just more political
4 posturing. It's just attacking the assessor
5 and Ms. Curran as you have been doing ever
6 since she took office. Thank you.

7 LEGISLATOR NICOLELLO: Richard
8 Clolery.

9 MR. CLOLERY: To the members of
10 the legislature, before I commence with my
11 speech I have a letter to give you from the
12 advocates that I represent.

13 Now that that is settled, a few
14 weeks ago there was an article in Newsday
15 about the brain drain here on Long Island.
16 The complaint is that there is not enough
17 affordable housing for young people to stay
18 here on Long Island. I believe that this is a
19 half truth. The other part of the equation is
20 lack of public transportation here on the
21 Island. The reason I'm suggesting this is
22 only because owning a car can be quite an
23 expensive proposition. Especially with the
24 cost of gas, insurance, registration and
25 everything else in between.

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2 Plus now there are these kids who
3 are protesting climate change here in the
4 United States. Do you know what is one of the
5 main contributors to climate change? That's
6 right. CO2 emissions right from all of our
7 cars.

8 There is one problem. Currently
9 our buses only have enough support from the
10 state to run things as they are right now.
11 This is not enough. If we are able to keep
12 people here on Long Island and reduce carbon
13 emissions we need to find new revenue streams
14 increased from our end to reverse the bus cuts
15 that have happened and help encourage people
16 to take alternate transportation other than
17 their cars. That is all.

18 LEGISLATOR NICOLELLO: Allison
19 Blanchette.

20 MS. BLANCHETTE: Hello. Allison
21 Blanchette. I'm not able to stay for the
22 whole session so I wanted to speak on a few
23 things on the agenda. I wanted to address
24 helmets. I'm here on behalf of Long Island
25 Streets, a 501-C3 working on safe access to

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2 streets for all people with a focus on
3 micromobility and vulnerable road users.

4 We know three things that keep us
5 safe. Protected bike lanes and infrastructure
6 that doesn't force us to share space with cars
7 and trucks that intimidate vulnerable road
8 users. Policies that hold reckless road users
9 responsible for their actions. And our
10 numbers. There is great strength in our
11 numbers.

12 Safe streets and stronger policies
13 are more likely to keep us safe than strapping
14 a hat to our head. We know helmet laws have
15 reduced ridership in every municipality that
16 has attempted to enforce them. We know from
17 studies of those areas that helmet law have
18 proven to empower police to unfairly target
19 minority youth. We know that helmet laws push
20 a car culture narrative that riding a bike is
21 somehow inherently unsafe, which it is not.

22 Helmet laws with an arbitrary age
23 are a massive distraction from proven methods
24 to keep people safe. Yes, helmets can protect
25 against specific head injuries on rare

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2 occasions but they are no substitute for safe
3 streets. This legislation comes across as a
4 lazy way to check a box so that your
5 constituents think that you're doing
6 something.

7 If you are generally interested in
8 protecting children and young adults using
9 methods proven to save lives and prevent
10 injuries you ought put this helmet law down
11 and consider real solutions to address unsafe
12 streets and prevent injuries. Such as
13 reinstating an opt in school zone speed camera
14 program. Supporting an amendment to the safe
15 passing law. And support stiffer penalties
16 for drivers who flee the scene of a crash.

17 These are just a few suggestions to
18 address safety that will do more to prevent
19 injuries than a dinosaur era helmet law.
20 Again, helmet laws are a distraction from
21 proven methods saving lives. Protected bike
22 lanes, policies and programs that hold drivers
23 accountable and complete streets that
24 encourage more people to bike, scoot or skate
25 will save lives. We need more people on bikes

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2 not less. You should be doing anything and
3 everything in your power to encourage people
4 of all ages and abilities to bike, scoot or
5 skate, not discourage them. Helmet laws are a
6 discouragement. As a resident --

7 LEGISLATOR NICOLELLO: Please sum
8 up.

9 MS. BLANCHETTE: Please vote this
10 helmet law down.

11 LEGISLATOR NICOLELLO: Okay.
12 Thank you. John Budnick.

13 MR. BUDNICK: John Budnick.
14 Honorable Chairman Nicolello, honorable
15 members of the legislature and right honorable
16 clerk. At this point I am only going to
17 address number 77. Speaking as an allergy
18 sufferer and a child at the age of three knew
19 he was allergic to tomatoes. But when they
20 appeared on my plate at day care I was not
21 allowed to leave my seat until six o'clock
22 when my mother came to pick me up.

23 Not only do restaurants but also
24 day cares, places where children enjoy
25 recreation because often their rewards may be

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2 candy. And also we need to -- the law I
3 haven't had a chance to read it so I really
4 don't know what it says, but it also needs to
5 apply particularly where anything like schools
6 where children or even libraries where
7 children congregate and often have activities
8 where food may end up being part of the
9 activity.

10 With regard to children's safety
11 helmets. There are a number of issues that
12 need to be considered with reference to that
13 it might need details because the current
14 phraseology of that law I believe doesn't
15 allow other than Nassau County Police to be
16 involved in enforcement of that law. It needs
17 to be changed to allow all peace officers and
18 police officers in Nassau County to be able to
19 utilize that.

20 We have a big problem with Helena
21 Williams, who destroyed the Long Island
22 Railroad. Who destroyed the Metropolitan
23 Suburban Bus Authority and she's here and look
24 out folks. She is a danger to anything that
25 she is in charge of. Effectively now as chief

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2 deputy county executive she's in charge of
3 this county and she's doing more and more
4 things to destroy the county government in
5 this county. I must most respectfully
6 submit.

7 I will save my other remarks for
8 the various public hearings and items as they
9 come up. There are not enough police. There
10 are not civilian personnel on the police
11 department. My compliments. Thank you for
12 putting up with me.

13 LEGISLATOR NICOLELLO: Thank
14 you. We have still a number of slips. Most
15 pertain to different items. Usually our
16 public comment section is supposed to be a
17 half an hour. We've already gone an hour and
18 a half. So we are going to the calendar now
19 starting off with the consent calendar.
20 Mr. Pulitzer could you please call the roll.

21 MR. PULITZER: Thank you
22 Chairman. Roll call. Deputy Presiding
23 Officer Howard Kopel.

24 LEGISLATOR KOPEL: Here.

25 MR. PULITZER: Alternate Deputy

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2 Presiding Officer Denise Ford.

3 LEGISLATOR FORD: Here.

4 MR. PULITZER: Legislator Siela
5 Bynoe.

6 LEGISLATOR BYNOE: Here.

7 MR. PULITZER: Legislator Carrie
8 Solages.

9 LEGISLATOR SOLAGES: Here.

10 MR. PULITZER: Legislator Debra
11 Mule.

12 LEGISLATOR MULE: Here.

13 MR. PULITZER: Legislator C.

14 William Gaylor the Third.

15 LEGISLATOR GAYLOR: Present.

16 MR. PULITZER: Legislator Vincent
17 Muscarella.

18 LEGISLATOR MUSCARELLA: Here.

19 MR. PULITZER: Legislator Ellen
20 Birnbaum.

21 LEGISLATOR BIRNBAUM: Here.

22 MR. PULITZER: Legislator Delia
23 DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON:
25 Here.

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2 MR. PULITZER: Legislator James
3 Kennedy.

4 LEGISLATOR KENNEDY: Here.

5 MR. PULITZER: Legislator Thomas
6 McKevitt.

7 LEGISLATOR MCKEVITT: Here.

8 MR. PULITZER: Legislator Laura
9 Schaefer.

10 LEGISLATOR SCHAEFER: Here.

11 MR. PULITZER: Legislator John
12 Ferretti.

13 LEGISLATOR FERRETTI: Here.

14 MR. PULITZER: Legislator Arnold
15 Drucker.

16 LEGISLATOR DRUCKER: Here.

17 MR. PULITZER: Legislator Rose
18 Marie Walker.

19 LEGISLATOR WALKER: Here.

20 MR. PULITZER: Legislator Joshua
21 Lafazan.

22 LEGISLATOR LAFAZAN: Here.

23 MR. PULITZER: Legislator Steven
24 Rhoads.

25 LEGISLATOR RHOADS: Present.

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2 MR. PULITZER: Minority Leader
3 Kevan Abrahams.

4 LEGISLATOR ABRAHAMS: Here.

5 MR. PULITZER: Presiding Officer
6 Richard Nicoletto.

7 LEGISLATOR NICOLELLO: Here.

8 MR. PULITZER: We have quorum.

9 LEGISLATOR NICOLELLO: Thank
10 you. We are going to call the consent
11 calendar first. These are items that went
12 through committees. It's been agreed by the
13 Minority and Majority there is no further
14 debate or discussion needed on these items.

15 Item 29, Ordinance 73. Item 30,
16 Ordinance 74. Item 32, Ordinance 76. 34,
17 Ordinance 78. 35, Ordinance 79. 36,
18 Ordinance 80. 37, Ordinance 81. 38,
19 Ordinance 82. 39, Ordinance 83. 40,
20 Ordinance 84. 41, Ordinance 85. 42,
21 Ordinance 86. 43, Ordinance 87. 44,
22 Ordinance 88. 45, Ordinance 89. 46 Ordinance
23 90. 47, Ordinance 91. 48, Ordinance 92. 49,
24 Ordinance 93. 50, Ordinance 94. 51,
25 Ordinance 95. 52, Ordinance 96. 53,

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2 Ordinance 97. 54, Ordinance 98. 55,
3 Ordinance 99. 56, Ordinance 100. 57,
4 Ordinance 101. 58, Ordinance 102. 59,
5 Ordinance 103. 60, Ordinance 104. 61,
6 Ordinance 105. 63 Resolution 160. 64
7 Resolution 161. 65, Resolution 16s. 66,
8 Resolution 163. 67, Resolution 164. 68,
9 Resolution 165. 69, Resolution 166. 70,
10 Resolution 167. 71, Resolution 168. 72,
11 Resolution 169. 73, Resolution 170. 74,
12 Resolution 171. 75, Resolution 172. 83,
13 Resolution 180. 84, Resolution 181. 85
14 Resolution 182. 86, Resolution 183. 87,
15 Resolution 184. 88, Resolution 185, 89,
16 Resolution 186. 90, Resolution 187.

17 Any debate or discussion on these
18 items? Any public comment? Moved by
19 Legislator Walker. Seconded by Legislator
20 Bynoe. Any debate or discussion? All in
21 favor signify by saying aye. Those opposed?
22 They carry unanimously.

23 Before we go back to the allergy
24 bill I want to do two appointments. Number
25 one is number 76. A resolution to confirm the

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2 county executive's appointment of Lionel
3 Chitty as executive director of the Office of
4 Minority Affairs.

5 Moved by Legislator Ferretti.
6 Seconded by Minority Leader Abrahams. That's
7 before the legislature.

8 Mr. Chitty. I'm sorry. The matter
9 is before us. Do you have a public comment to
10 make? A statement to make Mr. Chitty?

11 MR. CHITTY: I want to thank the
12 Minority Affairs counsel, our county executive
13 and the entire legislation for this
14 opportunity for me to stand here before you
15 today.

16 LEGISLATOR NICOLELLO: Give me
17 one moment. There are some slips that people
18 want to speak. Eric Alexander from Vision
19 Long Island.

20 MR. ALEXANDER: Presiding
21 Officer, members of the legislature, I just
22 want to praise both the county exec's office
23 and the legislature for putting Mr. Chitty's
24 name forward. We have known Lionel Chitty
25 over ten years working on Hicksville

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2 revitalization. Not only was he fantastic in
3 pulling together people that really haven't
4 worked together to get some unique things
5 approved, he was always able to open doors
6 across racial, cultural lines, economic lines
7 and always found ways to bring people into a
8 planning process in advance. Some very
9 important policies through the years.

10 So, we really look forward to
11 working with him in his new role and certainly
12 our organization and he's got a lot of friends
13 that are going to work very hard to make the
14 right kind of connections in a time we have in
15 society where people aren't always
16 communicating at their best. I think Lionel,
17 Mr. Chitty is really the right person to build
18 bridges. I know that's the type of thing you
19 want to do here. I just want to say some
20 wonderful things about Lionel. Great guy.
21 Great appointment.

22 LEGISLATOR NICOLELLO: Thank you
23 Eric. George Siberon.

24 MR. SIBERON: Good afternoon.
25 I'm George Siberon. I'm here also to lend my

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2 voice in support of Lionel Chitty. I too have
3 known Lionel for over ten years. We have
4 worked together in the different chambers of
5 commerce in trying to help folks who want to
6 start businesses. His approach has been, and
7 that's why I really think he's a good choice,
8 has always been to collaborate with other
9 departments. I believe now that he's in the
10 Office of Minority Affairs so he will be
11 confirmed by you guys, that he will work with
12 the Office of Hispanic Affairs and the
13 southeast community also in coming together
14 for the betterment of Nassau County.

15 I also want to put on the hat of
16 being a trustee at Nassau Community College.
17 And as most of you folks know, there is a
18 significant amount of dollars that the county
19 is putting towards the building of a police
20 academy. And one of the skills and the subset
21 that Lionel has is in ensuring that minority
22 businesses and women-owned businesses get a
23 fair share in the construction of anything
24 that happens in the county. That is his
25 strength and I believe that he will be a

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2 tremendous asset to Nassau County.

3 LEGISLATOR NICOLELLO: Thank you
4 George. Reverend William Watson.

5 MR. WATSON: My name is William
6 Watson. I am a president of the Conference of
7 Clergy of Nassau County. Pastor of the Saint
8 John's Baptist Children of Westbury. Pastor
9 of the Baptist Church of Freeport. And
10 community activist.

11 I learned this morning from a
12 fellow colleague of this office, Minority
13 Affairs, that this person was about to be
14 presented. Number one, I do not know
15 Mr. Chitty personally, but I do know that the
16 process has not been followed. When we agreed
17 to come and confirm a person as executive
18 director of the Minority Affairs Office it was
19 agreed upon that a recommendation would come
20 from the county executive and the community
21 would be a part of the process that would
22 confirm that person.

23 Once again this county executive,
24 along with her band of thieves, has decided to
25 railroad the process. Nothing has been

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2 followed. I'm a member of the Minority
3 Affairs Counsel. I had no knowledge of this
4 only because they agreed to meet in small
5 groups like Carl Roslatimer, the attorney who
6 manipulates every process. I do hope and pray
7 that this legislative body will not allow them
8 to get away with once again undermining the
9 process. For two years we've been in
10 disarray. This office is totally
11 dysfunctional. And deserves at least an
12 investigation from the body here. Once you
13 investigate you will discover that none of the
14 rules of law have been followed.

15 Once again, I would not have anyone
16 think it's personal because I do not know this
17 man. But I do know the process is wrong and
18 it is illegal the way they have done it. And
19 if we allow this to happen in the county then
20 this whole body is responsible. Thank you.

21 LEGISLATOR NICOLELLO: Nadine
22 Burnett.

23 MS. BURNETT: Good afternoon
24 Presiding Officer Nicoletto, Minority Leader
25 Abrahams and the entire legislature. Good

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2 afternoon. My name is Nadine Burnett. I am
3 vice-chair of the minority counsel. It is
4 with pleasure that I recommend and implore the
5 legislators to vote for Mr. Chitty as the next
6 director of the Office of Minority Affairs.

7 Since our appointment a year ago we
8 have worked feverishly and tirelessly to make
9 this process as open as possibly as we could
10 in finding a new executive director. I must
11 say that we spent hours, days -- my kids
12 haven't seen me on a Monday afternoon in a
13 long time. But I'm proud to say that we have
14 finally found someone. I think he will be
15 great.

16 I've read his resume. I've spoken
17 to other people about him and I think
18 Mr. Chitty is the perfect candidate for this
19 office. As a minority woman, a black woman
20 who owns a business in Nassau County, I can
21 say that Mr. Chitty will be an asset to the
22 office. And he will work great with the staff
23 that we have and this office is going to be
24 dynamic. I can see it, I can feel it in my
25 bones that it's going to be a great office.

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2 And thank you so much for appointing him.

3 LEGISLATOR NICOLELLO:

4 Mr. Budnick.

5 MR. BUDNICK: Honorable members.

6 While the county executive may have, pardon my
7 language, messed up the procedure involving
8 the appearance of Mr. Chitty here, I think
9 that should be placed upon the head of the
10 county executive and her staff.

11 I've known, through my activity in
12 the Hicksville community both as president of
13 the community counsel, Kiwanis Club and a
14 number of other groups in the Hicksville
15 community going back to 1967, of course I
16 didn't know Mr. Chitty then. I've only know
17 him for the last 20 years that I've had him
18 under my observation. And I will tell you on
19 a scale of one to 100 he is a 100. I strongly
20 urge quick action to approve him. Thank you
21 once again for putting up with me.

22 LEGISLATOR NICOLELLO: Legislator
23 Walker.

24 LEGISLATOR WALKER: I've known
25 Lionel for probably 25 years or so and his

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2 involvement in the Hicksville community. Also
3 his work with SUNY Old Westbury and so many
4 other aspects of the community. I can tell
5 you that Lionel gives his heart and soul to
6 every single thing that he does. I know he
7 will work feverishly to make sure that the
8 Office of Minority Affairs reaches everything
9 they can possibly do and more. So, I'm
10 thrilled to say Lionel, if you're approved
11 today, I look forward to working with you and
12 I know the rest of the county will also.

13 LEGISLATOR NICOLELLO: Any other
14 legislators? Legislator Drucker.

15 LEGISLATOR DRUCKER: Thank you
16 Presiding Officer. I don't have the privilege
17 of knowing Lionel Chitty for as long as Rose
18 has and some of the others here but I've known
19 him for the past three years and have had a
20 lot of contact with him. I have been so
21 impressed with his commitment and dedication
22 to the Hicksville community and being involved
23 in so many civic organizations there and
24 lending his expertise. He's a consensus
25 builder in my opinion. He has a great rapport

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2 with everyone, and I think he will be an asset
3 in this position if he is approved.

4 Congratulations in advance.

5 LEGISLATOR KOPEL: Legislator
6 Rhoads.

7 LEGISLATOR RHOADS: Thank you
8 Deputy Presiding Officer Kopel.

9 Mr. Chitty, if you could come up
10 for a moment. Just one quick question.
11 Obviously one of the issues that's come up
12 during the hearings we've had concerning
13 Minority Affairs, the hearing we had
14 concerning minority affairs, is the overall
15 vision for the Office of Minority Affairs.
16 The lack of staffing in the office. The lack
17 of an executive director. Which seems as
18 though will be solved today. What is your
19 overall vision for the office? What do you
20 see it doing and what changes would you like
21 to see to the office in order for it to be
22 able to accomplish its mission?

23 MR. CHITTY: I appreciate the
24 opportunity to speak before you again. That's
25 a great question. As we look at the landscape

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2 of Nassau County as far as the demographics
3 they're quickly shifting and changing. It's
4 going to be dynamic. There is a currently a
5 disparity study that's going to be put
6 forward. I plan to make to sure that we have
7 the adequate staffing. I'll have to get in
8 there, analyze to see -- assess everything to
9 make sure we have the skills and whatever else
10 might be needed.

11 But this is going to be a lot of
12 outreach. We need to go into the communities,
13 where ever it may be, find out what people's
14 needs are. See what we can do to address
15 them. If I look at the chart, the office is
16 supposed to be that liaison for the minority
17 women-owned businesses and also service
18 veterans to be able to have people come in and
19 direct them towards the services they need.
20 It could be anything as far as mentoring, how
21 to start a business, all the different aspects
22 that are available for people and bring up
23 some economic issues to help people come
24 together and hopefully move forward the
25 county. I hope that answers your question.

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2 LEGISLATOR RHOADS: It does. On
3 the back end of that though, with respect to
4 the MWBE compliance. What role do you feel
5 the Office of Minority Affairs plays with
6 respect to making sure the contracts that are
7 approved by Nassau County that we actually
8 have lived up to our obligations for our own
9 MWBE policy?

10 MR. CHITTY: It's going to be
11 twofold. To take a look at what contracts are
12 out there and then to also go back and take a
13 look at the pool of resources as far as MWBE
14 individuals and/or organizations that can
15 hopefully bid on those. It's going to be a
16 myriad of both to try make sure that they are
17 properly educated, they understand the
18 process. Myself, I've done business with the
19 county so I have a good feel of what's going
20 on with purchasing process. We make to sure
21 that those people have options and the
22 availability to look at what contracts are
23 available, can they fulfill those contracts
24 and hopefully have them participate with those
25 contracts.

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2 LEGISLATOR RHOADS: Thank you
3 very much Mr. Chitty. I appreciate it.

4 LEGISLATOR KOPEL: Minority
5 Leader Abrahams and then Legislator Bynoe.

6 LEGISLATOR ABRAHAMS: Thank you
7 Deputy Presiding Officer Kopel. I'm sure as
8 you are aware the Office of Minority Affairs
9 has gone on for quite some time without the
10 proper leadership. Your task, if confirmed
11 today, obviously will be tremendous. But one
12 of the things that has basically been
13 something that I've given much thought about
14 and I haven't seen a tremendous correction has
15 been kind of what Mr. Roads had talked a
16 little bit about in regards to the MWBE
17 program.

18 This body, in the form of the Rules
19 Committee, approves hundreds of millions of
20 dollars in contracts. And I know, as you
21 know, the disparity study that exists, that's
22 once begins and commences, will go towards
23 addressing the disparity as it pertains to the
24 difference between minority vending
25 contracting and outside that.

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2 But however, I just want to hear a
3 little bit about your experience and how you
4 would tackle not just the disparity but
5 engaging minority business enterprises to one,
6 be a part of a system. But then also what
7 that system would look like. Because we've
8 registered minority business enterprises in
9 past and obviously we still don't have a
10 greater reflection of those businesses as it
11 pertains and looks like Nassau County.

12 So I would love to hear one, how
13 you go about registering more MWBEs. But then
14 two, how you would actually engage and work
15 with this body to ensure that their
16 participation reaches the fullest extent by
17 being considered before this body for a
18 contract.

19 MR. CHITTY: Legislator Abrahams
20 that's a fantastic question. I have a couple
21 of MWBEs that I actually pushed to get
22 registered with Nassau County and everybody is
23 always looking for results. Again, it's going
24 to be to go out to the small businesses.
25 Whether it's the different organizations I've

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2 been a part of, people I've gotten to know
3 over the years, and show them the
4 opportunities that are there with being able
5 to get a piece of that pie.

6 Again, you're talking billions of
7 dollars of contracts. Small business owners
8 they're very challenged. They're worried
9 about keeping their lights on. So if an
10 opportunity comes up and they see 15, 25 pages
11 worth of information they're not sure what to
12 do. They should be able to come to the
13 office. We walk them through the entire
14 process from soup to nuts to make sure that
15 they're on point. To make sure that they
16 understand the process and what's going to be
17 expected of them.

18 As far as the legislature is
19 concerned, I want to be able to make sure that
20 we are digging deep into what contracts are
21 out there and make sure we are boosting up
22 those numbers of minority certified businesses
23 here in Nassau County and be able to match
24 them up together.

25 It is going to be a challenge. I

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2 know that the office has had some challenges
3 in the past. But I know that the time has
4 come for things to make a positive change. To
5 be able to give the information to the people,
6 to marry them up with the information that's
7 here with the county and utilize the resources
8 that are here before us.

9 LEGISLATOR ABRAHAMS: Last
10 question before I pass it on. My last
11 question. Obviously there's going to be
12 tremendous opportunity for growth here in
13 Nassau County between the Coliseum project,
14 which is hopefully going to begin sometime
15 next year, as well as you see what's going on
16 with Belmont and then there's a host of other
17 projects that may not be under the county
18 domain in terms of contracting but as a
19 steward and officer of the Office of Minority
20 Affairs, what are some of your thoughts in
21 promoting minority business enterprise growth
22 not just here in the county but the much
23 abroad county as well?

24 MR. CHITTY: It's going to have
25 to be broad. Because whether or not the

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2 county has an opportunity for a specific
3 person there might be something statewide.
4 Again, when I look at the charter it's about
5 economic development and being able to show
6 minority women owned business how to be able
7 to provide for themselves, go after these
8 opportunities.

9 Honestly, I want the doors to be
10 open. I want everybody to come in to be able
11 to sit there so we can walk them through the
12 process. When I did business with the county
13 decades ago I was fortunate enough to have
14 somebody in person that sat with me and walked
15 me through the entire process so that I could
16 understand what needed to be done. And want
17 to be able to replicate that and get the word
18 out to as many small businesses there are to
19 have them ready and willing to take care of
20 those opportunities. I hope that answers your
21 question.

22 LEGISLATOR ABRAHAMS: Thank you.

23 LEGISLATOR BYNOE: Good afternoon
24 Mr. Chitty. I would like engage you but
25 before I do that I'm going to ask that

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2 Ms. Burnette return to the podium. Just a
3 matter of housekeeping for me.

4 Ms. Burnett, it's my understanding
5 that it's required by the charter that the
6 county executive push down some
7 recommendations to the counsel or is it the
8 other way? The counsel pushes the
9 recommendation to the county executive and
10 then the county executive moves that
11 appointment to the legislature. Was that
12 process followed?

13 MS. BURNETT: Yes. There was one
14 recommendation.

15 LEGISLATOR BYNOE: And you
16 recommended Lionel Chitty after a process of I
17 guess vetting him through your process,
18 interviewing him.

19 MS. BURNETT: Let me explain what
20 we did without getting too deep. We posted
21 the resume on Indeed that we did for a month.
22 After the resumes were closed, we got the
23 resumes from HR and then we went through
24 that. Took the names out and interviewed
25 candidates. Then we narrowed it down to a

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2 few. And that was done. We had a panel that
3 did that. Then the entire body, the entire
4 counsel, now we have nine, so we had eight
5 members that actually voted.

6 LEGISLATOR BYNOE: Mr. Chitty was
7 the candidate that was pushed up?

8 MR. BURNETT: Yes.

9 LEGISLATOR BYNOE: Thank you very
10 much for clarifying that for me. Just needed,
11 as a matter of housekeeping, we needed that on
12 the record.

13 Mr. Chitty you have an excellent
14 reputation in the business community. I am
15 looking forward to seeing some of that
16 experience serve this county well in the
17 position of executive director. I want to
18 state one thing is that we ask that the
19 comptroller do an assessment. Go through the
20 Office of Minority Affairs to identify where
21 are the potential impediments and barriers to
22 being able to carry out the important work of
23 that office. I'd ask that once confirmed you
24 reach out to the comptroller's office so you
25 can have that information as I guess a road

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2 map as to how you can start to do the work
3 that this county for such a long time needed
4 to be resourced to do this type of work. I
5 ask that you visit the comptroller's office
6 and get a copy of that report.

7 MR. CHITTY: I currently have a
8 copy of that report.

9 LEGISLATOR BYNOE: Perfect. One
10 other thing is we stated we're going to have
11 the Coliseum. We have the police
12 headquarters, the training facility that's
13 going to be headquartered out of Mitchell
14 Field that's currently being developed. We
15 also have the family court that is being
16 constructed. There is a need to make sure
17 that we can we identify minority and
18 women-owned businesses. And we talked a lot
19 about those entities already. I want to kind
20 of make sure we have a plan for service
21 disabled veteran entities because that is the
22 charge of that office as well.

23 So I'd be very happy to sit with
24 you at some point and talk about other issues
25 that I see as an impediment for service

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2 disabled veterans as well as minority women
3 business enterprises, which is having the
4 capital that they need to be able to perform
5 the work of the contract.

6 So, I've met with folks out in New
7 York City and they have really put together a
8 well oiled plan that allows for business
9 entities to be able to engage in borrowing at
10 very low interest rates, to be able to
11 leverage those loans to be able to be in
12 position to obtain those contracts. A lot of
13 times we see that is one of the impediments.
14 I'd love to see your office work towards
15 bringing some of that programing here to
16 Nassau County.

17 I filed a bill a while ago that
18 kind of puts it together for bond
19 performance. I think we need to go beyond
20 bond performance and look at some of the other
21 outlying costs associated with the contracts.
22 I think that's a huge problem. And I don't
23 know what your thoughts are but I'd would like
24 to hear a little bit about that.

25 MR. CHITTY: You are 100 percent

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2 correct. I've see people get contracts and
3 then could not make the financial
4 obligations. Fortunately there are programs
5 throughout Nassau County and throughout the
6 state that are available to help them. I'm
7 well aware of them. But again the problems
8 typically stem from again a small business
9 owner just trying to keep those lights on. We
10 want to be that catalyst that bridges that gap
11 between them to make sure they understand
12 where they can go for that type of assistance
13 and anything else that might be a barrier. I
14 do look forward to sitting with you to discuss
15 any other barriers that you think might be of
16 concern and see if we can get through those.

17 LEGISLATOR BYNOE: Very good.
18 Thank you for all the answers that you
19 provided to this legislature. And let me be
20 the first to say congratulations before the
21 vote.

22 MR. CHITTY: Thank you.
23 Appreciate it.

24 LEGISLATOR NICOLELLO: Barbara
25 Borum.

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2 MS. BORUM: Good afternoon
3 everyone. My name is Barbara Borum, and I am
4 honored to be here this afternoon hopefully
5 for the swearing in of the director of
6 Minority Affairs, Lionel Chitty. I met Lionel
7 years ago through a mutual friend. One thing
8 I found out as we began communicating is that
9 he is a man of high standards and integrity.
10 He not only cares about his community but he
11 reaches beyond to help others as well. That
12 is a good qualification that is needed for
13 this position.

14 He is very fair, caring and
15 dedicated to whatever task he takes on. As
16 some of you know, he has many organizations
17 and he serves on many committees. The above
18 mentions are only a few reasons I feel that
19 this the right decision and the right person
20 has been chosen for this particular position.
21 With that said, I would like to personally
22 congratulate Mr. Lionel Chitty and wish him
23 all the luck and I'm very proud of you. Thank
24 you very much for allowing me to speak.

25 LEGISLATOR NICOLELLO: Any other

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2 public comment? Hearing none, I'm going to
3 call the question. All in favor signify by
4 saying aye. Those opposed? Carries
5 unanimously. Congratulations Mr. Chitty.

6 Resolution 174 which is item 77. A
7 resolution confirming the county executive's
8 appointment of the Nancy Nunziata to the
9 position of commissioner of Social Services.

10 Moved by Legislator Walker.

11 Seconded by Legislator Birnbaum. Thank you
12 for your patience.

13 MS. NUNZIATA: Good afternoon.
14 My name is Nancy Nunziata. I'm here as the
15 county executive's appointee for commissioner
16 of social services for Nassau County.

17 First, I want to thank the county
18 executive for her appointment of me to such a
19 vitally important position, and I'd also like
20 to thank each of you for allowing me to come
21 before you today.

22 I have been a New York State
23 licensed social worker for 40 years. My
24 experience is broad based and has covered all
25 areas including domestic violence, youth,

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2 adult and family homelessness, mental health,
3 child and youth development and entitlement
4 services just to name a few. I started my
5 career as a case manager and over the past 40
6 years have risen through the ranks to my
7 current position at Help USA of senior vice
8 president. I have been an employee at Help
9 USA for the past 28 years. My portfolio
10 includes the administration of several
11 transitional and supportive housing
12 facilities. Residential and nonresidential.
13 Domestic violence programs. Youth and after
14 school programs. And the youth mentoring
15 program. In total, I oversee approximately
16 200 employees and a budget of approximately
17 \$40 million.

18 Prior to my work at Help USA, I
19 worked at Safe Horizons, which is one of the
20 largest crime victim programs in New York
21 City. I oversaw their Bronx operations. In
22 this capacity I worked with all crime victims,
23 including people who are victim of robbery and
24 burglary, rape survivors, domestic violence
25 survivors, victims of child sexual abuse,

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2 victims of sex trafficking and families of
3 homicide victims. Prior to that I worked for
4 Covenant House, which is a program for runaway
5 and homeless youth.

6 With my 40 years of experience
7 behind me I come to you today with a vision
8 for Department of Social Services and the
9 residents of Nassau County. That vision
10 includes being responsive to the changing
11 needs of county residents. Identifying
12 creative solutions to problems. Being
13 fiscally responsible. And building on the
14 already sound reputation of the department.

15 It also includes ensuring that the
16 department is culturally and linguistically
17 sensitive. That staff and clients are treated
18 with respect and dignity. And that all that
19 work or come to us for services can feel safe
20 and secure.

21 Coming from the nonprofit world I
22 understand the important role nonprofits have
23 in overall service delivery. To that end, I
24 will work closely with our nonprofit partners
25 who are providing vital services to Nassau

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2 County residents.

3 The work that the department does
4 is not easy and it takes a dedicated workforce
5 to get the job done. It also takes caring for
6 the workforce and ensuring there is enough
7 staff in right places and that the staff are
8 properly trained, recognized and rewarded for
9 the work that they do.

10 I looked forward to working with
11 the administration, this body and the CSEA in
12 achieving these goals. I will be a very
13 visible and active leader and maintain an open
14 door policy. It is important to me that staff
15 see me as a resource and an advocate. I may
16 not be able to, quote, fix everything but I
17 will always be there to listen and welcome
18 their thoughts and creative ideas.

19 Nassau County is where I live and
20 where I raised my son. Caring for others has
21 been my life's work. I have learned many life
22 lessons along the way. One of them being that
23 needing help is a great equalizer. It can
24 happen to any of us, from the richest to
25 poorest. But probably the greatest lesson I

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2 have learned was to never underestimate the
3 resilience of the human spirit. I have worked
4 with thousands of people who have endured
5 unimaginable trauma. Yet they survived and
6 they thrive.

7 If appointed to this position I
8 will work tirelessly to ensure that the
9 Department of Social Services continues its
10 sound reputation of providing services to our
11 most vulnerable populations. I will take all
12 that I have learned and serve the residents of
13 Nassau County with a deep passion and a humble
14 heart. Thank you.

15 LEGISLATOR NICOLELLO: Thank
16 you. Any legislators? Legislator Walker.

17 LEGISLATOR WALKER: How are you?
18 I enjoyed the time we got to talk to you and
19 you shared so much your of experiences with
20 us. I know that so much of your experience is
21 service based. Now, how about the financial
22 end of that since that department certainly
23 has very big financial responsibilities and
24 effects on this county?

25 MS. NUNZIATA: My current

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2 position and what I have been doing over the
3 last 28 or 30 years has had a major financial
4 component. Right now I have operating budgets
5 of about \$40 million or so. Those budgets are
6 from different funding sources. From the
7 federal government, state and local counties.
8 I'm pretty adept at managing budgets. It's
9 something I pride myself on. I think if you
10 were to question folks at Help for the past 28
11 years I've never come in over budget or --
12 it's something that I know is important.

13 Quite frankly, how we manage our
14 money in order to continue to provide good
15 services you have to know how to manage money
16 and you need to know where to put the money.
17 I'm in the process now of actually currently
18 reviewing the proposed 2020 budget for the
19 budget and familiarizing myself with that
20 process.

21 LEGISLATOR WALKER: Thank you.

22 LEGISLATOR NICOLELLO: Ronnie
23 Silverman.

24 MS. SILVERMAN: I'm very honored
25 to come to speak on behalf of Nancy Nunziata

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2 on her appointment. I have worked with Nancy
3 for the past 26 years. More than half my life
4 to date. I've worked as a colleague of
5 Nancy. I have seen her work in many, many
6 different capacities. As a director, service
7 provider, social worker, as an advocate for
8 underserved populations. As a program
9 administrator both on the finance side and on
10 the program side and as an executive and a
11 leader.

12 I can say with full confidence that
13 she's probably one of the most skilled
14 nonprofit leaders that I've ever come across.
15 She works with the same level of
16 professionalism and passion with clients in
17 our homeless centers as she does with
18 government officials and our boards of
19 directors and our executive leadership.

20 For me, starting when I was quite
21 young, to be able to watch her and for her to
22 serve as a role model for me as I develop
23 professionally it was truly an honor. And
24 she's made me the professional that I am
25 today.

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2 And just to speak to your question
3 regarding finances, one of the things that I
4 work closely with Nancy on is the development
5 of new programs and pursuing new sources of
6 funding for the organization. Nancy was a
7 true partner in the development of those
8 budgets. Also while we transitioned from a
9 funded program into an operating program,
10 Nancy was sort of my go-to person always
11 because she was someone -- and we started
12 many, many new programs together. So I think
13 in that regard she's a true expert. And she
14 also is just truly committed to the population
15 and to advocating on behalf of underserved
16 populations. Thank you.

17 LEGISLATOR NICOLELLO: Thank
18 you. Any other public comment? Hearing none,
19 all in favor signify by saying aye. Those
20 opposed? Carries unanimously.
21 Congratulations Commissioner. You're welcome
22 to stay with us, all of your friends as well.
23 I'm sure you have someplace else to go.

24 Item 33 Ordinance 77. An ordinance
25 to enhance food allergy safety measures at

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2 food service establishments in Nassau County.

3 Moved by Legislator Lafazan.

4 Seconded by Legislator Ford. Item 33. Is
5 Dr. Eisenstein here?

6 DR. EISENSTEIN: Good afternoon
7 legislators. So, I want to begin by saying
8 I'm here as commissioner of health but also,
9 having heard compelling testimony earlier
10 today, am a parent of a daughter who has food
11 allergies. So I am personally and
12 professionally familiar with the topic.
13 Thankfully my daughter has not experienced
14 anaphylaxis but we are vigilant. She is
15 almost 16 years old. Doesn't go anywhere
16 without her epi pen. And when she tries
17 that's probably the worst thing she could do
18 in my house is leave without her epi pen.
19 That's how seriously we take it.

20 You heard compelling information
21 from people who are struggling with food
22 allergies. It is very dangerous. There is no
23 way to sugarcoat it. So, I think that the
24 concept of signage the way we have for other
25 food protective measures and I think the

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2 concept of training staff as best as possible
3 is really ideal and vital. I think that all
4 of that would mitigate, decrease the
5 possibility that children, even adults that
6 still suffer from food allergies, will
7 accidentally be placed in a situation which is
8 dangerous to them.

9 So any measure we can take
10 preventively to limit exposure of any health
11 risk I support. I think that that's really
12 important. This would be a responsibility on
13 the health department. We are ready. We're
14 very close collaborators with our
15 restaurants. As stated earlier, they have to
16 take a food manager's training class for high
17 risk restaurants in order to be permitted.

18 We already do a little bit of
19 allergy training but we certainly would
20 enhance it. We should enhance it regardless.
21 I don't think we need to reinvent the wheel.
22 As you heard earlier, there are a lot of other
23 jurisdictions that do this. It will be our
24 responsibility to go through the
25 evidence-based video and trainings that exist

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2 and incorporate them into what we do.

3 We would bring the signs. We go to
4 the restaurants anyway. We would bring the
5 signs to the restaurant and make it part of
6 our routine inspections to make sure they are
7 there and that they're trained.

8 So I'm supportive of anything that
9 makes our community healthier and this is
10 certainly that I think is important.

11 LEGISLATOR NICOLELLO: You just
12 used the term high risk restaurants in terms
13 of your training that you are doing. What
14 does that mean?

15 DR. EISENSTEIN: Various
16 restaurants are classified as high risk or low
17 risk based on the possibility that some kind
18 of food contamination or food illness would
19 come from them. Buffets for example would be
20 considered high risk. Whereas places that
21 have very clear procedural mechanisms of
22 keeping food safe, for example, fast food
23 places.

24 But the point is we go to all the
25 high risk -- all the high risk places come to

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2 us for our food safety training. We would
3 incorporate it and we would also make it an
4 online training that every restaurant would be
5 responsible for having. When we go to a
6 restaurant, the way we envision this, of
7 course we are open to recommendations, the way
8 we would envision it is they would have a
9 certificate with the person on staff who's,
10 whatever word you want to use, the food
11 allergy safety manager or whatever word we
12 come up with, that they would have the
13 certificate and it would be readily visible to
14 the public and available to us on inspection.

15 LEGISLATOR NICOLELLO: How would
16 you communicate with this? I think Department
17 of Health's own estimate there's over 4,000
18 restaurants. How would you make sure that you
19 communicate these requirements to those
20 restaurants?

21 DR. EISENSTEIN: We've had
22 changes in the food code before. They have to
23 communicate with us to get their permits
24 renewed annually. It would be a routine part
25 of that. But we would proactively reach out

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2 to them. There would be a little start-up
3 cost to do that. That's what your health
4 department does. We work to keep the
5 community safe. This is a means of doing it
6 for something that is very dangerous.

7 So we would reach out to the
8 restaurants the way we do whenever there is a
9 new ordinance. Most of the restaurant
10 regulations come from the State health code.
11 So it's not tremendously rare that the state
12 creates a new law and we have to express it,
13 share it, make it part of our training
14 programs and make it part of our permit
15 renewal program.

16 LEGISLATOR NICOLELLO: Deputy
17 Presiding Officer Kopel.

18 LEGISLATOR KOPEL: Thank you. I
19 would applaud Josh Lafazan for bringing this
20 very critical problem out to the fore and
21 raising it. But I think that we all need to
22 take a step back and just realize whatever we
23 do we can't be saying, we can't just be
24 relying on things like that. I have a
25 daughter and several grandchildren with nut

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2 allergies and they're always walking around
3 with these epi pens. Of course it's a scary
4 thing.

5 But on the other hand I'm also
6 aware that with the best of preparations it's
7 very scary to depend on a restaurant. They
8 can be as careful as you want them to be. My
9 wife had a distant relative, a child, who died
10 because one of the ingredients was simply
11 mislabeled. It said it was dairy free and it
12 wasn't dairy free and she went into
13 anaphylactic shock. So this is good but this
14 is very, very far from a panacea.

15 DR. EISENSTEIN: I fully 100
16 percent agree with you legislator. What I
17 think this does is it decreases the chances
18 that something really bad happens. But by no
19 means do I think this would eliminate it. I
20 told you my daughter has some allergies.
21 Hazel nut is one of them. There's a gelato
22 shop that my wife and I love and I don't care
23 how well trained the staff is my daughter is
24 not going there. That's just because I myself
25 are not willing to take that risk. But having

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2 a staffed trained and knowing how to answer
3 the questions are the buns safe? I think that
4 we would at least drastically improve the
5 chances.

6 LEGISLATOR KOPEL: To some extent
7 it will work. But remember, these are
8 restaurant workers these are not scientists.
9 The training may or may not take. And we
10 don't know what a restaurant is. You can have
11 somebody driving a little ice cream truck. Is
12 that a restaurant? There are a lot of
13 questions that it doesn't take the
14 responsibility, the primary responsibility
15 away from parents or from adult sufferers
16 themselves to be vigilant and don't rely on
17 something like this.

18 DR. EISENSTEIN: I agree.

19 LEGISLATOR NICOLELLO: Legislator
20 Walker.

21 LEGISLATOR WALKER: Legislator
22 Kopel really said it all. But my youngest
23 little grandson who just turned four has a
24 tree nut allergy. And not actually all tree
25 nuts either. He just says he's allergic to

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2 nuts and he asks you does that have nuts
3 grandma? And sometimes if I don't want him to
4 have it I say you can't have that. You know
5 you have to be so careful, especially when
6 they were talking today about
7 cross-contamination.

8 My only concern is we can put up
9 the signage, do whatever training we can, but
10 for many of the people who spoke today I would
11 not want them to think that they still don't
12 have to be concerned when they go out to eat,
13 when they're at any place.

14 We were at an ice cream shop out
15 east and I was going to pick the ice cream he
16 wanted, which was nut free and everything. I
17 reminded them to use a separate scooper and
18 everything. The young girl, this was a very
19 young girl, said you know what, I really
20 advise you to just get the soft serve ice
21 cream. Even though that's really not what he
22 wanted, but just because previous to her doing
23 all the right things someone could have
24 grabbed a scooper that wasn't quite free of
25 everything or put something in that ice

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2 cream. So now she's grabbing that ice cream
3 with a fresh scooper and the
4 cross-contamination is still there. And when
5 you see one of your loved ones having an
6 anaphylactic shock and have to administer that
7 epi pen and then rush to a hospital it is the
8 scariest thing. Certainly for them but I
9 think you as a parent or grandparent or anyone
10 and anyone surrounding you it's horrible.

11 So, you know, and you're in the
12 medical field, I just don't want anyone to
13 feel that now our restaurant owners are
14 suddenly medical experts because they're not.
15 That's the one part that scares me. That
16 people become too focused that now everything
17 is going to be all okay. Do everything we can
18 but we also have to be vigilant as we can.

19 DR. EISENSTEIN: I think we can
20 incorporate that into the signage as well
21 about people should still maintain vigilance
22 because I absolute agree with you.

23 LEGISLATOR NICOLELLO: Legislator
24 Ford.

25 LEGISLATOR FORD: Thank you. I

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2 too have a granddaughter who has peanut
3 allergies. For me I thought that was the
4 really big food allergy. And to me I learned
5 a lot. I am stunned over dairy and how
6 dangerous it is for so many people. I have to
7 say that it really was a learning lesson for
8 me to hear so many people speak about this.

9 And while I know that the families
10 are always ever vigilant, they carry the epi
11 pens, they're always asking, they're always
12 questioning. But I think that this is
13 important because when we train the restaurant
14 owners or the food service owners, when we can
15 actually train maybe somebody who's going to
16 oversee all of this and then get to the
17 nitty-gritty of the food workers. The
18 waitresses and waiters and cooks.

19 I think if the people become more
20 aware of how dangerous it can be. That people
21 are not just saying like well, I'm allergic to
22 dairy and they think ah, she just doesn't want
23 cheese or something like that. That it really
24 is a life or death choice or decision. I
25 think if we start becoming aware of what we do

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2 and to make sure so that they don't go back
3 and say I'm just going to take the cheese off
4 the hamburger and that person can eat it.
5 What harm is it?

6 When we start training and getting
7 down into that and making people realize that
8 I think that it gives maybe a little bit more
9 comfort to families when they go to see that
10 they have been trained and what to do in case
11 of an allergic reaction that I think it might
12 open the door.

13 I think that these families realize
14 they have a responsibility that they just want
15 to make sure that this place has some training
16 like that. Like that one restaurant owner who
17 came up, I think he's from Oyster Bay or
18 something, said he's willing. He wants to
19 step up. He wants to train his staff. He
20 wants to be trained. I think the more people
21 know the better it is.

22 I think we can make it so that
23 maybe some of these young students will be
24 able to go sit and eat with their classmates
25 rather than being ostracized. I urge you

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2 let's follow this through. Let's get that
3 training as soon as we can so these kids can
4 really enjoy their life.

5 LEGISLATOR NICOLELLO: Legislator
6 Lafazan.

7 LEGISLATOR LAFAZAN: Thank you
8 very much Presiding Officer. I do want to
9 make brief remarks but I know Dr. Reynolds is
10 in the audience as well. So I defer to him
11 first or if anyone would like to speak.

12 LEGISLATOR NICOLELLO: Any other
13 legislators? Legislator Bynoe.

14 LEGISLATOR BYNOE:
15 Dr. Eisenstein, what is the time line in terms
16 of your plan for being able to facilitate all
17 of this training? I know you said it would be
18 a component online?

19 DR. EISENSTEIN: Yes. We are
20 hopeful to get this up and running in a couple
21 of months. We got to review the various
22 trainings. See what works. Get the word out
23 to our restaurants that they have to do this
24 and give them a reasonable time line to do
25 it. I think originally when we discussed it

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2 with Legislator Lafazan 90 days was our target
3 to have all the components up and running.
4 I'm hopeful we can get it done in that time.

5 Once we have the signage ready our
6 inspectors as they go out they may go to one
7 or two restaurants on a block let's say but
8 there may be four or five, they can go into
9 each one and drop it off on the way even if a
10 restaurant that is not due for an inspection
11 at that time. We're hopeful for 90 days
12 all-in launch. That's going to be what we
13 target. We will do the best we can to achieve
14 that.

15 LEGISLATOR BYNOE: I do think
16 it's important the training. I think
17 Mr. Kelly mentioned that it's important even
18 for the restaurants. Because no worker goes
19 to work and thinks that they could actually be
20 at the hands of someone's death. And I'm sure
21 no one wants to be a part of anything like
22 that. So, I do think it's important that we
23 do that.

24 I have a severe allergy, not to
25 food, but to something and I went into

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2 anaphylactic shock. And just to hear each one
3 of these kids. My allergy is highly unlikely
4 to come into contact with it on a regular
5 basis. But to know that young people's lives
6 are so restricted and they're living with this
7 fear on a daily basis I'm happy to be a part
8 of a body that can move something like this
9 forward. Thank you. Thank you Josh.

10 LEGISLATOR NICOLELLO: Dr.
11 Jeffrey Reynolds.

12 DR. REYNOLDS: My name is Jeffrey
13 Reynolds. I am the president and CEO of
14 Family and Children's Association. And in any
15 given year we serve 25,000 young people and
16 their families here in Nassau County. So I'm
17 here in that capacity. But more importantly,
18 I'm here as a father with a child who has
19 life-threatening allergies, peanuts, tree nuts
20 and dairy. I want to thank Legislator Lafazan
21 for introducing the bill.

22 There were some comments that were
23 made that I wanted to address. As parents,
24 and you heard the testimony here this
25 afternoon. As parents we take this really

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2 seriously. We understand there's got to be
3 partnership between us as parents, where the
4 primary responsibility starts, and with the
5 restaurant. You heard some of the
6 extraordinary things we do in order to keep
7 our kids safe. Calling restaurants ahead of
8 time. Visiting those restaurants. One person
9 here described it as surviving rather than
10 enjoying a meal. That's exactly what it is.
11 When that last bite is done you have a sigh of
12 relief. You wait an hour and then you breathe
13 a second sigh of relief.

14 There was something that happened
15 at the beginning of summer that I shared with
16 Josh at a restaurant that I won't name,
17 Applebee's in Westbury, where we brought my
18 kids there. And I said to the server, and we
19 are very good about this, very clear, my son
20 for an eight year old is very clear in talking
21 about this, and we said look, he has a very
22 serious peanut and tree nut allergy as well as
23 dairy.

24 The 17 year old college student
25 took the order. Seemed very confident. In

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2 fact, I said to her it doesn't look like you
3 wrote down the allergy. Did you? She said
4 well yes. Ten minutes goes by. She comes
5 back to the table and says, is the allergy a
6 life threatening one? Of course I said so why
7 do you want to know? Yes in short. But why
8 do you want to know? She said I'm just making
9 sure.

10 Clearly she had second thoughts
11 about this. Clearly she's a 17 year old
12 college student. Didn't know enough about
13 this to communicate it effectively and began
14 to panic. Imagine she hadn't checked.
15 Imagine she hadn't communicated. Imagine my
16 son had gone into anaphylaxis in that
17 restaurant. Her life would have been changed
18 forever without a shadow of a doubt. Every
19 person in that restaurant would have had their
20 life changed if they watched an eight year old
21 wheeled out in a gurney. There's no need for
22 this to happen.

23 Lots of the things I come to talk
24 to you about here are about prevention and
25 reducing risk. Whether we're talking about

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2 substance abuse prevention or this. There are
3 no absolutes. There's no guarantee that if
4 you put signs in every restaurant, you train
5 up every restaurant worker that this is never
6 going to happen. But it's about reducing the
7 risk that it does.

8 I'm really concerned about
9 implementation. I firmly believe you all will
10 vote in support of this bunch because if you
11 don't you have a whole bunch of really pissed
12 off allergy moms that you'll have to answer
13 to. So I don't think any of you are silly
14 enough to vote against it.

15 What I would say the questions
16 about implementation from Legislator Bynoe are
17 really important and not to put our health
18 commissioner on the spot but this has to
19 happen fast. When I think about how game
20 changing this could be for kids in Nassau
21 County I want it to happen as quickly as
22 possible. And I would venture to guess that
23 if you ask some of these allergies families if
24 we help deliver as volunteers these posters
25 and placards to restaurants we would be more

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2 than happy to help out and get it done.

3 Thank you Legislator Lafazan.

4 Thank you to all of you for your service and
5 thank you for listening so respectfully to the
6 testimony that you heard today. Thank you.

7 LEGISLATOR NICOLELLO: Thank you
8 Dr. Reynolds. Shazir Rafi. Ventura Franks.
9 Melissa Dagastino. Any other legislators?
10 Legislator Rhoads.

11 LEGISLATOR RHOADS:
12 Dr. Eisenstein, if you could come up for a
13 moment. We received and I'm assuming all
14 legislators received it, obviously the bill
15 seems to be kind of a no-brainer from a
16 perspective that there's a real problem out
17 there that we need to do something about it.
18 One thing that I'm concerned about though is
19 that we do the wrong thing.

20 So, the letter that we received
21 from the Department of Health, I think we all
22 received it, from Eileen Braunstein, who is
23 the chair of the county board of health,
24 raised some concerns about some of the
25 provisions in the law. I'll read them. I

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2 want to make sure we are all on the same
3 page. What we are passing today is something
4 that is workable and isn't going to create a
5 potential issue. Jumping to paragraph two.

6 In our review of the proposed
7 legislation the board does endorse the posting
8 of signage in all food service establishments
9 regulated by the Nassau County Department of
10 Health. Such signage would serve to enhance
11 food allergy awareness of staff and patrons.
12 Any signage would need to provide direction to
13 call 911 in the event of an allergic
14 reaction. However, we have serious concerns
15 with the training requirements in the proposed
16 law which requires that any such training,
17 describe, quote, the action to be taken if a
18 customer has an allergic reaction of Section
19 3(b)5. Other than giving clear direction to
20 calling 911 in the event of an allergic
21 reaction, the only other medically effective
22 intervening action would require the use of an
23 epi pen.

24 This board of health strongly
25 disagrees with any use of epi pens for the

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2 following reasons. Online and in-house
3 training courses are not sufficient for
4 diagnosing and responding to severe allergic
5 reactions. This must be done by someone who
6 at a minimum possesses EMT level training.

7 Two, epi pen use must be authorized
8 by an appropriately licensed medical provider
9 and requires a prescription.

10 Three, epi pen dosing presents a
11 scope of practice issue. Its use is weight
12 dependent and there are different types of epi
13 pens. A second dosing may be medically
14 indicated given the situation and any epi
15 dosing requires immediate medical intervention
16 to follow up.

17 For other medical conditions such
18 as heart attack and choking can sometimes
19 mimic symptoms similar to allergic reactions,
20 and failure to call 911 immediately can have
21 disastrous consequences.

22 Five, epi pens are expensive, carry
23 expiration dates and are considered regulated
24 medical waste after use and must be disposed
25 of accordingly. Epi pen use requires

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2 responsibility for monitoring and quality
3 assurance i.e. Training, status, expiration
4 dates and storage conditions.

5 Lastly, the incorrect use of epi
6 pens may be dangerous and can actually cause a
7 fatal outcome. There are additional
8 concerns. Epi pens are in short supply
9 nationwide and 6,000 plus Nassau County
10 restaurants and establishments suddenly
11 needing epi pens will likely impact those
12 individuals who truly need to carry the life
13 saving device.

14 Additionally, we're concerned about
15 the false sense of security and complacency
16 that will ensue if individuals stop carrying
17 epi pens under the belief that food service
18 establishments will carry epi pens for them.
19 Worse, there are many food establishments in
20 Nassau County that do not come under Nassau
21 Department of Health jurisdiction.
22 Jurisdiction is instead with New York State
23 Agriculture and Markets. Therefore food
24 allergy safety measures ordinance would be
25 inapplicable to many of the food service

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2 locations in Nassau County.

3 Then they go on to state that an
4 immediate call to 911 is the only responsible,
5 medical and appropriate action to be taken in
6 response to an allergic reaction.

7 Is there a way to reconcile -- we
8 all want to do something. We all want it to
9 be effective. But we are hearing two
10 different things from the same department.

11 DR. EISENSTEIN: So I can
12 explain. I reviewed the legislation as I do
13 every month with the board of health. The epi
14 pen concern that came up which I would stand
15 by. If the legislation said that restaurant
16 workers need to have on site epi pens and have
17 to be trained to use it I wouldn't support
18 that either as a doctor. Because epi pens
19 can, when not used correctly, can be dangerous
20 in their own way. If somebody described a
21 teenager working as a waiter at Applebee's we
22 don't want the waiter to have to be in the
23 position of making a medical determination and
24 determining what steps to use.

25 After discussing it with Legislator

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2 Lafazan and going through it with
3 understanding the intention, hearing the
4 comments today, it really is not specifically
5 about epi pens. And epi pen was not written
6 in the law. The word epi pen.

7 I think what happened was as a
8 board of doctors, which we all are, we looked
9 at it from the medical perspective. Whereas,
10 the health department is always looking at it
11 from primary prevention preventing. Something
12 from happening. The signage the board was
13 supportive and the training the board was
14 supportive and that's what we think the bill
15 really is.

16 There's nothing in the bill that
17 requires restaurants to hold and have epi
18 pens. If they were to do they would have to
19 have a medical employee on staff because epi
20 pens are a prescription requiring drug.

21 So, I think what the board
22 presented, and they sent the letter to me too,
23 which was passed along, I think it was just to
24 clarify the intention of this is exactly
25 prevention. Signage. Training. If

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2 restaurant employees, even if they don't know
3 the answer, if they understand the
4 significance of a question about allergies and
5 there's somebody who's trained in the store to
6 answer the question that's what my
7 understanding is that the bill is trying to
8 achieve and what we would support.

9 If the intention was different, and
10 I don't think that's the case, where an actual
11 teenage waiter would have to make a medical
12 determination and take a medical action, the
13 board would not have been supportive of that
14 component.

15 I want to be very clear and I've
16 spoken with the board about it at length.
17 They are fully supportive of the concept of
18 the training and the signage and trying to
19 limit exposure. All of the concerns you have
20 brought up and the complacency pieces,
21 something that as health care providers we are
22 always going to bring up, but I think the
23 families that you see are vigilant enough to
24 understand even when there's training they're
25 going to have to be careful.

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2 But certainly I think that the
3 movement here would decrease the likelihood of
4 an exposure and of a poor outcome. That's
5 what we are trying to do. I did have this
6 discussion with the board when they wrote the
7 letter and I think they would still stand by
8 it if this law was about using epi pens in a
9 restaurant but I don't think it is. It's just
10 different perspective. And were epi pens a
11 part of this that every restaurant would have
12 to maintain and train and use I would agree
13 with them on that side of it.

14 LEGISLATOR RHOADS: I just want
15 to make sure. So in your opinion the law as
16 written, if we were to pass this today, signed
17 by the county executive, becomes law, and now
18 you've got to implement this.

19 DR. EISENSTEIN: Yes. The reason
20 is because we are going to oversee what the
21 training is. So that section 3b that requires
22 an action to be taken, we are going to be
23 training that if there is an action you call
24 911. If you think someone is having an
25 allergic reaction call 911. We would say that

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2 for any medical emergency. We don't want to
3 differentiate an allergic reaction versus a
4 heart attack versus something else in a
5 restaurant. What we would want is -- the hope
6 is that they take it seriously if somebody
7 complains or says something and they don't
8 just blow it off. Allergies that's nothing.
9 I get allergies in the spring when the flowers
10 bloom. We want to make sure that if they hear
11 that the action, the first thought is we might
12 need to call 911 here.

13 LEGISLATOR RHOADS: Passing the
14 law today will not raise the concerns that
15 were expressed in the September --

16 DR. EISENSTEIN: No. And we're
17 going to make sure the training establishes
18 what needs to be done.

19 LEGISLATOR RHOADS: Perfect.
20 Thank you.

21 LEGISLATOR NICOLELLO: Legislator
22 DeRiggi-Whitton.

23 LEGISLATOR DERIGGI-WHITTON: It's
24 amazing how many parents have this
25 connection. I have a daughter with type one

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2 diabetes and honestly it reminds of that in a
3 lot of ways also. Nothing ever takes the
4 responsibility away from the mom or the
5 parent. But if someone knows a little bit
6 about the situation it does help and it does
7 give you a little level of comfort and maybe
8 it does make that waitress stop and say wait a
9 minute. This might be more serious than I
10 understand.

11 No one is going to administer
12 glucagon. I don't want people to do that.
13 But I do appreciate when they say oh my God,
14 if she's acting funny or she passes out on the
15 floor if could be something very serious.
16 Does it stop everything? No. Does it give a
17 little bit more level of support and possibly
18 mitigate the odds of a tragedy? I believe
19 so. I'm in support of it also.

20 LEGISLATOR NICOLELLO: Legislator
21 Solages then Legislator Lafazan.

22 LEGISLATOR SOLAGES: Thank you
23 Presiding Officer. I think the point made by
24 Dr. Reynolds really crystallizes this issue.
25 The fact that the employee at the Applebee's

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2 had to ask how threatening is it shows that
3 there's is a great need for a level of
4 education on this issue.

5 My question is more so going back
6 to Legislator Rhoads about the
7 implementation. In my district we have a
8 number of restaurants run by new Americans,
9 immigrants, and there are cultural language
10 barriers issues. To what extent will you work
11 with these restaurants in trying to promulgate
12 these regulations or notifications in
13 different languages?

14 And secondly, go back to
15 Mr. Budnick's statement. What level in your
16 implementation will you work with day cares?
17 For my son I chose a day care in Lynbrook
18 because they had a specific kitchen for
19 children with allergies and without allergies.

20 DR. EISENSTEIN: Having
21 restaurant owners who speak a variety of
22 different languages is not new to us. We work
23 very hard make to sure that we're culture
24 competent and able to communicate with them in
25 a language that's understandable to them.

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2 This would be no different. We would work to
3 make sure that any signage was translated to
4 whatever we need it to be translated to.

5 As far as day cares, the law is
6 specific right now to the 4,000 or so
7 restaurants. There are other categories that
8 the law specifically doesn't address right
9 now. And the other thing I want to point out
10 is there are a lot of food service
11 establishments that under state jurisdiction
12 through the Department of Agriculture and
13 Markets. We don't have any jurisdiction
14 there. So they would not be included in
15 this. We can reach out to the state and work
16 together on something.

17 Any place that serves food that
18 more than 50 percent of what's served is
19 prepackaged. A 7-11, a supermarket we don't
20 inspect. By law the state does. The state
21 has inspectors as well. But our county law
22 would not apply to those places. So there are
23 places that aren't going to fall under this.
24 Day cares are licensed by state. They fall
25 under the state Department of Education. So

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2 that would be the case as well.

3 However, I don't think there is any
4 reason why we can't make general food allergy
5 education. There are certainly a lot of
6 people that would clearly help us that would
7 bring us the resources and the expertise
8 besides the law. Which is something we are
9 going to have to do with the restaurants. I
10 don't see why we can't implement more of a
11 food allergy awareness campaign as a part of
12 this that would include day care, schools,
13 religious organizations, other places. But
14 the law in itself right now doesn't include
15 day cares. They are under state
16 jurisdiction. I don't think it could. That
17 would require state law.

18 LEGISLATOR LAFAZAN: Thank you
19 Presiding Officer. Thank you Commissioner
20 Eisenstein.

21 Regarding the letter, as the author
22 of the bill I can reiterate that the intention
23 as mentioned is not different. This was an
24 honest miscommunication with the Board of
25 Health with nothing but good intentions from

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2 all. I glad to have reconcile this with
3 Dr. Eisenstein, who has direct oversight over
4 the training and can see to this himself.

5 Counsel and I had considered the
6 inclusion of epi pen language and we decided
7 against it for the very reasons that were
8 articulated in the letter.

9 And to further assuage everyone's
10 concerns, the training mandated in this bill
11 also does not relate to epi pens because the
12 intent of the training is to focus on
13 preventing cross-contamination so an allergic
14 reaction does not occur in the first place.

15 But in the interest of brevity, I
16 just want to thank Commissioner Eisenstein for
17 your extensive help with both background and
18 the implementation. Legislator Kopel, my
19 colleagues on both sides of the aisle for
20 their deep interest. County Executive Curran,
21 DC Santeramo and the entire county executive's
22 staff just for being behind this from the very
23 beginning. And to all the parents who so
24 bravely gave their testimony today.

25 Just two quick points I will make

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2 on the record. With just 14 health inspectors
3 on staff, of course we understand the 90 day
4 target is just that, it's a very target. But
5 we stand ready to supply volunteers and
6 assistance whenever needed to get this done as
7 Dr. Reynolds said right away.

8 Secondly, through partnerships with
9 amazing organizations like End Allergies
10 Together Fair we were able to collate
11 resources that are both free and already
12 available so we can avoid expending any
13 taxpayer dollars here. Thank you very much.

14 LEGISLATOR FORD: I want to end
15 with I agree with Legislator Lafazan and Fair
16 is a group I guess they've worked in five
17 states have passed this law with food
18 allergies in restaurants and education and
19 training. So hopefully we don't have to
20 reinvent the wheel. We may be able to reach
21 out to them and work with them as well and
22 give us some guidelines as to how to work with
23 the restaurants and how to basically make it
24 easy as possible. But thank you.

25 LEGISLATOR NICOLELLO: Any other

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2 legislators? Hearing none, let's call for a
3 vote on this item. All in favor signify by
4 saying aye. Those opposed? Passes
5 unanimously.

6 Number one. Hearing on a proposed
7 local law. A local law to amend the county
8 government law of Nassau County in with
9 relation to the inspection of residential
10 properties by employees of the Department of
11 Assessment.

12 Moved by Legislator Gaylor.
13 Seconded by Legislator McKevitt. That motion
14 is to open the hearing. Second to open the
15 hearing. We need a vote on opening the
16 hearing. All in favor of opening the hearing
17 signify by saying aye. Those opposed? The
18 hearing is open.

19 This is one of the number of items
20 on the calendar with respect to assessment.
21 They all had their genesis in meetings that we
22 conducted throughout the county while the
23 reassessment was going on. Actually still
24 going on. But it generally came up from
25 comments, statements and things that residents

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2 have told us. The idea here is that the
3 Department of Assessment cannot condition an
4 inspection of a premises -- of a
5 characteristic of a premises on a full
6 inspection of the premises.

7 For example, if there was a dispute
8 over whether a garage was present the
9 Department of Assessment could not and should
10 not be conditioning that on an inspection of
11 the full premises. I think that would inhibit
12 residents from seeking those inspections.

13 The Department of Assessment raised
14 a couple of objections. One is relates to
15 whether they would be allowed in if the
16 resident said no. That was self-evident
17 effort. But in any event we took out a
18 sentence with respect to that. It's already
19 covered by the law. People have their rights
20 under the constitution to their home and to
21 deny entry to local officials under certain
22 circumstances.

23 Secondly, there was an concern that
24 if a Department of Assessment official was
25 walking through a premises to look at a

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2 characteristic that was reported by a resident
3 and observed another characteristic that was
4 different than on department records they
5 would not be able to take note or action about
6 that. That was never the intention of this
7 bill.

8 If an official is walking through a
9 residence or walking outside a residence and
10 sees something different than on the records,
11 of course they can take note of it and take
12 whatever action is required. But in the event
13 when we come up for the vote we will be making
14 an amendment to that bill to ensure that.

15 Again, this comes up from the
16 residents, the idea is that by preventing the
17 Department of Assessment from conditioning an
18 inspection of one characteristic upon an
19 inspection of the entire premises you will
20 encourage residents to call the Department of
21 Assessment as opposed to inhibiting them from
22 doing so. Anyone else on this specific item?
23 Anyone in the public? Mr. Budnick.

24 MR. BUDNICK: Thank you Honorable
25 Chairman Nicoletto, honorable members. Two

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2 quick things. Number one is this talks only
3 about homeowners. I'm concerned that that
4 might exclude people who own condominiums or
5 co-ops or anything else. I leave it to you to
6 look at that and decide.

7 And the other thing is, you need a
8 definition of, quote unquote, market derived
9 component. There's no definition of that term
10 in this provision which could create a
11 potential problem in the future with reference
12 to it. Thank you very much for putting up
13 with me as always. Chairman Nicolello and
14 members my compliments.

15 LEGISLATOR NICOLELLO: Just to
16 correct something that you said there is a
17 definition in this.

18 MR. BUDNICK: I must have missed
19 it. If I did my apologies.

20 LEGISLATOR NICOLELLO: Legislator
21 Ferretti.

22 LEGISLATOR FERRETTI: I'm not on
23 Rules so I didn't have an opportunity to
24 interact with the chief deputy assessor when
25 she was here speaking, but I did listen in on

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2 the feed and I think something that was
3 mentioned but is somewhat being missed. The
4 intent of this is if the Department of
5 Assessment made an error and the Department of
6 Assessment is saying hey, you have a porch and
7 you don't have a porch.

8 Now, as a resident homeowner, the
9 Department of Assessment made a mistake but
10 here's what we're missing. Now as the
11 resident, under the current policy, I have to
12 either take a day off from work, have someone
13 take a day off from work to stay at home to
14 wait for the Department of Assessment to come
15 and inspect my entire house. To me, that's an
16 undue burden that we are placing on Nassau
17 residents, many of whom are already burdened
18 by this reassessment. I just think that
19 that's a point that we really have to hammer
20 home is really to place that burden on
21 residents to have to make them stay home. I'm
22 sure that these inspections are not being done
23 on Saturdays or Sundays. That's why I support
24 this. Thank you.

25 LEGISLATOR NICOLELLO: Any other

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2 legislators? Hearing none, public comment?

3 Motion to close the hearing? Moved by

4 Legislator Gaylor. Seconded by Legislator

5 McKevitt. All in favor of closing the hearing

6 signify by saying aye. That passes

7 unanimously.

8 The vote is number 15. That is a

9 local law to amend the county government law

10 of Nassau County in relation to the inspection

11 of residential properties by employees of the

12 Department of Assessment.

13 That's moved by Legislator Gaylor.

14 Seconded by Legislator McKevitt.

15 We have an amendment in the nature

16 of a substitution. The amendment clarifies

17 that the local law does not prevent the

18 Department of Assessment from correcting

19 market derived components of value identified

20 during inspection, and also removes the

21 prohibition that disallows Department of

22 Assessment employees from entering a residence

23 without permission of the homeowner. Which is

24 already covered by constitutional and other

25 law.

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2 We need a motion to amend. Moved
3 by Legislator Gaylor. Seconded by Legislator
4 McKevitt. Any debate or discussion on the
5 amendment?

6 MR. MOOG: David Moog, county
7 assessor.

8 LEGISLATOR NICOLELLO: This is on
9 the amendment.

10 LEGISLATOR ABRAHAMS: Presiding
11 Officer, I understand Mr. Moog I think you're
12 being challenged by a bad back which I've gone
13 through. Would you like to --

14 MR. MOOG: I'll stand this time
15 for a short period.

16 LEGISLATOR NICOLELLO: Do you
17 want to speak on the amendment or do you want
18 to speak on the item as amended?

19 MR. MOOG: We will speak on the
20 item as amended.

21 LEGISLATOR NICOLELLO: Any debate
22 or discussion on the amendment? Hearing none,
23 all in favor of the amendment signify by
24 saying aye. Those opposed? Carries by a vote
25 of 11 to eight. The item as amended is now

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2 before us. Mr. Moog.

3 MR. MOOG: The Department of
4 Assessment we shall object to this inspection
5 resolution because right at the present time
6 the Department of Assessment utilizes the
7 standards and practices of the IAAO in doing
8 their inspections. We never go into a
9 property without getting permission of the
10 owner. Usually we inspect parcels either from
11 the permits that are issued or from actually a
12 request from the taxpayer.

13 In some of these inspections it
14 requires us to inspect the entire parcel. For
15 example, if we have permits showing four
16 bathrooms and the homeowner's claiming only
17 three bathrooms we would need to inspect the
18 entire parcel to make sure there is only three
19 bathrooms or four bathrooms. It's imperative
20 that we make sure the inventory on properties
21 is accurate as possible in order to properly
22 value the entire county.

23 So from that premise we believe
24 that this resolution would actually hamstring
25 our ability to properly inspect parcels.

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2 Especially when the need will be that we have
3 to inspect the entire parcel to verify
4 inventory.

5 LEGISLATOR NICOLELLO: This
6 legislation applies only to requests by
7 residents that the Department of Assessment to
8 come out, as Legislator Ferretti just
9 mentioned, requests by residents that the
10 Department of Assessment come out because the
11 department's records are incorrect. It does
12 not apply when the department has to go out
13 and inspect as part of a permit process. This
14 is simply when a resident calls the Department
15 of Assessment and says you got it wrong about
16 X. This would just limit you to going out and
17 looking at X.

18 MR. MOOG: In that case, we just
19 had one inspection where the taxpayer said
20 they had three bathrooms and the permit showed
21 five bathrooms, or our records showed five
22 bathrooms, we would have to inspect the entire
23 parcel. You would have to go floor to floor
24 to make sure the number of bathrooms was
25 correct. In many cases it does require in

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2 order to make sure the inventory is correct to
3 go through the entire parcel.

4 LEGISLATOR NICOLELLO: That's
5 exactly what this is intended to accomplish.
6 Of course if they're saying they have three
7 bathrooms and your records say five you have
8 to inspect the entire premises. If they say
9 we don't have a finished basement doesn't mean
10 you have to inspect the attic. That's the
11 point of this. Go down to the basement. Take
12 a look. If you see anything on the way that's
13 not in the records you have the opportunity to
14 take note of that and make the corrections
15 that you need to.

16 MR. MOOG: We stated our
17 objection. So we believe that's sufficient
18 for our objection to this bill.

19 LEGISLATOR NICOLELLO: Legislator
20 Rhoads.

21 LEGISLATOR RHOADS: If I'm not
22 mistaken, I believe the legislation itself has
23 language reasonably related. So, if it is
24 reasonably related to the request for
25 inspection you wouldn't be hamstrung at all.

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2 LEGISLATOR NICOLELLO: Legislator
3 Ferretti. Same point? Okay. Anyone else?
4 Thank you. We will have a vote on this. All
5 in favor of the item as amended signify by
6 saying aye. Those opposed? Carries by a vote
7 of 11 to eight.

8 Number two is a local law. I'm
9 sorry. This is going to be a hearing on a
10 proposed local law to amend the Nassau County
11 Administrative Code in relation to
12 assessments.

13 Moved by Legislator Ferretti.
14 Seconded by Legislator Kennedy. That's a
15 motion to open the hearing. All in favor of
16 opening the hearing signify by saying aye.
17 Those opposed? The hearing is open.

18 This is obviously
19 self-explanatory. It's also a Majority
20 initiative. It's in response to the recent
21 history of our county including the multiple
22 times that the county executive since the last
23 few reassessment has used the level of
24 assessment, reduction of the level of
25 assessment to get around the New York State

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2 cap of 6-20.

3 The prior County Executive Suozzi
4 had reduced the level of assessment from one
5 to .5 to .25. This county executive reduced
6 it from .25 to .1. after agreeing not to do
7 so. Each time it was done solely for the
8 purpose of getting around the state cap on
9 assessment increases. This does not prevent,
10 in fact, the county from doing that. It
11 simply requires that there be a hearing before
12 this legislature before it gets done. Anyone
13 else? Go ahead.

14 LEGISLATOR FERRETTI: For the
15 life of me I can't understand why anyone would
16 oppose this bill. This is not restricting the
17 county executive in any way. It's not
18 restricting the assessor in any way. What
19 it's an attempt to do is prevent what happened
20 about a year ago now, a little less than a
21 year ago, when the county executive
22 unilaterally changed and broke her promise to
23 the residents of Nassau County and this body
24 and changed the level of assessment,
25 eliminating the protections of over 95 percent

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2 of Nassau residents from the 6 and 20. If
3 residents are going to have their protections
4 taken away from them they damn well have the
5 right to know it before it happens and that's
6 what this bill does. Thank you.

7 LEGISLATOR NICOLELLO: Legislator
8 Rhoads.

9 LEGISLATOR RHOADS: Bottom line
10 is this bill is about transparency. We're not
11 saying the level of assessment can't be
12 changed but we're saying that as a legislature
13 we want to know about it in advance. We want
14 to be able to ask questions. And the process
15 should be open and public so that if there is
16 rational for the administration behind doing
17 it that rational is fully vetted. This is
18 about doing things out in the open. Making
19 government as transparent as possible. Not
20 making some sort of secretive decision that
21 obviously has significant impact upon every
22 resident, every property owner in Nassau
23 County. Unfortunately, that's what we saw
24 happen last September. That's what we are
25 hoping to prevent in the future by shining the

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2 light of transparency and the scrutiny of the
3 legislature to the process.

4 LEGISLATOR KOPEL: I would just
5 point out also that this really should be a
6 bipartisan type of thing. I mean this for the
7 entire group of proposals with regard to
8 assessments because times change. We had a
9 Republican administration. Before that we had
10 a Democratic administration. Now we have a
11 Democratic administration. One day things
12 will change again. This is just something
13 that protects the public. It's not just for
14 this legislature or this administration. It
15 is something that looks forward to the future,
16 and I really would urge all my colleagues,
17 including those to my left, to support all of
18 these as well.

19 LEGISLATOR NICOLELLO: Minority
20 Leader Abrahams.

21 LEGISLATOR ABRAHAMS: Couple of
22 things. If I'm understanding, Mr. Moog, I
23 hate to do this to you, so Mr. Kelly if you
24 want to get up. You seem to be moving pretty
25 well. Run some sprints on the lawn later.

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2 You move better than I do with my bad back.

3 If I understand this bill
4 correctly, when the majority is discussing the
5 level of assessment it's my understanding that
6 the county executive, obviously in
7 consultation with your office, decided to
8 change the level of assessment from .0025 to
9 .0010, correct?

10 MR. MOOG: Correct.

11 LEGISLATOR ABRAHAMS: If I'm
12 understanding this legislation correctly, it
13 basically would change so that the county
14 executive could not do that unilaterally.
15 That it would have to come before the
16 legislature. Am I understanding this
17 correctly? I find that bewildering. Is your
18 understanding as well?

19 MR. KELLY: I would say that as
20 far as the description of the local law that's
21 been presented thus far, the local law simply
22 says that the assessor shall not change the
23 level of assessment of any individual parcel
24 classified as class one in any year measured
25 from the level of assessment on the previous

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2 year's assessment roll. There's no language
3 in here about hearings. There's no language
4 in here about legislative approval. So read
5 literally this is a freeze of the county
6 assessor's ability to change the level of
7 assessment and that's it. As far as I know
8 there's been no amendment to this legislation.

9 LEGISLATOR ABRAHAMS: Is that the
10 understanding of the majority that Mr. Kelly
11 just represented? Mr. Presiding Officer, is
12 that your understanding as well?

13 MR. KELLY: Michael Kelly, deputy
14 county attorney.

15 LEGISLATOR ABRAHAMS: I was
16 asking the Majority is that your understanding
17 as well? It's more or less a freeze?

18 LEGISLATOR NICOLELLO: It's not
19 intended to be that way. If that's the
20 impediment to this then we will accept an
21 amendment now and we'll change it. If that's
22 what the objection is to this item then we
23 will make whatever changes we have so that you
24 support it.

25 LEGISLATOR ABRAHAMS: I guess we

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2 can only go based on what's in black and
3 white. What is the intention of the bill? Is
4 the intention of the bill for the legislature
5 to approve the level of assessment? What's
6 the intention of the bill? I would like to
7 understand that.

8 LEGISLATOR NICOLELLO: Basically
9 it establishes this as the level of assessment
10 .10. When she wants to change it she has to
11 submit a legislation that comes before the
12 legislature and exactly what we said. You
13 amend the local law. It's a hearing at the
14 legislature and we decide whether or not it
15 gets changed.

16 LEGISLATOR ABRAHAMS: Basically
17 you have to submit a local law. There would
18 be a hearing. The legislative body has to
19 approve it. I hope you guys, and I listened
20 to some of you before, I hope you understand
21 some of the concern with that. While I
22 understand you made references to the county
23 executive and she gave her word, stuff like
24 that, if any of us are looking at the level of
25 assessment, obviously as we are seeing now, as

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2 the county executive is endeavoring in
3 assessments half people go up half people go
4 down.

5 I guess what you're saying is you
6 want an opportunity that if you're part of the
7 half where your district is going more up,
8 even though in a spirit of fairness and
9 balance in the county, you want to be able to
10 say no to that level of assessment even though
11 it's created the same inequities on why we are
12 here today. I just want to make sure I
13 understand exactly where you're coming from.
14 That we don't really care about the enormous
15 amount of inequities in the system. We just
16 want to make sure at the end of the day that
17 our little nestle and our little portion of
18 the county is okay.

19 That's part of the problem. I
20 think we have to be able to step up and be
21 able to say to taxpayers, when a system that
22 has been archaic and wrong for many, many
23 years which has prevented people from being
24 able to have their taxes fairly assessed this
25 is wrong. It's clearly wrong.

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2 I think it has to be clearly stated
3 your intent. Because what's going to end up
4 happening is, if the county executive, with
5 the consultation of the assessment department,
6 has to revise the level of assessment and your
7 position is going to be the legislature has to
8 approve it, I got to tell you this legislature
9 will never vote in agreement because they're
10 going to look at it politically. That if
11 their district or if their area or the south
12 shore, north shore, east, west Nassau County
13 is being impacted to a degree adversely, even
14 though it moves the county forward, then
15 they're not going to vote for it.

16 And they're not voting for it
17 because the system is any less accurate.
18 They're not going to vote for it because
19 politics dictates that. Each of you
20 understand that.

21 So I don't even understand why we
22 are even debating or discussing this. Right
23 now it's in the hands of the county executive
24 who represents everybody in Nassau County
25 regardless of what district you're in and the

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2 assessor. Let them face that challenge.
3 They're the experts. The assessor is the
4 expert that has the ability to do this. The
5 county executive listens to that advice. Let
6 them handle it. If we don't like the level of
7 assessment change then we convey that to the
8 county executive and we go through the process
9 that we're normally going through. Even then
10 people can still grieve their property taxes
11 as they do such every single year between
12 January and March of the beginning of the
13 year.

14 LEGISLATOR KOPEL: I think my
15 friend the Minority Leader misapprehends what
16 we're trying to do over here. If we take your
17 point to the logical extreme there's no point
18 in having this body at all. Because we might
19 as well appoint the county executive to do
20 everything.

21 The county executive, by the way,
22 is a politically elected official as well.
23 There are people who support the county
24 executive, any county executive, and those who
25 don't support. That is the purpose of having

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2 a legislature, which is a coequal part of the
3 government, is to provide some balance. It's
4 our job. Yes, we are a political body and we
5 are elected not only to represent the county
6 but also to represent our various
7 constituents. Because sometimes our
8 constituents may be in the minority and the
9 majority would rule otherwise. Minorities
10 have to have a voice as well. So, it is our
11 job and it's precisely the way a democracy,
12 democratic government should work.

13 The county executive or one branch
14 of government would propose something. The
15 other branch gets a chance to weigh in.
16 Wisdom is not concentrated in any one person
17 or in any one body necessarily. What we are
18 trying to do is saying that we don't want to
19 delegate our responsibilities or the powers to
20 do certain things that affect the entire
21 county, in this particular case, to one
22 person, which is the county executive whoever
23 that may be. We want the members of the
24 legislature, whoever they may be at the time,
25 to have a chance to represent their

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2 constituents, to weigh in and to shine the
3 light on what's being done indeed to allow the
4 public to weigh in.

5 LEGISLATOR NICOLELLO: Legislator
6 Ferretti and Legislator Rhoads.

7 LEGISLATOR FERRETTI: Just in
8 response to Minority Leader Abraham's
9 statement. In terms of if we don't like the
10 county executive's new level of assessment we
11 should go to the county executive, which is
12 what you just said, we did. The county
13 executive agreed to keep the level of
14 assessment at .25. She then unilaterally,
15 after executing an executive agreement, went
16 back on that. It's not just the 11
17 legislators on this side that at the time
18 opposed that, there were multiple legislators
19 on the other side of the aisle who wrote op
20 eds on that. Disagreeing with that. The idea
21 that we can just trust the county executive I
22 think we'd be ignoring history. Number one.

23 In terms of the level of assessment
24 being changed, unless assessor Moog disagrees
25 with this, if this new roll is accurate, what

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2 is the reason that the level of assessment
3 would need to be changed? So to change the
4 level of assessment there should be a public
5 hearing before doing so so the residents can
6 get an answer from the assessor and the county
7 executive as to what's wrong with the roll.
8 Because that's why you manipulate the level of
9 assessment.

10 LEGISLATOR RHOADS: So I'll ask
11 the question to assessor Moog. Is the roll
12 that you've produced accurate?

13 MR. MOOG: The roll I produced is
14 very accurate.

15 LEGISLATOR RHOADS: Then why
16 would there be a need to change the level of
17 assessment?

18 MR. MOOG: Because without
19 changing the level of assessment, the level of
20 assessment was already changed by a
21 stipulation signed in 2011 by the prior
22 administration which constantly lowered the
23 level of assessment at two of the major bodies
24 that review the assessment.

25 LEGISLATOR RHOADS: Talking about

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2 moving forward.

3 MR. MOOG: I'm saying that with
4 the stipulation that was signed in 2011 and
5 extended into 2016 both the Assessment Review
6 Commission and the Small Claims Assessment
7 Review Procedure at Article 7 in the court
8 used of the level of assessment that was
9 grossly different. So even if I came out with
10 a perfectly accurate assessment roll,
11 automatically anyone who grieved the
12 assessments at either one of those bodies
13 would receive an automatic reduction from a
14 level of assessment that was created outside
15 anyone's purview. It was done by a
16 stipulation of the prior administration tying
17 the hands of the current administration until
18 2024. With that stipulation, the Halpern
19 stipulation, we were unable to maintain the
20 .25 even if you had a perfectly accurate 100
21 percent accurate tax roll.

22 So it's not a matter of me changing
23 level of assessment. I'm trying to get the
24 level of assessment by the same as being used
25 by two other bodies that were already agreed

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2 to by the prior administration and making them
3 consistent so that people do not have to
4 grieve to get the level of assessment they are
5 entitled to.

6 LEGISLATOR RHOADS: That's what
7 we all want. The question becomes, if it were
8 in fact the case that you were required to
9 change the level of assessment to be in
10 compliance with the Halpern stipulation and to
11 get the level of assessment in different
12 bodies correct, what's the hesitation behind
13 coming back to the legislature and explaining
14 that rational?

15 MR. MOOG: Because it's a process
16 that's done by the county assessor and it's
17 done by the assessor in every jurisdiction.
18 That's the powers that are granted to the
19 assessor through the Real Property Tax Law.

20 LEGISLATOR RHOADS: Don't you
21 believe that the public has the right to
22 know?

23 MR. MOOG: The public did get the
24 right to know because --

25 LEGISLATOR RHOADS: How? It

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2 wasn't from any of the community meetings you
3 had.

4 MR. MOOG: It was put into the
5 notice of tentative assessment and it was
6 mentioned in the body here when we changed the
7 level of assessment. That's how it's done in
8 New York City. That's how it's done in other
9 jurisdictions. Because of the frozen tax
10 roll, when you freeze the tax roll and you
11 freeze the level of assessment and then you
12 don't use the same level of assessment in
13 other bodies you're creating gross
14 inequities. Those inequities had to be
15 addressed in a limited amount of time that we
16 had to put out the new 511 to do a
17 reassessment. So to delay any further would
18 have just created further inequities.

19 If this body decided to act years
20 ago and tried to address a frozen roll and an
21 unfrozen level of assessment at the two
22 adjudicating bodies we wouldn't be in this
23 situation.

24 LEGISLATOR RHOADS: I wasn't on
25 this body years ago Mr. Moog. I was on this

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2 body in 2015. We approved the initial
3 contracts to move ahead with the reassessment
4 that we're in now. So for the benefit of the
5 legislators that are sitting here that aren't
6 part of this, I would like an answer to my
7 question which is, what is the downside behind
8 coming back to the legislature and having the
9 debate, discussion we are having now in full
10 view of the public?

11 MR. MOOG: You're basically
12 injecting a political process in something
13 that's done as an analytical process. This
14 was analyzed as the level the assessment was
15 analyzed through a sales ratio study to
16 determine what the level of assessment should
17 be. And that's usually done also by the
18 Office of Real Property Tax Services in the
19 state. In order to make everything
20 consistent, we lowered the level of assessment
21 so that we wouldn't have this continuous
22 eroding of the tax roll. But it's done in
23 every year through ORPS and it's done every
24 year through most jurisdictions to review the
25 level of assessment.

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2 When jurisdictions decide not to
3 reassess they never freeze the level of
4 assessment at the same time. They always
5 change the level of assessment annually in
6 order to adjust for the frozen roll, although
7 values keep changing. What we are doing here
8 is not unusual. It's done throughout the
9 state and actually done through jurisdictions
10 through the country.

11 LEGISLATOR RHOADS: What is the
12 harm in coming back to the legislature to
13 explain this is why the level of assessment
14 has to change? So that as the elected
15 representatives of the people of County of
16 Nassau we can go back to our constituents and
17 explain that action.

18 MR. KELLY: Mr. Rhoads, the
19 legislation that's before us doesn't say that
20 we have to come back to the legislature to
21 explain to the legislature. What you are
22 insinuating is that the legislature has to
23 approve our determination of the level --

24 LEGISLATOR RHOADS: What we are
25 saying is that there has to be a local law

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2 that amends it and what we're saying is that
3 as with any local law there will be a hearing,
4 there will be questions that are asked and, as
5 we can see now, sometimes we will get
6 answers.

7 But the whole idea is that this
8 will be done in an open forum so that people
9 will have an opportunity to hear and, most
10 importantly, so that the elected
11 representatives of the people of the County of
12 Nassau have the ability to ask questions, get
13 answers and disseminate that information to
14 the public. We want people to understand what
15 is a very complicated process. But we want
16 people to be able to understand why the
17 Department of Assessment is doing the things
18 that they're doing. And we want the
19 opportunity to be able to weigh in if we think
20 what they're doing is incorrect.

21 MR. KELLY: Which is information
22 which is already disseminated outside of
23 public hearings. And in accordance with
24 applicable law, which is Charter Section 602
25 and Real Property Tax Law 305, this is a power

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2 that's given to the assessor to do not to the
3 legislative body. To have public hearing
4 after public hearing to gather information is
5 essentially politicizing what is a scientific
6 mathematical calculation.

7 LEGISLATOR RHOADS: Okay. So
8 making it possible for people, for the average
9 citizen to be able to understand what's
10 happening and having it take place in an open
11 forum is politicizing it? That's your
12 definition?

13 MR. MOOG: After we did the
14 reassessment we opened up satellite offices
15 and spoke to over 10,000.

16 LEGISLATOR NICOLELLO:
17 Mr. Budnick.

18 MR. BUDNICK: I'm sorry. I
19 apologize. I really wanted to correct the
20 record.

21 LEGISLATOR NICOLELLO: That's not
22 the way to do it.

23 MR. MOOG: During that period the
24 level of assessment was discussed. The
25 assessments were discussed. The preliminary

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2 assessments were discussed with 10,000
3 taxpayers.

4 LEGISLATOR RHOADS: There are
5 450,000 properties. The fact that you met
6 with 13,000 residents I don't think you should
7 be highlighting that as a feather in your
8 cap. I have no other questions.

9 LEGISLATOR NICOLELLO: That goes
10 to the next item anyway. Any public comment?
11 Mr. Margolis. You've been waiting patiently.

12 MR. MARGOLIS: I'm sorry, this is
13 not the issue I wanted to talk on but in
14 hearing this and I'm sorry Legislator Rhoads
15 you made a lot of sense. But you asked him a
16 question and his question should be able to be
17 answered. It doesn't matter what the
18 assessment level is. I'm in the a tax
19 expert. I only got involved in this nine
20 month because my taxes are so messed up it's
21 not even funny. I'm in the a tax expert.

22 But his question is a simple
23 answer. You sent out to people, everyone,
24 it's .1. You can now not now take that back.
25 It doesn't matter what the level of assessment

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2 is, .1, .25 because you have to give as, I
3 said before, people's due process rights when
4 they're doing stuff.

5 If you go and have these
6 legislative hearings and go through all this
7 stuff you're never going to have time to get
8 everyone their assessments out. Which guess
9 what? Means you don't have money coming in
10 and we need money to operate Nassau County.
11 We need money to operate our towns. That
12 should have been his answer.

13 You can't now go back and start oh
14 let's go for this .1, .25 and then restart the
15 whole process. The grievances are going to
16 start going for 20-21. He's right about
17 that. I don't agree with them on much of
18 anything these days. I don't really want to
19 say I hate them, it's not really their fault,
20 they inherited something that is very hard to
21 fix, but maybe if they would actually listen
22 for once people could help them fix it.

23 But the main point is what he
24 said. It doesn't matter if it's .1 or .25.
25 The reason everything got so messed up is

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2 because it was .25 but ARC and the next thing
3 you go to for appeal was just taking the
4 numbers down.

5 Let's say you were at 500 and you
6 appealed. They would then give you, if that
7 year it was .15 the calculation, they would
8 take the number from 500 and then call it a
9 300 assessed value. And then would still
10 leave .25 showing there. So you would be at
11 \$300 with .25 when really you should have been
12 at 500 at .25. What they are actually doing
13 actually makes sense with the .1 because now
14 everyone is on the same level playing field.

15 I don't agree with them on much of
16 anything. I assure that. And if I got to
17 tell you my story, which I hope that you'd all
18 listen and I waited here all day, I think you
19 would find that I'm the person in Nassau
20 County that's impacted by this more than
21 anybody. Or maybe not. Maybe there's someone
22 else out there that just doesn't know it.

23 As far as the .1, .25 it's
24 irrelevant at this point. What matters is
25 what ARC is going to do with these

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2 reassessments. What matters is the taxpayer
3 protection plan. And we all need to know
4 what's going on with the taxpayer protection
5 plan and whether ARC is allowed to bring down
6 these numbers by drastic points once people
7 start to grieve. Because how could you know
8 what you're even grieving on if you don't even
9 know what the plans are? So .1, .25 it
10 doesn't matter what your multiplier is. It
11 matters what happens afterwards.

12 LEGISLATOR NICOLELLO:

13 Mr. Budnick, you had your hand up also.

14 MR. BUDNICK: First, I would like
15 to apologize. I meant no disrespect. There
16 was an omission of the Town of Oyster Bay in
17 any of the 2019 public hearings. That is
18 unconscionable. But you also missed the City
19 of Glen Cove and the City of Long Beach. Mea
20 culpa. Mea maxima culpa. Are we talking
21 about items 276 or 277 at this point? I am
22 confused.

23 LEGISLATOR NICOLELLO: Second
24 item. Hearing on 276.

25 MR. BUDNICK: Just on 276 I have

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2 nothing more to say. When we get to 277 I
3 have a number of items that I would like to
4 present. Thank you.

5 LEGISLATOR NICOLELLO: Legislator
6 Ferretti makes a motion to close the hearing.
7 Seconded by Legislator Kennedy. All in favor
8 of closing the hearing signify by saying aye.
9 All those opposed? Carries unanimously.

10 Now we go to a vote on item 16,
11 which is a local law to amend the Nassau
12 County Administrative Code in relation to
13 assessments.

14 Moved by Legislator Ferretti.
15 Seconded by Legislator Kennedy. Any debate or
16 discussion? We had our hearing. All in favor
17 signify by saying aye. Those opposed?
18 Carries by a vote of 11 to eight.

19 Let's go to hearing on proposed
20 local law number three. It's item number
21 three. We need a motion to open a hearing on
22 a local law to amend Section 605 of the county
23 government law of Nassau County to require
24 public hearings in relation to the completion
25 of the tentative assessment roll.

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2 Moved by Legislator Ford. Seconded
3 by Legislator Schaefer. All in favor of
4 opening the hearing signify by saying aye.
5 Those opposed? Hearing is open.

6 This requires public hearings in
7 each of the towns following the completion of
8 the tentative assessment roll. Again, this is
9 something that comes out of our experiences
10 hosting those meetings, those town hall
11 meetings throughout the county. We did as
12 well as we could do in answering questions of
13 the public. Hundreds of people at these
14 forums. Concerned residents, upset residents
15 needing information. We did as well as we
16 could. We did our due diligence. However, it
17 should have been an assessor who was hosting
18 those hearings, answering those questions.
19 There is simply no substitute for that.

20 I understand that there were
21 individual meetings and Mr. Moog may have
22 attended some of them. Most of them were with
23 employees of the county Department of
24 Assessment. For the most part, unless someone
25 was able to identify an erroneous

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2 characteristic or factor in their house,
3 people were simply told they should grieve
4 their taxes if they think there's something is
5 wrong.

6 That's not a substitute for a
7 public hearing. As we determined before it's
8 the essence of democracy. You stand in front
9 of a room of your residents. You answer
10 questions until all those questions that need
11 to be answered are answered. And you provide
12 people, the residents who are concerned and
13 upset, with the information that they need.
14 This will require that the Department of
15 Assessment, that the assessor go out and do
16 them. There is a precedent for this.

17 This is a small requirement by the
18 way. Only one per town. 15 years ago or so
19 assessor Levinson, if there was anybody on a
20 street corner talking about assessment he'd
21 show up. He literally went around this county
22 and spoke to community groups throughout this
23 county to discuss this, to answer questions.
24 It assisted in making a more streamlined and a
25 more informed resident and allaying concerns

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2 and answering questions. That is the way it
3 should be done. Unfortunately we have to
4 mandate this by legislation. Anyone else?
5 Minority Leader Abrahams.

6 LEGISLATOR ABRAHAMS: I'll defer
7 to Mr. Moog and Mr. Kelly first. Maybe they
8 might answer my question.

9 MR. MOOG: The Department of
10 Assessment wants to object to this resolution
11 because we plan to hold 19 sessions in every
12 legislative district where people can speak
13 one on one with my employees. And I will be
14 attending those sessions. We found with the
15 satellite offices people were able to speak
16 confidentially and privately with employees to
17 deal with their issues and get their questions
18 answered. Not be able to air out all their
19 problems in front of a large audience. Which
20 a lot of people are intimidated by. We find
21 that open forums actually stifle people's
22 ability to go and discuss problems that they
23 feel are confidential or believe they should
24 be able to speak one on one with a Department
25 of Assessment employee.

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2 We will make every effort to do 19
3 sessions of this kind after the tentative roll
4 is issued January 2nd. We found when we did
5 satellites offices people did get their
6 questions answered. We did make changes
7 according to some of the inventory that was
8 corrected. We didn't just tell people to
9 grieve. We did make quite a few changes which
10 were mentioned in earlier legislative sessions
11 and which we made the commitment to.

12 We believe from our experience of
13 the satellite offices that speaking to the
14 people one on one without having to be
15 intimidated going to a mic in front of all
16 their neighbors to discuss any of their issues
17 is the way to handle this issue.

18 LEGISLATOR NICOLELLO: That's 100
19 percent diametrically opposed to what we have
20 seen with our residents. We have seen
21 hearings and we give little presentations and
22 people would be up at the microphone for hours
23 asking questions. They are not intimidated by
24 their neighbors. They don't care about their
25 neighbors. They have concerns about their

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2 property. They don't understand the ladder
3 report et cetera, et cetera, et cetera. And
4 there was not a single resident that I found
5 at any of my hearings that showed any sort of
6 concern about not expressing this in public.
7 That's just a silly explanation.

8 MR. MOOG: No, that's not a silly
9 explanation because we feel, one, people
10 shouldn't have to wait hours and hours to get
11 their questions answered while other neighbors
12 are taking up the microphone. Even when the
13 session was held here in Mineola,
14 approximately 80 people came to the
15 microphone. Only 20 people had assessment
16 questions. The other 60 people had questions
17 on taxes. Which is not my purview to answer
18 tax questions but answer questions on
19 assessment. At the same time 80 people went
20 upstairs to the satellite office we set up
21 here and had their questions answered. We had
22 people also on the floor who felt intimidated
23 going to the microphone and they were directed
24 to go upstairs and get their questions
25 answered. So it's not a silly premise it's a

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2 premise that was press proven our right here
3 on the floor.

4 LEGISLATOR NICOLELLO: Legislator
5 Walker.

6 LEGISLATOR WALKER: I know most
7 of the people in my district did not receive
8 those financial impact notices until Saturday
9 and the satellite offices closed on Monday.
10 So what opportunity did they have to go to
11 speak to anyone?

12 MR. MOOG: We had the satellite
13 offices open through the month of January. We
14 know the impact statement notices did go out
15 in December. We opened the offices and the
16 offices were open through January.

17 LEGISLATOR WALKER: Like I said,
18 most, mine included, came the Saturday before
19 the offices closed at the end of January.
20 That's when we got our notices. I asked about
21 it here about how were notices going out
22 because most of my district did not receive it
23 yet. I was told they were going out in
24 batches. I guess I was the last batch.

25 MR. MOOG: The tax impact

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2 statements went out in December. The notice
3 of assessments we have until the end of
4 January to issue out. We shut down the
5 satellite offices because no one, even with
6 the people getting the notices and some people
7 received notices earlier because they went out
8 in batches, the attendance was not there to
9 keep the offices open. Nobody was coming in
10 to the offices and we had to redirect staffing
11 in order do other functions at that time.

12 We plan to do the 19 sessions
13 throughout the year. They will be starting
14 January, February after notices of assessment
15 go out. We believe, speaking to people
16 confidentially one on one, they don't have to
17 talk about getting a senior signed up for a
18 third-party notification or why certain taxes
19 might have been paid not been paid, shouldn't
20 be something that's aired out in front of all
21 their neighbors. It should be done
22 confidentially one on one.

23 I always heard from Nassau County
24 taxpayers about the confidentiality of dealing
25 with their tax issues to the point that even

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2 we don't put the names of taxpayers on the
3 land record viewer because of that. And then
4 to have people come, announce their name and
5 announce their problems in front of all the
6 neighbors I think is a little disrespectful.
7 We're willing to go on the 19 sessions and I
8 will be attending those sessions in order to
9 attend to their issues on a respectful
10 one-on-one basis.

11 LEGISLATOR NICOLELLO: Let me say
12 this. Why can't you do both? Why can't you
13 have your individual sessions and the vast
14 bulk of population of the people who are very
15 concerned and want to have a town hall meeting
16 why can't you do that?

17 MR. MOOG: You're basically
18 trying to tie me up all year long trying to do
19 town halls and doing sessions. Right now
20 we're offering 19 sessions and we also have
21 people attending the ARC sessions. There more
22 outreach done in this county than in almost
23 any other county. If you can present how
24 other counties do this type of outreach and
25 present transparency and the comparables and

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2 encourage people to file grievances I'd like
3 to see it. I don't think that any other
4 county or any other taxing jurisdiction goes
5 to the extent that Nassau County does.

6 LEGISLATOR NICOLELLO: I think
7 I'm going to turn it over to the legislators.
8 I think this transcript is going to be all you
9 would need to rehash the whole elected
10 assessor. Your approach to this and what you
11 believe about our residents just tells me once
12 again that an appointed assessor is the wrong
13 thing to have.

14 MR. MOOG: What I believe about
15 the taxpayer is they deserve some
16 confidentiality and respect when you deal with
17 their issues when it deals with assessment.

18 LEGISLATOR NICOLELLO: You used
19 the term respect a number of times. Your
20 approach is as disrespectful to those
21 residents as it could possibly be. Again,
22 residents who come out on a cold winter night
23 or hot summer day and take up their time to
24 come and listen to a presentation and you're
25 saying I'm not going to talk to you because

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2 it's disrespectful. That's is as
3 disrespectful to them as it could be. You
4 don't understand the very nature of democracy
5 then. You're only going to talk to somebody
6 if they're in a room by themselves? People
7 want questions answered. Some people have
8 questions they wanted answered. They
9 themselves don't want to ask it but they want
10 to see other people ask it. So you have a
11 roomful of people, 200 people, and you're
12 getting information to many, many people. So
13 I think you have the diametrically wrong
14 approach to what public outreach should be
15 from your office.

16 LEGISLATOR KOPEL: Mr. Moog, I
17 think that your responses have been
18 disingenuous in the extreme. You're
19 suggesting that this law over here somehow
20 precludes you from doing what you seem to
21 prefer to do which is the individual
22 sessions.

23 Also, what you said is we can't tie
24 you up going to 100 different sessions.
25 That's true. But I don't think it's necessary

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2 for you to go to all these individual ones.
3 If the people want to have these individual
4 sessions with the department you got employees
5 who do that. You're not going to do all of
6 those sessions with each individual taxpayer
7 regardless. If we have thousands of taxpayers
8 you, the assessor, are not going to do all of
9 them. That's clear. We know that. That
10 would certainly tie you up.

11 But it would not tie you up to do
12 the 19 that we're talking about and maybe
13 leave it to the departmental employees to
14 handle the individual inquiries. If some of
15 them are really important they can appeal it
16 up the line. But you're just running in
17 circles here and suggesting constantly that
18 you're opposed to this because somehow or
19 another it precludes you from dealing with
20 individual taxpayers. That's just not true.

21 LEGISLATOR NICOLELLO: Legislator
22 Schaefer.

23 LEGISLATOR SCHAEFER: I was just
24 going to say my experience with doing the town
25 halls was that some people ask a question that

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2 promotes another question from someone else.

3 Then people may think of something. It may
4 incur a question in another person sitting
5 next to them. And I think that to say that
6 one way is the only way I don't think that's
7 the right way to handle it at all.

8 I think doing both of those, and
9 again, obviously understood you can't be
10 everywhere all the time, but to be able to do
11 both gives people the option. If they want
12 the confidentiality I get why they want the
13 confidentiality. But sometimes people want to
14 sit in a group and hear what others are saying
15 and they may not have any intention of asking
16 a question. But they want to listen and they
17 can walk away feeling like they have more
18 information. I just think doing both if
19 feasible is a great idea.

20 LEGISLATOR NICOLELLO: Legislator
21 Ferretti.

22 LEGISLATOR FERRETTI: I do have
23 some questions here. Some of them have been
24 answered from the previous legislators. But I
25 got to say, for you to come here and say we're

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2 trying to tie you, quite frankly, I find that
3 offensive. I'm an attorney. I work during
4 the day. I go out in my district at night.
5 For the last year I've been doing your job.
6 I've held over 15 community meetings. Not one
7 of them less than three hours. Educating one
8 legislative district like you should be
9 doing. You've been tying me up. We're not
10 tying you up. Number one.

11 Number two. You talk about
12 individual meetings with residents. And I
13 know that the presiding officer said do both.
14 You don't even have to do both on separate
15 days. At our meetings we have a group meeting
16 where all the residents can hear all the
17 questions and concerns of the other
18 residents. And by the way, in my over 15
19 meetings I have not had anybody who was shy
20 about their dissatisfaction you and the county
21 executive's reassessment.

22 But that being said, if they are
23 shy about it we stay after and meet with them
24 one on one. Sometimes until nine ten
25 o'clock. So this idea that you're coming here

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2 with the audacity to say that you don't want
3 to meet with groups of residents and I don't
4 know why you're in public service sir.

5 LEGISLATOR NICOLELLO: Legislator
6 Rhoads.

7 LEGISLATOR RHOADS: Assessor
8 Moog, your own office had 31 public
9 information sessions scheduled.

10 MR. MOOG: We had 31. Then the
11 Assessment Review Commission had I think three
12 in every legislative district already.

13 LEGISLATOR RHOADS: The 31 public
14 information sessions that were supposed to
15 take place as part of your strategic
16 communications plan between the months of June
17 and September of last year, 2018, not a single
18 one of those meetings were held. The whole
19 idea behind those meetings was so that the
20 public would have an opportunity to ask
21 questions. That you would have an opportunity
22 to explain. The Department of Assessment
23 would have the opportunity to explain how is
24 the reassessment being conducted? How is the
25 Department of Assessment achieving what

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2 they're saying is the value of my home? How
3 is it that homeowners would be able to avail
4 themselves of the grievance process if they
5 felt that the assessment was incorrect? Those
6 are all questions that can be answered in a
7 general forum just as Legislator Ferretti did,
8 just as I did and just, at least on the
9 majority side, every one of the legislators
10 did at all of the public information sessions
11 and community meetings that we had on
12 reassessment because you didn't.

13 So to Legislator Nicoletto,
14 Presiding Officer Nicoletto's point, there's
15 no reason that those two things have to be
16 mutually exclusive. You can answer the big
17 questions in a public forum and then if
18 individual residents have questions that they
19 want answered about their specific property
20 you can meet one on one with them. Why is
21 that a problem?

22 You acknowledged you have an
23 education. The average homeowner very few
24 understand what the level of assessment is.
25 How you achieve somebody's assessed value.

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2 How the reassessment is conducted. How it is
3 that you determine the market value of their
4 house. I know that they had to sue in order
5 to be able to get the algorithm. We've
6 already been through that. What's the matter
7 within a public forum explaining that to the
8 public?

9 MR. MOOG: First of all, we do
10 outreach every year. And we do outreach in
11 every legislative district multiple times.

12 LEGISLATOR RHOADS: No, no. If I
13 could correct that one point Mr. Moog. What
14 you had this year was you had Department of
15 Assessment employees hijacking tax grievance
16 workshops of individual legislators and ARC
17 showing up to give a five minute presentation
18 and answering two or three questions before
19 they were shuffled off to another topic.

20 We had meetings on assessment, as
21 Legislator Ferretti said, my experience was
22 the same, that were two to three hours long
23 every session we had just on that topic.
24 Please don't tell me what you're counting as
25 community meetings were your five minute

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2 presentations where every once in a while the
3 county executive would show up and answer a
4 hand full of questions until they got too
5 hard.

6 MR. MOOG: The last three months
7 we've had outreach on exemptions through every
8 legislative district.

9 LEGISLATOR RHOADS: When did that
10 take place? I must have missed that.

11 MR. MOOG: It's been taking place
12 all summer. It's taking place in your
13 district.

14 MR. KELLY: They're styled
15 exemption seminars. But people come to those
16 meetings and ask questions about every
17 assessment topic. It's not just limited to
18 every --

19 LEGISLATOR RHOADS: I get it. So
20 after they've already grieve you've had
21 exemption workshops. We're now after the fact
22 when they no longer have an opportunity to
23 avail themselves of the grievance process and
24 understand the system, you decided that's the
25 best time for you to come out and answer

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2 questions in a public forum.

3 MR. MOOG: The Assessment Review
4 Commission provides the grievance outreach as
5 they do every year and they provided three
6 sessions in every legislative district.

7 LEGISLATOR RHOADS: They're not
8 responsible for explaining to residents how
9 the Department of Assessment and their
10 assessor calculated the value of their home.

11 MR. MOOG: We calculate values of
12 home based upon comparable sales and we
13 provide the comparable sales on our system and
14 the Assessment Review Commission shows where
15 you can access on their own Arrow system where
16 to get those comparable sales. In the end,
17 when you grieve it comes down strictly to
18 comparable sales in your area and you make
19 your case.

20 LEGISLATOR RHOADS: For whatever
21 reason, Mr. Moog, and I can't for the life of
22 me figure out what it is though I suspect, you
23 seem to be afraid to face the public. For
24 whatever reason your department seems
25 reluctant to explain its actions in a public

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2 forum so the public can understand. You push
3 it off to legislators. You push it off to the
4 Assessment Review Commission. You push it off
5 to whomever else it is that seems to be able
6 to carry the ball for the work that your
7 department should be doing. It should be
8 you. It should be you. It should be your
9 Department of Assessment that goes out to
10 explain to residents exactly how the
11 assessment's being conducted. Exactly how
12 they determine values. It's your
13 responsibility.

14 And again to Presiding Officer
15 Nicoletto's point, it really is illustrative,
16 in my opinion, of the difference between an
17 appointed assessor who is accountable to a
18 county executive versus an elected assessor
19 who is accountable to the people. And today's
20 conversation underscores why it's important
21 that we have an elected assessor and it is so
22 unfortunate that the minority and that the
23 county executive vetoed it and that the
24 minority refused to override the veto so that
25 the people would have a voice.

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2 To follow up on one point that you
3 made. By the way, on a privacy concern, you
4 realized that your own department actually did
5 put out names of individuals on their notices
6 and that practice stopped only after there was
7 a Newsday article on November 4, 2018
8 criticizing you for it.

9 MR. MOOG: It occurred from the
10 IT division when then they did an update on
11 the Tyler system that enabled those names to
12 go out just for a couple of days.

13 LEGISLATOR RHOADS: You said your
14 department didn't do and in fact your
15 department did do it, right?

16 MR. MOOG: It was a glitch that
17 was done in the IT department. It wasn't
18 something that was intentional by DOA or a
19 change in policy of DOA to do that.

20 LEGISLATOR RHOADS: There is in
21 the pattern jury instructions and in Latin a
22 term called falsus in uno and if you have a
23 free moment I want you to Google it.

24 LEGISLATOR NICOLELLO: You used
25 the term we're trying to tie you up. I think

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2 you used that phrase. Let me make sure I
3 understand what you mean. This legislation
4 requires you to have one meeting in each
5 town. One meeting in each city. That's a
6 total of five meetings. Do you consider it
7 tying you up if we have you come out for five
8 meetings during the course of a month? Are
9 you tied up?

10 MR. MOOG: In addition to the
11 one-on-one sessions we're planning, we believe
12 it's best serving the taxpayers in that
13 manner.

14 LEGISLATOR NICOLELLO: You just
15 evaded the question. You said you're trying,
16 meaning us, we're trying to tie you up. The
17 question I have for you is, perhaps I can take
18 this as a given, that you consider it to be
19 tying you up if we have you come out -- you
20 got your answer from Mr. Santeramo?

21 MR. MOOG: Actually, I couldn't
22 hear him.

23 MR. SANTERAMO: Mike Santeramo
24 from the administration. I was just
25 explaining sometimes when you're up here,

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2 because you all have the power and it's your
3 house, sometimes when we're answering
4 questions, because I have been up here a
5 number of times, we're trying to answer
6 questions and we feel a lot of pressure.
7 Regardless whether it's a simple contract.
8 Sometimes we have a poor choice of words.
9 Something that comes out like saying tying you
10 up is not necessarily what the assessor
11 meant. I don't think it's what he meant.
12 Maybe it is what he meant. He can tell you
13 what he meant. But sometimes it's tough when
14 we're up here trying to explain, we're getting
15 pounded. I just wanted to make sure if he
16 wanted to say that it wasn't his choice of
17 words that's he's able to go back.

18 LEGISLATOR NICOLELLO: Now that
19 you've suggested that answer to him, I was
20 actually giving him that opportunity. Not
21 just once, I gave it to him twice to clarify
22 that. And now perhaps that you've mentioned
23 that he's going to say that he misspoke. Mr.
24 Moog? So is it not tying you?

25 MR. MOOG: It was a poor choice

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2 of words. I meant it is tying the strategy
3 that I want to do. I want to be able to meet
4 with people on one-on-one sessions. That's
5 the strategy that we felt served the taxpayers
6 best and we believe it's more effective in
7 order to get people's questions answered.

8 LEGISLATOR NICOLELLO: I will go
9 to Mr. Gaylor but let's be honest. You're not
10 meeting with thousands of people. You used
11 the term 10,000 last year. Of course it's
12 your department that's doing the lion's share
13 you may pop in to one occasionally but you can
14 do both. Legislator Gaylor.

15 LEGISLATOR GAYLOR: Thank you
16 Presiding Officer. When you first started to
17 talk today I thought I understood you to say
18 that you plan on doing 19 public outreach
19 sessions in the next year; is that correct?

20 MR. MOOG: There's 19 legislative
21 districts, yes. One session in each.

22 LEGISLATOR GAYLOR: We're only
23 asking by this legislation that you conduct
24 five. I understand Mr. Santeramo might think
25 you're feeling the pressure. But you are the

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2 focal point for all of our constituents, all
3 of the taxpayers in the county to help explain
4 in terms they can understand what's going on
5 in regard to taxes and assessment.

6 MR. MOOG: With assessment. I
7 don't do taxes.

8 LEGISLATOR GAYLOR: Assessment or
9 reassessment. I heard you say you're going to
10 do 19 but this only asks you to do five. It
11 doesn't seem overly burdensome. You yourself
12 have a staff, quite a large staff. You've got
13 to learn to be a leader instead of a manager.
14 I think that's part of the problem. For this
15 last year you've tried to be a manager and
16 kind of afraid to be the leader when the
17 assessor, whether appointed or elected, needs
18 to take the lead in this area of
19 responsibility, assessment.

20 So what I've seen over the last
21 year is just a total lack of leadership.
22 Which has now forced us to take a series of
23 legislative steps to try to get you back on
24 track and get your department back on track.

25 So, I want you to remember one

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2 thing. Whether you're appointed or elected,
3 you serve the public and the public deserves
4 an open and honest and fair and transparent
5 way of understanding the assessment process.
6 That's been rather difficult the last year for
7 us up here. We've been feeling the pressure.
8 You have no idea what pressure is until you
9 conduct these public hearings like we have and
10 hundreds and hundreds of people time after
11 time are coming out confused, scared,
12 complaining, looking for answers, looking for
13 information and we just as the legislators are
14 not the right ones that should be doing that I
15 don't believe. So we are asking you through
16 these series of legislative actions to become
17 that leader we hope you can be. It's really
18 that simple. I'm going to leave it at that.

19 LEGISLATOR NICOLELLO: Anyone
20 else? Minority Leader Abrahams.

21 LEGISLATOR ABRAHAMS: Thank you
22 Presiding Officer. I'd love to have this
23 debate and discussion. I wish we had this
24 format for all legislation that's been clocked
25 in in Nassau County. But that's another

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2 point.

3 I do want to clarify. It sounds
4 like to me that the bill that's before us, the
5 legislation before us, is asking for five
6 public hearings. And I believe by your
7 comments Mr. Moog you're saying instead of
8 public forums or strategy meetings or whatever
9 you want to call them, you're committing to
10 doing 19 sessions where you would actually be
11 a part of working with the public. So if the
12 public had a question for you as the assessor
13 they can ask you a question while they work on
14 their worksheet to figure out their taxes.

15 MR. MOOG: I want them to come
16 and be able to work with me and my employees
17 to sit down and get their questions answered
18 on respectful on one on one basis.

19 LEGISLATOR ABRAHAMS: I'm a
20 little confused by the majority's position.
21 Because if you're willing to do it not five
22 times but almost four times as much where
23 you're going to be available to the public and
24 they're going to have the opportunity to work
25 on questions or understand or do anything

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2 along those lines, show them how to grieve
3 their taxes, I'm not too sure if you proposed
4 that you would do 365 sessions it would be
5 good enough for the majority. I think we kind
6 of know where this is going.

7 The bottom line is, the majority
8 never cared about hearings and meetings and
9 public sessions never before. I never heard
10 this before. I've been here for quite some
11 time. Majority has been in control for the
12 last ten some odd years, and I've never heard
13 once, not once about holding public hearings
14 to make sure the public was serviced. Not
15 once. The bottom line is, I think you're
16 being very genuine. Obviously, as you
17 recognized, poor choice of words in tying up.

18 MR. MOOG: And I apologize for
19 that.

20 LEGISLATOR ABRAHAMS: We
21 appreciate that. Everybody's entitled to
22 saying something like that once in a while.
23 I'm sure I've said something like that every
24 once in awhile.

25 That being said, I think it's very

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2 genuine that you're publicly saying that the
3 administration will do 19 meetings, which you
4 will be a part of, which at that time people
5 cannot only ask their questions but have the
6 opportunity to work with your staff to better
7 understand their taxes and the majority is
8 still saying not good enough. Doesn't make
9 any sense because they only want five. You're
10 proposing 19. Somehow, some way this is
11 getting lost in some bizzaro world translation
12 that I don't understand. But I would gladly
13 sign up for 19 versus five. So voting no to
14 this legislation is a no-brainer. But thank
15 you Mr. Moog and thank you Mr. Kelly for your
16 comments on this particular item.

17 LEGISLATOR NICOLELLO: The answer
18 of course is that he's dancing around the
19 question. He doesn't want to have a public
20 meeting. So he wants to have, quote unquote,
21 19 of these forums in which one-on-one
22 meetings take place but he doesn't have to
23 stand in front of a roomful of people and
24 answer questions.

25 At these 19 meetings that you're

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2 planning is the public going to be invited?
3 Are they going to be able to sit in a room
4 like this and you're going to give a
5 presentation and you're going to stand there
6 and answer the questions from all the members
7 of the public?

8 MR. MOOG: It can start out with
9 an introduction of the assessment office and
10 the staff that's there and people can come
11 forward and meet with my staff and have their
12 questions answered on a respectful one-on-one
13 basis.

14 LEGISLATOR NICOLELLO: The answer
15 is no in other words. You don't want to stand
16 in front of a group of people -- I mean come
17 on. You're able to answer the questions. You
18 don't have to Mr. Santeramo suggesting
19 answers.

20 LEGISLATOR ABRAHAMS: It's gotten
21 to the point where he has to commit his agenda
22 for how the meeting is going to run three
23 months in advance. Come on guys. He's saying
24 he's going to do 19 public sessions where he's
25 going to be available. Now you want him to

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2 commit to the public in its entirety when he's
3 going to be speaking to the public
4 individually because he's going to be at these
5 sessions. Now he has to basically be in front
6 of 20, 30 some odd people to give a public
7 presentation versus a private presentation.
8 Come on.

9 LEGISLATOR NICOLELLO:
10 Absolutely.

11 LEGISLATOR ABRAHAMS: But he's in
12 the public. He's meeting with each of the
13 residents.

14 LEGISLATOR NICOLELLO:
15 Understand. Make a presentation, then to step
16 aside and say we can have meetings.

17 LEGISLATOR ABRAHAMS: I have to
18 tell you this reeks of politics.

19 LEGISLATOR NICOLELLO: It does
20 reek of politics.

21 LEGISLATOR ABRAHAMS: Because you
22 guys never cared about this stuff for ten
23 years.

24 LEGISLATOR NICOLELLO: You want
25 to know why?

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2 LEGISLATOR ABRAHAMS: It's funny
3 it's come up now 60 days from the elections.

4 LEGISLATOR NICOLELLO: You want
5 an answer to that? It never occurred to us
6 that an assessor of Nassau County would refuse
7 to go to town hall meetings with his
8 residents. Never occurred to us. So we never
9 asked for it before because we never thought a
10 public official in that office would say no, I
11 will not stand in front of a room and answer
12 questions. You want to run interference for
13 him. We know exactly what you're doing.

14 LEGISLATOR ABRAHAMS: Now
15 Presiding Officer he's committing to doing 19
16 of them.

17 LEGISLATOR NICOLELLO: No, he's
18 not.

19 LEGISLATOR ABRAHAMS: He said he
20 would do 19 public forums.

21 LEGISLATOR NICOLELLO: You're not
22 listening to him. He's dancing around it. He
23 is not willing to get in front of a roomful of
24 people and answer questions.

25 LEGISLATOR ABRAHAMS: He just

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2 committed to doing that.

3 LEGISLATOR NICOLELLO: He did
4 not.

5 LEGISLATOR ABRAHAMS: Mr. Moog,
6 for the record can you clarify so they can
7 hear it again? Are you going to be available
8 at these 19 public forum sessions?

9 MR. MOOG: I will be at those 19
10 forum sessions.

11 LEGISLATOR ABRAHAMS: What part
12 do you guys not understand?

13 LEGISLATOR NICOLELLO: That's
14 hilarious. He said he's going to be at them.
15 So he's going to sit in the back of the room.

16 Let me ask you this. Let's be
17 clear Mr. Moog. Will you stand in front of a
18 room, give a presentation and answer the
19 questions of the roomful of people over the
20 course of a couple of hours? Will you do
21 that?

22 LEGISLATOR ABRAHAMS: Of course
23 he's going to answer questions.

24 MR. MOOG: I want to be able to
25 serve as many people as quickly as possible

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2 and be confidential about it. People need to
3 be able to sit down one on one and answer
4 their questions.

5 LEGISLATOR NICOLELLO: Other than
6 one on one you will not meet with the
7 residents?

8 MR. MOOG: I want to do it as
9 effectively and efficiently as possible.

10 LEGISLATOR NICOLELLO: We have
11 our answer. Kevan, you understand?

12 LEGISLATOR ABRAHAMS: I really
13 don't get what you guys are talking about. He
14 just said that he would answer the public's
15 questions. What you're saying is he has to
16 answer the questions when 300 people are
17 around?

18 LEGISLATOR NICOLELLO:
19 Absolutely.

20 LEGISLATOR ABRAHAMS: So, he's
21 telling you that he prefers that it's more
22 effective to answer the questions when he's
23 answering them one on one.

24 LEGISLATOR NICOLELLO: Then he's
25 got to go.

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2 LEGISLATOR ABRAHAMS: You guys
3 want it your way, I get it. You're the
4 majority. You want it your way. I got it.
5 You're right. We're wrong. You know Mr. Moog
6 what's so funny about this? They respect your
7 expertise so much that you have to be at a
8 hearing to be able to answer questions.
9 However, as it pertains to the level of
10 assessment though they don't respect your
11 expertise because now they're the experts.
12 That they claim that they know the level of
13 assessment better than you.

14 It's so funny how they want to flip
15 it around to favor their choice. But the
16 bottom line is very clear. You guys have
17 politicized this process so poorly and so
18 badly that you can't even make it clear to the
19 public where you stand. You're smart enough
20 to do the level of assessments but you're not
21 smart enough to be able to hold hearings and
22 answer questions for the public. Which one is
23 it? Tell me which one it is. How smart are
24 you?

25 LEGISLATOR NICOLELLO: How many

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2 public meetings did you have in your
3 district?

4 LEGISLATOR ABRAHAMS: I have
5 seven public forums on grieving property taxes
6 and on assessment.

7 LEGISLATOR NICOLELLO: But did
8 you stand up at a town hall meeting and answer
9 questions on assessment?

10 LEGISLATOR ABRAHAMS: I have
11 seven meetings on assessment.

12 LEGISLATOR NICOLELLO: Did you
13 stand up and answer questions for the public?

14 LEGISLATOR ABRAHAMS: I answered
15 questions for the public but if I can't answer
16 them I defer them to the Department of
17 Assessment.

18 LEGISLATOR NICOLELLO: Exactly.
19 We want him to do it.

20 LEGISLATOR ABRAHAMS: You're
21 claiming today that you're smart to do a level
22 of assessment. It has to have a public
23 hearing. The legislature to vote on it.
24 You're smart enough to do that but then you're
25 not smart enough to hold hearings and answer

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2 questions. Which one is it?

3 LEGISLATOR NICOLELLO: We did the
4 hearings.

5 LEGISLATOR ABRAHAMS: I get it.
6 It's politics. What's today's date? Is it
7 the 23rd? The election is going to be here in
8 November. Very soon. We got to get ready
9 guys. The circus is here. It's all
10 politics. That's all it is.

11 LEGISLATOR NICOLELLO: Do you
12 think you would be able to stand in front of a
13 room full of people and answer their
14 questions?

15 LEGISLATOR ABRAHAMS: I think
16 people should have an assessor to answer their
17 questions absolutely and he's committed to
18 answering the questions.

19 LEGISLATOR NICOLELLO: One on
20 one. Can he stand in front of a room full of
21 people and answer the questions?

22 LEGISLATOR ABRAHAMS: You guys
23 still can't answer my questions. Are we smart
24 enough as a legislative body to answer
25 questions or we want to take the

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2 responsibility and answer these questions for
3 a level of assessment ourselves?

4 LEGISLATOR NICOLELLO: Isn't he
5 the assessor?

6 LEGISLATOR ABRAHAMS: You can't
7 answer that question though because there's a
8 contradiction in your position.

9 LEGISLATOR NICOLELLO: Clearly, I
10 think --

11 LEGISLATOR ABRAHAMS: You're
12 smart enough to do level of assessment though.

13 LEGISLATOR NICOLELLO: I think
14 everyone understands where we are at this
15 point. They feel it's okay if the assessor
16 has individual meetings. That's fine. We
17 feel the assessor should go out in front of
18 the public, explain the process and answer
19 questions in front of a room full of people.
20 That's the distinction. That's where we are.
21 That's what the dispute is.

22 LEGISLATOR ABRAHAMS: Disagree.

23 LEGISLATOR NICOLELLO: We want
24 you Mr. Moog to go out in front of the room
25 and say this is we've done. Please ladies and

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2 gentlemen, you are our residents, you pay the
3 taxes, please let me what your questions are.
4 I'd like to help you. Not one on one. In
5 front of a room full of people.

6 LEGISLATOR ABRAHAMS: Mr. Moog
7 let me clarify. Is your public breakout
8 sessions are they in a closet? Are they in
9 your home?

10 MR. MOOG: No.

11 LEGISLATOR ABRAHAMS: They're in
12 a public forum where other people will be at
13 Mr. Presiding Officer. Quite frankly your
14 position is so -- guys, come on. It's bad
15 enough --

16 LEGISLATOR NICOLELLO: Will you
17 stand in front of them and answer questions?

18 MR. MOOG: When you had your
19 hearing here in Mineola and 80 people came to
20 the microphone and 60 of those questions were
21 on taxes, which is your responsibility not
22 mine, none of you answered any of those
23 questions. Is that the truth?

24 LEGISLATOR NICOLELLO: What are
25 you talking about?

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2 MR. MOOG: People went upstairs
3 and had their assessment questions answered
4 upstairs on a one-and-one basis. Respectful
5 basis. And the position we put forward is the
6 position we are staying with with the
7 Department of Assessment.

8 LEGISLATOR NICOLELLO: Here's
9 what we did Mr. Moog in case you forget. We
10 sat in these chairs until one o'clock in the
11 morning listening to our residents. We didn't
12 invite them back to our offices. We sat here
13 and listened to them. At a very minimum, if
14 you're afraid to answer questions you should
15 sit in a room and listen to what their
16 concerns are. You might learn something about
17 our residents here in Nassau County and what
18 the assessment's effect has had on them.

19 Legislator Ford. Then who else?

20 LEGISLATOR FORD: Mr. Moog, for
21 me, I'm not going to get emotional about this
22 because I've been through like with our Sandy
23 properties and everything. I support this in
24 asking that you do go out. The reason why I'm
25 saying this is that sometimes when we educate,

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2 when we can help educate our residents in
3 regard to assessments it's beneficial to
4 everybody. I defer to you. You are the
5 assessor. You have knowledge about this. I
6 admit, I'm a legislator. I don't know what
7 you know.

8 But I know that even when you came
9 to this hearing that we had way back when when
10 you saw 80 people and 60 people went up on an
11 individual basis there were well over a
12 thousand people in the audience and they got
13 to hear you explain some of the issues in
14 regard to your take on the assessments and why
15 you changed everything.

16 So whether or not people had not
17 all 800 or a thousand people had personal
18 questions but they just wanted a better
19 understanding of the assessment and why you
20 changed it to the value that you did.

21 When I had in the past, and I've
22 written to you and we had the meeting last
23 week, but I wrote to you in regard to my Sandy
24 properties. Why then was their market value
25 raised so high because of the elevation.

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2 Because I had people reaching out to me and I
3 asked you to provide me an explanation so I
4 could tell them what it is. I never got it.
5 I thank Legislator Mule for setting up that
6 meeting months later. I wanted you to explain
7 it so I could tell the people accurate
8 information so they could understand why that
9 elevation, when they thought that FEMA floor
10 was not going to be included in their assessed
11 value, why all of a sudden it appeared to them
12 that it is.

13 So, this is what we ask. We ask so
14 that people weren't going to ask why in my
15 ladder report my elevation is \$45,000 but in
16 this one and you explained it had to do with
17 state. Had we known that that would have been
18 a New York State issue that could have been
19 addressed maybe in January, February when I
20 wrote you the letter during that session we
21 could have had our state senators and our
22 state assembly people make those corrections
23 at that time.

24 In the past I have to say that when
25 we had issues Levinson came out. He met with

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2 a group of people. He explained everything.
3 And then if he needed one on one he stayed and
4 spoke to them afterwards. When we had another
5 issue with Sandy properties Jim Davis and his
6 staff came out. They first addressed the
7 number of residents that were there to explain
8 what happened so they'd have a better
9 understanding of how this impacted them and
10 why it did and then they stayed. They set up
11 where they did individual.

12 I think all we're asking for and I
13 know we all have these assessment grievance
14 meetings, we have the exemptions meetings,
15 where your staff comes out and they get to
16 talk to the people. And even during some of
17 the sessions that we had with the grievance
18 meetings that you had some of your staff with
19 their laptops and it worked very well where
20 people may have gotten the general explanation
21 as to how to grieve their assessment or they
22 had some issues on their properties they had
23 people there who they went to privately. And
24 I understand confidentiality.

25 But I also did go to Nickerson

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2 Beach when you opened up your satellite
3 office, and I explained when we had that big
4 hearing that time my experience with the staff
5 at that time and the questions I asked was
6 nothing as to what you had explained to
7 everybody that would occur. I indicated that
8 there seemed to have been a miscommunication.
9 That the information they were given is not
10 what you were saying that they should have
11 been given.

12 So I think that in all fairness
13 we're not trying to tie you. I understand
14 you're busy. We have a lot or properties that
15 we have to address. You have a staff. You
16 have lot of work that you have to do. But I
17 think in all fairness, if you're going to come
18 out to all 19 districts to meet with the
19 residents you could stand up before them. So
20 this actually, even if we pass this
21 legislation requiring you to do it, doesn't
22 matter anyway because you were going to do it
23 all along.

24 So, all we're asking is not just
25 for you to like have to speak to every

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2 resident that comes to ask a personal question
3 about their property, but at least share your
4 knowledge. Share your expertise with all of
5 these people. Because I think if you have a
6 room of 100 or 200 people you'll have a better
7 understanding of assessments. It is a
8 learning curve. I think it's in all fairness
9 to all of us that we all understand a little
10 bit better this process and then maybe we
11 wouldn't have such passionate hearings. Thank
12 you.

13 LEGISLATOR NICOLELLO: Anyone
14 else? Legislator Rhoads.

15 LEGISLATOR RHOADS: I thank
16 Legislator Ford for summarizing I think quite
17 well many of the needs for why this
18 legislation has to pass.

19 There's sort of a disconnect to
20 me. I don't understand why you wouldn't have
21 sessions where you stand in the front of the
22 room and answer questions. The way you are
23 planning on running those individuals meetings
24 is that if you have 200 people in the room
25 you're going to wind up answering many of the

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2 same questions 200 times. Whereas, if you
3 gave a general presentation and an overview,
4 if you explained the assessment process, if
5 you explained what the ladder report was, if
6 you went through the entire assessment process
7 you could answer many of those questions for
8 those people all at the same time. So, by the
9 time you broke down to the individual sessions
10 you would be able to answer questions specific
11 to their property and get those general
12 questions out of the way. It makes no sense
13 to me.

14 Part of the issue too that we have,
15 and I want you to understand our perspective.
16 There was supposed to be 31 public
17 informational sessions last year. They didn't
18 happen. Level of assessment wasn't supposed
19 to change. That promise didn't happen
20 either. The one thing I think we're smart
21 enough to figure out, particularly with this
22 administration, is the fact that if we want
23 assurance that something that promised is
24 going to happen, I know you're promising 19
25 meetings now, if we want an assurance that

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2 something is actually going to happen that
3 we've been promised we need to put it in
4 writing and we need to put it as law.

5 I think part of the fact that this
6 even has to exist is a reflection of the fact
7 that we can't take necessarily the word of the
8 administration to heart. It's a sad
9 commentary I think and reflective of the
10 breakdown between the administration, at least
11 the majority side of the legislature, that we
12 can't do that.

13 So, we asking for five sessions and
14 you're willing to do 19. I'd be happy to
15 amend the legislation by emergency to call for
16 19 public information sessions where there is
17 a question and answer period and then you
18 break down into individual meetings if the
19 department is willing to do that.

20 LEGISLATOR NICOLELLO: No, we're
21 not doing that. We actually chose five
22 because we didn't want to overburden you.
23 Five is a reasonable number. One in every
24 town. One in every city. That was the reason
25 why we chose five. Legislator Ferretti.

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2 LEGISLATOR FERRETTI: Mr. Moog, I
3 want to be clear on your plan for these 19
4 meetings as you call them. These are going to
5 be meetings where you personally meet
6 individually with residents or you're going to
7 have staff there to do it?

8 MR. MOOG: I will be there and
9 staff will also be there.

10 LEGISLATOR FERRETTI: When these
11 one-on-one meetings happen are you going to be
12 meeting with the individuals personally or
13 will your staff be meeting with them in
14 addition to you meeting with them personally?

15 MR. MOOG: We'll be both meeting
16 with them.

17 LEGISLATOR FERRETTI: So some
18 residents won't have the opportunity to speak
19 to you personally, correct?

20 MR. MOOG: Some will just be
21 meeting with my staff, correct.

22 LEGISLATOR FERRETTI: These types
23 of meetings, I'm not referring to your
24 satellite offices, I'm talking about specific
25 meetings where dates and times were announced,

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2 set times, how many have you had since you've
3 been the assessor?

4 MR. MOOG: This is a new proposal
5 that we're going forward with.

6 LEGISLATOR FERRETTI: So how many
7 have you had?

8 MR. MOOG: I said it's a new
9 proposal. We haven't had them yet.

10 LEGISLATOR FERRETTI: So zero?

11 MR. MOOG: Correct.

12 LEGISLATOR FERRETTI: What
13 credentials do you have to be assessor? What
14 degrees?

15 MR. MOOG: I have an Institute of
16 Assessing Officer, which is a certification by
17 the New York State Assessors Association. I
18 have approximately 20, 25 years of assessing
19 experience in special taxing jurisdictions.
20 These credentials were reviewed by the
21 legislature when I was appointed.

22 LEGISLATOR FERRETTI: Does anyone
23 else in your office have those same
24 credentials that will be meeting with
25 residents one on one?

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2 MR. MOOG: Only one other
3 employee. That would be Steven Cordia.

4 LEGISLATOR FERRETTI: Is Steve
5 Cordia part of the plan to meet with residents
6 one on one in your 19 meetings?

7 MR. MOOG: Who will be attending
8 those meetings will be the staff that usually
9 goes on the outreach.

10 LEGISLATOR FERRETTI: Is Steve
11 Cordia one of those staff members?

12 MR. MOOG: He may be one of the
13 staff members in those meetings.

14 LEGISLATOR FERRETTI: Has he been
15 one of those staff members at the satellite
16 offices?

17 MR. MOOG: No, he was not at the
18 satellite offices.

19 LEGISLATOR FERRETTI: So the
20 administration and the minority think we need
21 an appointed assessor because of these
22 qualifications that you have. But with all
23 your qualifications you're not willing to
24 speak to the residents, at least every one of
25 them that wants to speak to you; isn't that

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2 correct?

3 MR. MOOG: We only have two
4 people who have an IAO in the office.

5 LEGISLATOR FERRETTI: First of
6 all, do you know what a town hall meeting is?

7 MR. MOOG: I know what a town
8 hall meeting is.

9 LEGISLATOR FERRETTI: You
10 understand the concept that a group of people
11 can ask questions to one person speaking and
12 everyone in the room can hear the answer to
13 those questions. You're familiar with that?

14 MR. MOOG: Yes, I'm familiar with
15 that.

16 LEGISLATOR FERRETTI: You as the
17 assessor with all these qualifications don't
18 you think it would be in the best interest of
19 the residents to speak to you and not somebody
20 with less qualifications?

21 MR. MOOG: Most residents come up
22 with personal issues concerning their own
23 personal properties. That's usually what
24 happens in the town hall meetings that people
25 bring up in.

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2 LEGISLATOR FERRETTI: How do you
3 know?

4 MR. MOOG: Because I have gone to
5 several.

6 LEGISLATOR FERRETTI: Whose? You
7 didn't come to mine. Respectfully, Legislator
8 Drucker, if I'm not mistaken you had town hall
9 meetings on the issue of the reassessment?

10 LEGISLATOR DRUCKER: He came to
11 two.

12 LEGISLATOR FERRETTI: Were those
13 tax grievance meetings or were they the issue
14 of reassessment.

15 LEGISLATOR DRUCKER: He answered
16 questions about reassessment at a tax
17 grievance workshop and also he came to another
18 meeting in my district just to answer
19 questions about reassessment.

20 LEGISLATOR FERRETTI: Arnie, when
21 you have a tax reassessment meeting and you
22 schedule it and you promote it and put it on
23 social media you get over 120 people coming to
24 those meetings. Let me finish. You,
25 respectfully, just said you did not have one

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2 of those meetings and he didn't come to one of
3 them. So let's stay on target here.

4 LEGISLATOR DRUCKER: One of my
5 meetings was Ask the Assessor. One of my
6 meetings was promoted and publicized as Ask
7 the Assessor and he came to that.

8 LEGISLATOR FERRETTI: So you're
9 familiar with these town hall meetings you've
10 been to one. Why are you unwilling to go to
11 five more?

12 MR. MOOG: Because I found the
13 most effective way to deal with taxpayers,
14 almost all of the issues that came up in the
15 town hall meetings were individual issues on
16 individual properties.

17 LEGISLATOR FERRETTI: So we won't
18 go in circles. But the reality is you can
19 have your town hall meetings and then do what
20 many of the legislators did, stay after and
21 have your one-on-one conversations with
22 people. Thank you.

23 LEGISLATOR NICOLELLO: Legislator
24 Birnbaum.

25 LEGISLATOR BIRNBAUM: I find this

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2 very interesting that we're questioning his
3 qualifications when for over six years this
4 county had an acting assessor who didn't even
5 have the basic qualifications as laid out in
6 the charter of this county. I tried having a
7 meeting with him personally and he couldn't
8 understand and answer my questions.

9 LEGISLATOR FERRETTI: No one is
10 questioning the qualifications. What I'm
11 questioning is if he has the qualifications
12 what's the use of them if he's not willing to
13 talk to residents? What is he doing? You and
14 the rest of the minority didn't vote for a
15 referendum on an elected assessor because you
16 said we need someone with qualifications.
17 Why? If he's not willing to talk to
18 residents, why?

19 LEGISLATOR BIRNBAUM: I think you
20 bring up a very good point that he is
21 qualified and he understands assessments and I
22 trust his judgement when he says that the best
23 way to meet with the public in his experience
24 is to meet one on one and answer their
25 question. Because half the time the questions

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2 are not addressed to the assessor. They're a
3 tax question and he is not the person to
4 answer them. So when he brings his staff to
5 meetings they sit down with the constituents
6 one on one and they answer their specific
7 question.

8 LEGISLATOR NICOLELLO: I think we
9 understand where we all stand. The majority
10 feels that a town hall type format, public
11 hearing type format where the individual
12 stands in front of the group, gives a
13 presentation and answers questions for the
14 entire group is the preferred way to go. The
15 minority seems to believe that individual
16 meetings with the individual, in this case the
17 assessor, is preferable. That's where we
18 are. Obviously we're not going to reach an
19 agreement tonight. So having said that, any
20 public comment on this item?

21 MR. BUDNICK: Honorable members,
22 Honorable Mr. Moog. On the one hand I do
23 agree with the legislative majority
24 wholeheartedly that there should be at least
25 five public hearings at which people if they

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2 wish to stand up and address the county
3 assessor should be able to do so. And while
4 they're there ask, if they want to, to have a
5 meeting.

6 You know, you have to realize that
7 assessments are sensitive things on the one
8 hand, but you don't want to give the
9 appearance of impropriety that some people
10 might ascribe to having just only confidential
11 meetings. Okay? That's a very important
12 point that nobody seems to be thinking about.

13 Also, forgive me for saying this, I
14 agree with Mr. Moog that there should be more
15 meetings than just five. For example, if you
16 tried to fit all the people in the Town of
17 Hempstead who have questions to the assessor
18 into one meeting in the Town of Hempstead it
19 might go on for three days without a break.
20 Consideration might be given to having more
21 meetings as suggested by Mr. Moog. I commend
22 him for that.

23 But you have to realize that you
24 have to give the people, the people of this
25 county, the right to stand up at a public

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2 hearing and ask questions in public if they
3 want to. And they can always arrange to have
4 meetings of a less formal nature either at the
5 offices of the board of assessment or other
6 places or after the public hearing part of the
7 meeting is over.

8 Your local law should be enacted by
9 everyone here unanimously. And Mr. Moog's
10 suggestions that they have more meetings I'd
11 like to see that that also comes to pass. God
12 bless you one and all and once again my
13 apologies for my earlier outburst.

14 LEGISLATOR NICOLELLO: Any other
15 public comment?

16 MR. MARGOLIS: As someone who
17 just went through this for the last nine
18 months, that's correct, nine months it took me
19 to get a meeting with Mr. Moog. Respectfully,
20 my legislator is Arnold Drucker. He knows
21 about my issue. He's not the one that got me
22 the meeting. So I think it would have been
23 helpful as a person who went through this
24 process if I had had an opportunity to meet
25 with the assessor prior. I would have known I

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2 was wasting my time anyway for the last nine
3 months. And I wouldn't have had to lose 200
4 hours of making phone calls and trying to do
5 things to get a meeting. Trying to get in
6 touch with Laura Curran because I thought it
7 was her that was responsible for this only to
8 then be told no, you have to meet with
9 Mr. Moog after nine months.

10 I have a client who all their
11 information is in the computer system and it
12 determines what the bills are and everything a
13 month. They always say that's like their
14 vault. If the information in the vault is not
15 right then you have a problem.

16 I'm looking when you guys talked
17 about these tax impact notices. I'm looking
18 at my tax impact notice. The first one. This
19 says here without the transitional cap I'd be
20 paying \$20,000 in taxes. With it I'd be
21 paying \$16,000 in taxes. Just last July I
22 believe they posted online that no one even
23 got a mailing for that. My taxes are now
24 going to be, let's see, they're supposed to be
25 \$23,000 but they're going to be \$35,000 if the

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2 taxpayer protection passes. And this upcoming
3 year they're going to be \$40,000. We're
4 talking about .2 acres in Plainview. This is
5 not on the beach or on the water. .2 acres.
6 My taxes are double what they told me on this
7 sheet they were going to be according to this
8 paper.

9 So, getting back to this. It
10 doesn't matter how many meetings you have. It
11 doesn't matter how many people have a right to
12 ask. They're never going to answer the
13 questions that people want to know the answers
14 to. And if they do answer them they're going
15 to say it's your fault or blame you or do
16 whatever anyway. So you can have 100 meetings
17 or 1,000 meetings, just like Mr. Santeramo's
18 comes up here and answers for him, he's not
19 going to answer the questions that the people
20 want answered anyway. We just wasted two more
21 hours of time.

22 I'm sorry that Legislator Abrahams
23 who did say this shouldn't be a political
24 issue. This is people's lives. Let's get the
25 politicalness out of this and let's have

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2 everyone talking logically here. It's crazy.
3 This is not an issue. When somebody has a
4 piece of paper saying their taxes should be
5 20,000 and then they're standing with 40,000
6 something is wrong. It doesn't take politics
7 to know that. So let's put the politics aside
8 and let's discuss this rationally.

9 LEGISLATOR NICOLELLO: Any other
10 public comment? Hearing none, I need a motion
11 from Legislator Ford to close the hearing and
12 a second by Legislator Schaefer. All in favor
13 of closing the hearing signify by saying aye.
14 It's closed.

15 We are going to item 17. A local
16 law to amend Section 605 of the county
17 government law of Nassau County to require
18 public hearings in relation to the completion
19 of the tentative assessment roll.

20 Moved by Legislator Ford. Seconded
21 by Legislator Schaefer. It's already been
22 discussed obviously. Any further debate or
23 discussion? Hearing none, all in favor
24 signify by saying aye. Those opposed? Passes
25 by a vote of 11 to eight. We are going to

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2 have to take a short break and come right
3 back.

4 (A recess was taken at 6:33 p.m.)

5 (Reconvened meeting at 6:41 p.m.)

6 LEGISLATOR NICOLELLO: We are
7 going to item four which is a hearing on a
8 proposed local law. It's a local law to amend
9 the county government law of Nassau County in
10 relation to the establishment of a residency
11 requirement for the county assessor.

12 Moved by Legislator Muscarella.

13 Seconded by Deputy Presiding Officer Kopel.
14 That's a motion to open the hearing. All in
15 favor of opening the hearing signify by saying
16 aye. Those opposed? The hearing is open.

17 This is real simple. It would
18 require that the assessor be a resident of
19 Nassau County. Obviously one of the things
20 that came up repeatedly at our meetings is
21 that it's important for the assessor to have a
22 stake in the game as opposed to not, which is
23 the current condition. I'm going to assume
24 that Mr. Moog is opposed to this one.
25 Although we have plenty of homes in New Hyde

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2 Park that would be perfectly suitable. Would
3 shorten your commute to work tenure.

4 MR. MOOG: There are plenty of
5 very nice homes in New Hyde Park. I have been
6 there quite a few times.

7 I object to the resolution. I just
8 want to state for the record that the
9 residency requirement is not a requirement in
10 most jurisdictions. I know New Rochelle, Rye,
11 Greenburgh, Yonkers. Even New York City three
12 of the chief assessors during my lifetime
13 lived outside the city. One in lived Nassau
14 County. One lived in Goshen. One lived in
15 Nanuet.

16 It's not very common to have
17 assessors living in jurisdictions when you
18 have a large jurisdiction like Nassau County
19 which requires a lot of expertise and the
20 talent pool gets very, very thin to find
21 people who have the qualifications to do the
22 assessment. Right now in Nassau County I
23 think there's only five to seven people in the
24 entire county that have an IAO. And I think
25 they interviewed some of them and they turned

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2 the job down. Other ones are retired. So, I
3 just want to say for the record that in a
4 jurisdiction like New York City you had people
5 that lived outside the city doing the
6 assessment. And now I yield over to my
7 general counsel.

8 MR. KELLY: I'd just like to add
9 that the comment that's been brought up about
10 having an assessor who lives in Nassau County
11 is so that the assessor can have some skin in
12 the game or feel the effects of his own
13 decisions which to us is an argument exactly
14 why you should not have an assessor who lives
15 is in Nassau County. Because the assessor
16 would be making decisions in that case based
17 on their own personal feelings, based on their
18 own personal situations, which is not who you
19 want making decisions on a county-wide basis.
20 These are decisions that should be made
21 uniformly. In fact, the law requires that
22 decisions on assessments be made uniformly and
23 they cannot be made with an assessor who's.
24 Constantly thinking to themselves what's my
25 stake in this? So the Department of

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2 Assessment does object to this.

3 LEGISLATOR NICOLELLO: That
4 argument, if you accept that argument, perhaps
5 the county executive should not be a resident
6 of the county because she would be worrying
7 about how it would affect herself.

8 I would also say look, there are,
9 as your own admission, between five and eight
10 people qualified to do this now living in the
11 county. This is a plum position in terms of
12 leadership in the community. In the
13 assessment community. I would assume if
14 anyone is offered this position that has the
15 qualifications from elsewhere that they would
16 be willing to move to this county because we
17 believe that this is a position that people in
18 the assessment field would want to have.

19 Anyone else want to comment on this one?

20 Legislator Birnbaum.

21 LEGISLATOR BIRNBAUM: In all
22 fairness, I don't think we've examined where
23 heads of departments in any other department
24 of Nassau County resides. And I just in front
25 of me happen to have one resume and it's the

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2 person we just put in as head of the Minority
3 Affairs Department. And it looks to me that
4 his residency is not in Nassau County. So I
5 think we need to leave it up to find the best
6 qualified person for the position, which is
7 what we've done all along for every other
8 department.

9 Again, I will restate, in the past
10 for over six years we had an assessor who
11 didn't even meet the qualifications to be an
12 assessor let alone live in the county. I just
13 think this one picayune piece is not necessary
14 as legislation. Thank you.

15 LEGISLATOR NICOLELLO: I would
16 contest the fact that this is picayune and I
17 would say that the Department of Assessment
18 and the assessor in particular has a
19 particularly important role to play. And as
20 we have seen reassessment that has roiled the
21 entire county that this position is unique in
22 term of it's important to our resident as
23 opposed to say, as important as they are, the
24 commissioner of Consumer Affairs or one of the
25 other departments. This is a unique position

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2 which is why believe someone who holds it
3 should be residing in the county.

4 Deputy Presiding Officer Kopel.

5 LEGISLATOR KOPEL: I just want to
6 say I agree with half of what Legislator
7 Birnbaum says. One doesn't fight with the
8 other. I think that we should have the proper
9 qualifications, which clearly is important,
10 and that they should live in the county.
11 They're not mutually exclusive at all. The
12 fact that you believe, and I'm not going to
13 quarrel with you, that someone may have been
14 not superbly qualified that's gone and done.
15 I think in the future we should do what makes
16 sense and both of those things make sense.

17 LEGISLATOR BIRNBAUM: I agree but
18 in terms of the numbers we just heard that's
19 not very many people. I know that for many
20 jobs they interview numerous candidates. We
21 just heard that in minority affairs they took
22 over a year to find someone to handle that
23 job. And it's not that easy to find a pool of
24 people that are so qualified for each
25 position.

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2 LEGISLATOR KOPEL: Actually we
3 will find the pool of people because you've
4 got a nationwide search and the vast majority
5 of them would be delighted to live here.

6 LEGISLATOR BIRNBAUM: You cannot
7 have a nationwide search for a Nassau County
8 position if that's the residency requirement.

9 LEGISLATOR NICOLELLO: You as
10 part of the legislature just was part of one
11 because we did a nationwide search for the IG.

12 LEGISLATOR BIRNBAUM: There was
13 no qualification for living in the county.

14 LEGISLATOR KOPEL: Actually, we
15 interviewed people from all over the country
16 and they would have been delighted to move to
17 the county. Obviously they would have had to
18 move to the county. That did not seem to
19 discourage anyone. There are a lots of people
20 who would.

21 LEGISLATOR BIRNBAUM: I believe
22 many of them were from out of state.

23 LEGISLATOR KOPEL: Exactly my
24 point. There were lots of people from out of
25 state who were obviously delighted with the

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2 possibility of getting the job and moving to
3 the county. It's a good position. It's nice
4 position. Career advancement for some of
5 them. And they understood they have to live
6 here and there's nothing wrong with that.

7 MS. BROWER: Mary Brower, acting
8 chief deputy assessor. I have been with the
9 county for about 15, 16 years starting with
10 the Assessment Review Commission and prior to
11 that I was a SCAR hearing officer. I'm a
12 certified real estate appraiser. I come from
13 a family that's lived in Nassau County. I
14 lived around here. I was chief appraiser for
15 the northeast region for Citibank for a number
16 of years.

17 I think the question of expertise,
18 we are a special assessing unit. New York
19 City is the other special assessing unit. So
20 for the question of expertise and knowing the
21 rules that go with a special assessing unit
22 are important. I think that to your point
23 that the knowledge base, Mr. Moog is the first
24 assessor I have seen in 15 years that I felt
25 was ultimately qualified and has done an

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2 excellent job. I spoke to one of my other
3 supervisors who has been in this position, his
4 position, for 30 some odd years and he says
5 he's the best assessor he's seen in that time
6 frame.

7 We are finally moving forward. We
8 are trying to fix some of the items that have
9 been plaguing this county and increasing our
10 debt for a number of years. I don't think a
11 search for someone, and I was here when we had
12 someone that came originally from Connecticut
13 that didn't know our market. So an
14 international and national search does not, to
15 me, give me a qualified candidate. Here we
16 have waterfront properties. We have unique
17 properties here. I feel we have to be
18 careful. You have a limited number of
19 candidates in Nassau County. That doesn't
20 mean they're qualified to do the job.

21 LEGISLATOR NICOLELLO: Let me ask
22 you this. Mr. Moog spent his entire career
23 from what I recall in the city ma'am and
24 obviously we have unique characteristics to
25 Nassau County. But when we hired him he was

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2 coming from the city. What was his knowledge
3 of our unique characteristics if that is the
4 standard?

5 MR. MOOG: I have knowledge of
6 Article 1800 and the restrictions and caps
7 applied to Nassau County same as applied to
8 New York City. You need knowledge of the Real
9 Property Tax Law and how it's applied to a
10 large jurisdiction.

11 I also want to point out that two
12 of the people who had IAOs in the county were
13 interviewed and they turned down the
14 position. From the other five I looked at I
15 think the other five are retired. So the pool
16 is very limited from people in Nassau County.

17 MR. KELLY: Mr. Presiding
18 Officer, to answer your question, Article 18
19 of the Real Property Tax Law deals with
20 special assessing jurisdictions. Nassau
21 County and New York City are the only two
22 special assessing jurisdictions in New York
23 State. So expertise gained in New York City
24 is transferable to Nassau County as we have
25 the four class systems and the --

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2 LEGISLATOR NICOLELLO: I think
3 what Ms. Brower was referring to was the
4 unique characteristics of Nassau County in
5 terms of geography, in terms of neighborhoods,
6 in terms of waterfront not in terms of Article
7 18 of the Real Property Tax Law.

8 MR. KELLY: Everything has to be
9 taken into account in determining who's a
10 qualified assessor.

11 LEGISLATOR NICOLELLO: We hear
12 you. Legislator Rhoads.

13 LEGISLATOR RHOADS: Ms. Brower,
14 if can I ask, for how long was it required
15 that the county assessor be a resident of
16 Nassau County? The answer is 60 years.

17 LEGISLATOR RHOADS: So from 1938,
18 up until the passage of the referendum to
19 switch from an elected to appointed assessor,
20 you had a Nassau County resident who served as
21 the county assessor. Are you aware of that?

22 MS. BROWER: No.

23 LEGISLATOR RHOADS: Incidentally,
24 we can still conduct under this law a
25 nationwide search for a qualified assessor.

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2 The only restriction is that in order to
3 accept the job they have to establish
4 residency in Nassau County. Are you aware of
5 that?

6 MR. BROWER: That's where I
7 disagree with you in the point that somebody
8 who is from outside of this market are in
9 understanding our market area and the things
10 that affect us both as a special assessing and
11 four class system would not be --

12 LEGISLATOR RHOADS: So you
13 believe that they should be a resident of
14 Nassau County at the time they're hired?

15 MS. BROWER: No. I believe it
16 should be someone familiar with our systems.

17 LEGISLATOR RHOADS: You believe
18 it should be a county resident?

19 MS. BROWER: No.

20 MR. KELLY: Ms. Brower did not
21 that she believes it can be a county resident.

22 LEGISLATOR RHOADS: She's saying
23 two contradictory things which is why I'm
24 having difficulty understanding it.

25 MS. BROWER: As I said, New York

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2 City is also a special assessing district.

3 Forgive me but Brooklyn and Queens are on Long

4 Island. To me it's not important. I'm an

5 appraiser so I value anywhere. I can go up

6 other places but the time it takes to collect

7 the data and learn the market area is

8 important.

9 LEGISLATOR RHOADS: So if we hire
10 somebody from let's say Queens there's nothing
11 wrong with us saying move into Nassau County?

12 MR. KELLY: I'm not sure what the
13 rational for telling somebody that they have
14 to move into Nassau County is.

15 LEGISLATOR RHOADS: Ms. Brower
16 doesn't need you to speak for her.

17 MR. KELLY: Especially for a
18 three year term.

19 MS. BROWER: It's basically what
20 I would have said is what was the rational for
21 someone to have to move into Nassau County in
22 order to be the assessor for Nassau County?

23 LEGISLATOR RHOADS: To be
24 familiar with the intricacies of Nassau
25 County. Nassau County is not New York City

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2 regardless of whether it has a designation as
3 a special unit or not.

4 MS. BROWER: I also say that as
5 we've said we've hired probably expertise in
6 various areas of the county government that
7 did not require someone to be a resident
8 here. It required their expertise. I'm
9 talking about expertise. And to ask someone
10 to uproot themselves and move for a short
11 period of time especially because of elections
12 and things I think is terribly unfair.

13 LEGISLATOR RHOADS: It happens
14 all the time.

15 MS. BROWER: I hear you. But
16 what it comes down to is we need someone that
17 has the expertise to do the job, to turn this
18 around, to get our property properly assessed,
19 to get the system working after many, many
20 years of it not working, to stop feeding some
21 of the outside firms as much refund and
22 creating such refund that liability as we've
23 had for this long period of time and to stop
24 that. And to that you have to have someone
25 who understands the system.

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2 LEGISLATOR RHOADS: Out of
3 curiosity, how much refund liability have we
4 had in the last five years on residential
5 property?

6 MS. BROWER: I don't have that
7 answer in front of me.

8 LEGISLATOR RHOADS: The answer
9 should be zero.

10 MS. BROWER: It's not.

11 LEGISLATOR RHOADS: Thanks for
12 your opinion.

13 LEGISLATOR NICOLELLO: Anyone
14 else want to talk about residency? Any public
15 comment?

16 MR. BUDNICK: I have an awkward
17 question. Has anyone checked with the Nassau
18 Civil Service Commission and the county
19 attorney's office to determine whether at the
20 request of the county executive, even if this
21 law is passed, our current sitting assessor
22 might be entitled to an exemption at the
23 request of the county executive of the county
24 for good cause shown to the Civil Service
25 Commission? I do not know that answer.

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2 LEGISLATOR NICOLELLO: I don't
3 think we looked into that.

4 MR. BUDNICK: I have one other
5 thing I must point out generically about
6 assessment. We all have to realized as we
7 approach the end of the year the assessment
8 roll as promulgated must be approved or
9 disapproved by this board at the time when we
10 issue tax warrants to the receivers of taxes.
11 In effect, you must approve the assessment
12 roll as promulgated or perhaps not approve
13 it. The county executive, the assessor and
14 all of you have to maintain in your minds that
15 you have that power. Thank you. Once again
16 thanks for putting up with me.

17 LEGISLATOR NICOLELLO:
18 Mr. Margolis you have comments?

19 MR. MARGOLIS: You guys can take
20 this for what it's worth. The thing that made
21 me the most upset about this whole situation
22 that I've been through, and I haven't
23 explained the whole thing, was when I learned
24 who Ms. Brower, who was trying to help me, had
25 a house in Nassau that next year is valued in

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2 Syosset at \$235,000. Then I found out
3 Ms. Laveman, who runs the Administrative
4 Review Commission, her house was valued at
5 like I think \$900,000 for next year.

6 I'm not saying there's any
7 impropriety. That they didn't have a right to
8 grieve just like everybody else and do that
9 stuff. But when they sit here, Ms. Brower
10 sits here and says she's an expert on
11 assessing and she takes my house, a new house,
12 and gives it a four percent reduction off the
13 top while she's receiving like a 75 percent
14 reduction that really upset me. Just because
15 you have a place in Nassau County doesn't mean
16 you're going to do the right thing and blow
17 the whistle. I don't where that fits in to
18 maybe you will maybe you won't. I don't
19 know. I'm just saying it upset me.

20 The biggest thing I'm upset about
21 is how they were allowed -- the people that
22 are still working in the assessor's office
23 that still work for the county were allowed to
24 assessed these numbers on new construction at
25 these full rates when they knew well that

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2 everybody else the average in these
3 neighborhoods was off by 75 percent.

4 Ms. Laveman, who is the head of
5 ARC, I believe her assessment from -- let me
6 get this correct -- 2019-2020 assessment next
7 year is approximately 900 and something
8 thousand. After the reassessment she goes to
9 \$1.75 million. That's a 75 percent increase.
10 One would think her taxes are going to shoot
11 through the roof, right? When you look at her
12 taxpayer protection plan her taxes barely
13 change. Why? Because they knew that
14 everybody in Syosset was off by 75 percent
15 except they just said we'll let the new home
16 buyers, the people that did alterations, the
17 Sandy victims pay for it. That hurts more
18 than anything. Your own people that still
19 work for you are cheating you. Yes, it could
20 be de minimis at the end. \$10, \$20 difference
21 in taxes. But they knew that and they lived
22 here. So take that for what it's worth.

23 LEGISLATOR NICOLELLO: Motion to
24 close the hearing by Legislator Muscarella.
25 Seconded by Deputy Presiding Officer Kopel.

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2 All in favor of closing the hearing signify by
3 saying aye. Hearing is closed.

4 We'll move to the vote on the local
5 law which is item 18. A local law to amend
6 the county government law of Nassau County in
7 relation to the establishment of a residency
8 requirement for the county assessor.

9 Moved by Legislator Muscarella.

10 Seconded by Legislator Kopel. All in favor
11 signify by saying aye. Those opposed? That
12 is 11 to eight.

13 I'm going to do the last two
14 assessment items now. This way Mr. Moog and
15 his staff can leave after that.

16 Item 79 is Resolution 176. It is a
17 resolution to require the assessor to issue
18 impact notices based upon the assessed values
19 contained within the tentative roll issued on
20 January 2, 2019 and based on the 2019-2020 tax
21 levies.

22 Moved by Legislator Rhoads.

23 Seconded by Legislator Ford. We have
24 submitted an amendment to that. It does a
25 number of things. It makes the corrections,

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2 the technical corrections that were pointed
3 out by the administration. It corrects the
4 tax levy year from 2019 to 2020 to 2018-2019.
5 It also adds county taxes and removes village
6 and city taxes. So that's the amendment.

7 Motion to amend by Legislator

8 Rhoads. Seconded by Legislator Ford. All in
9 favor of the amendment signify by saying aye.
10 All opposed? Amendment passes 11 to eight.
11 We have the amended item before us now. We've
12 removed some of your objections.

13 MR. KELLY: Some of the removals
14 were the removal of what we consider to be
15 technical defects of the law. However, our
16 arguments against this don't actually change.
17 What this law effectively asks us to do right
18 now is to print out all 385,000, I will say
19 that number again, 385,000 taxpayer protection
20 plan statements that were issued in July of
21 this year and physically mail them to all
22 homeowners in Nassau County. Which would be
23 at a cost of approximately \$240,000 and we
24 would have three weeks to do so by the
25 deadline established in the resolution.

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2 At the previous public hearing I
3 stated that a notice of that kind would take
4 at minimum three to four weeks. This notice
5 you are requiring us or the proposal is to
6 require us to give this notice within three
7 weeks. We do not believe that that is
8 practical.

9 This notice is not legally required
10 like every other notice that we send out. It
11 is a notice that we prepared in our office and
12 made available online for informational
13 purposes. We do not believe that the taxpayer
14 should be spending \$240,000 to have these
15 mailed to everybody's homes and we do not
16 believe that there is sufficient time to even
17 accomplish this local law anyway.

18 MR. MOOG: I just want to add to
19 that, if those notices were mailed on October
20 15th they would be mailed at the same time the
21 school bills are going out which will cause
22 even more confusion to taxpayers receiving a
23 notice from us as well as a tax bill from
24 their school tax. Having two notices arriving
25 at the same time wouldn't clear anything for

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2 taxpayers. It would actually make it more
3 confusing. Thank you.

4 LEGISLATOR NICOLELLO: One of the
5 arguments you made in committees was well, we
6 posted the tax impact notice on the website.
7 I was at a meeting this morning and one of the
8 residents had brought her ladder report and
9 was asking me questions about the ladder
10 report. Another gentleman who was there after
11 hearing the question says what is that? So
12 your comments that well, it's on the website
13 it just defies reality.

14 People, number one, generally do
15 not go to the county's website. Number two,
16 they would have to navigate around that
17 website to actually find these things. The
18 vast majority of our taxpayers, our residents,
19 have not seen that. All we're asking you to
20 do is provide that information to the public
21 so that they understand after more recent
22 developments have taken to the updated tax
23 roll with the phase in that was actually
24 passed by Albany, so that the residents will
25 have an idea as to what their taxes will be.

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2 That's all we're asking you to do
3 is to give people something that you -- by
4 posting it on the website you have admitted
5 it's valuable information for our taxpayers
6 but you're willing to accept that the vast
7 majority of those taxpayers will never see
8 it. We are not willing to accept that. We
9 want to see our residents get that in the
10 mail.

11 MR. KELLY: Respectfully, Mr.
12 Presiding Officer, we posted these on the
13 website so that we didn't have to saddle the
14 taxpayers with an extra quarter of a million
15 dollars of expenses for a notice that is not
16 legally required for us to send.

17 LEGISLATOR NICOLELLO: You're
18 counsel, correct?

19 MR. KELLY: Yes.

20 LEGISLATOR NICOLELLO: Your job
21 at the Department of Assessment is to
22 determine how the legislature directs the
23 county to spend its money or not?

24 MR. KELLY: I would defer that to
25 Mr. Moog who is the assessor who has the

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2 authority of how to spend his budget.

3 LEGISLATOR NICOLELLO: You just
4 made the representation.

5 LEGISLATOR NICOLELLO: You just
6 made the representation. You're telling us
7 that your objection as the attorney is because
8 of how much it's going to cost.

9 MR. KELLY: That is one of our
10 objections. Addressing one of your points.

11 LEGISLATOR NICOLELLO: And it's
12 your job now to tell us, as counsel to the
13 Department of Assessment, your job to tell us
14 as the legislative body of this county that
15 you don't want to spend \$200,000 to inform our
16 residents, is that what you're telling us?

17 MR. KELLY: I'm representing my
18 department sir.

19 MR. MOOG: And that is the
20 position of the department.

21 LEGISLATOR NICOLELLO: That's not
22 a surprise. You don't want to go to public
23 meetings. You don't want to mail out notices.

24 MR. MOOG: I don't want to be
25 spending extra money which is not necessary.

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2 LEGISLATOR NICOLELLO: Of course
3 it's not necessary. Right? Why should we get
4 this information in the hands of the public?
5 Wait, wait. I was responding to Mr. Moog
6 Mr. Kelly. If you did these meetings, if you
7 actually went out in front of a room and
8 answered the difficult questions and listened
9 to the taxpayers you'd understand how much
10 they want information. How confused they are
11 over the process to date. That's where this
12 comes from. It comes from the people. They
13 don't understand because of the way it's been
14 handled. And our feeling is the more
15 information you can get into the hands of the
16 public the better.

17 There's a lot of things government
18 spends money on. In my opinion, one of the
19 best things we can spend our money on is
20 getting information to people about how their
21 taxes are determined. I don't know how many
22 better things there are to spend money on.
23 Transparency. Letting people know. That's my
24 feeling. Legislator Ferretti.

25 LEGISLATOR FERRETTI: Mr. Moog,

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2 when I listened in on the Rules Committee
3 meeting on September 9th out of all the bill
4 of rights bills that I heard the explanation
5 for this one was the most troubling. That's
6 partially because I held a reassessment town
7 hall meeting just four days before on
8 September 5th and the topic there, the way it
9 was advertised as a meeting, was understanding
10 your ladder report. 90 people showed up to
11 the meeting. Out of those 90 people most
12 didn't know what a ladder report was.
13 However, 89 of the 90 were not aware of this
14 notice on the website.

15 I mailed 89 out of the 90 this
16 notice because they didn't know it existed and
17 they wanted to see it. That's partially
18 because you have already indicated that the
19 original tax impact notices were inaccurate
20 and that there were changes made after it.

21 The idea that the administration is
22 feigning fiscal conservatism with this issue.
23 Residents have a right to know what's going to
24 happen with their taxes. The first set of tax
25 impact notices were not accurate. You've now

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2 put new tax impact notices on the website.

3 You haven't told anyone that you've done
4 that. They have no reason to know you've done
5 this. You didn't even call it a tax impact
6 notice on the website. You called it
7 something ludicrous. And so when you tried to
8 search for it you can't even find it. This is
9 outrageous. You owe it to the residents of
10 Nassau County to mail these and this entire
11 body owes it to the residents of Nassau County
12 to vote for this and make sure you do it.

13 MR. KELLY: Mr. Ferretti, I'm
14 going to respond from an attorney's
15 perspective. This is not called a taxpayer
16 tax impact notice because it is not a tax
17 impact notice. It is a notice that was meant
18 to convey information about the impacts of the
19 taxpayer protection plan which was recently
20 proposed by the county.

21 LEGISLATOR FERRETTI: What do you
22 call it on the website?

23 MR. KELLY: On the website it's
24 called a taxpayer protection plan statement.

25 LEGISLATOR FERRETTI: Do you

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2 think Mr. Margolis in the back thinks it's a
3 taxpayer protection plan statement?

4 MR. KELLY: That is the name
5 given to the statement. You called it a tax
6 impact statement. Tax impact statement has
7 been the name given by a lot of people and I
8 have corrected it time and again. It's not a
9 tax impact statement.

10 LEGISLATOR FERRETTI: That's
11 probably because you didn't include the
12 previous year's fair market value on that
13 notice, correct?

14 MR. KELLY: Again, it's a notice
15 that is not legally required. And to respond
16 to a comment by the Presiding Officer, if we
17 were so afraid of giving notice we wouldn't
18 have created them in the first place. These
19 are not legally required notices. They were
20 put on the website for the purposes of saving
21 money to avoid mailing costs and to inform the
22 residents.

23 LEGISLATOR FERRETTI: And you
24 didn't include the previous fair market value
25 on the notice, correct?

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2 MR. KELLY: The previous fair
3 market value is not included on the notice
4 because it's not relevant to the notice.

5 LEGISLATOR FERRETTI: In you're
6 opinion. But it's not there, right?

7 MR. KELLY: It is factually --

8 LEGISLATOR FERRETTI: It was in
9 the original tax impact notices, right?

10 MR. KELLY: Because that's a tax
11 impact notice.

12 LEGISLATOR FERRETTI: I'm just
13 asking a question. Were they on the original
14 tax impact notices?

15 MR. MOOG: Yes.

16 LEGISLATOR FERRETTI: And they're
17 not on these notices, right?

18 MR. KELLY: That's correct.

19 LEGISLATOR FERRETTI: What did
20 the Department of Assessment do to notify
21 residents that these taxpayer protection plan
22 notices were being posted on the website?

23 MR. MOOG: A press release was
24 made and an article appeared in Newsday about
25 the new tax --

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2 LEGISLATOR FERRETTI: I'm very
3 happy to hear that Newsday put an article.
4 I'm asking what the administration or your
5 office did to notify residents that there was
6 this taxpayer protection plan notice on the
7 website? Because 89 out of 90 at Levittown
8 Hall on September 5th had no idea.

9 MR. KELLY: Again, this is not a
10 legally required notice. Are we supposed to
11 send 385,000 notices to people to tell them
12 that another notice is coming in the mail?

13 LEGISLATOR FERRETTI: That's
14 great. Wonderful. Did your office do
15 anything to notify residents of Nassau County
16 that this, won't call it a taxpayer impact
17 notice, that the taxpayer protection plan
18 notice was put on the website?

19 MR. KELLY: At all exemption
20 seminars, which people come and talk about,
21 every question that they have about assessment
22 taxpayer protection plan statements were
23 advertised and were told to people that they
24 are on the website. As people call in we tell
25 them that the statements are on the website.

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2 People come to the office we tell them that
3 the statements are on the website.

4 MR. MOOG: This statement was
5 mentioned not only in Newsday but news
6 programs. There was a press releases made by
7 the county executive and information from the
8 news media spread from that point.

9 LEGISLATOR FERRETTI: That's it?

10 MR. KELLY: That is our answer.

11 LEGISLATOR FERRETTI: Has there
12 been any instruction at any point by the
13 Department of Assessment how to navigate the
14 website to get to this taxpayer protection
15 plan notice?

16 MR. MOOG: The taxpayer
17 protection plan is on the general
18 correspondence site where all the
19 correspondence for all person's tax statements
20 is kept.

21 LEGISLATOR FERRETTI: When you
22 say that that's not exactly true, right?
23 because there's a different drop down link.
24 There's one link for taxpayer protection
25 plan. There's a different link for

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2 correspondence; isn't that true?

3 MR. KELLY: There's one link that
4 says tax impact notice. One link that says
5 correspondence that has tax impact notice.
6 And right beneath that is another link that
7 says taxpayer protection plan.

8 LEGISLATOR FERRETTI: So it's not
9 the same, right? Mr. Moog didn't even know.

10 MR. KELLY: It's the same website
11 as Mr. Moog --

12 LEGISLATOR FERRETTI: Mr. Moog
13 didn't even know how to get to it.

14 MR. MOOG: I know how to get to
15 it.

16 LEGISLATOR FERRETTI: You just
17 said it was the same link. It's not.

18 MR. MOOG: It's on the same web
19 page. It's on a tab on the same web page.

20 LEGISLATOR FERRETTI: Thank you.

21 LEGISLATOR KOPEL: As I'm
22 listening to the back and forth over here I'm
23 struck by several things. First of all, it
24 seems like both of you respectfully
25 misapprehend your roles in this entire

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2 process. Your objections are initially what
3 you stated to the presiding officer is that it
4 would cost several hundred thousand dollars to
5 go ahead and do what it is that we'd like to
6 do.

7 Secondly, you don't think that it's
8 necessarily. And thirdly, you don't think
9 it's legally required. I would tell you that
10 none of those are, quite frankly, any of your
11 business. It's our job over here to decide
12 what's necessary. It's our job over here to
13 decide if it's worth spending a few hundred
14 thousand dollars and not yours. Either of
15 those. If we do pass legislation then it will
16 be legally required to do it in the form we
17 prescribe. So I don't hear a single valid
18 objection coming either of you.

19 And Mr. Kelly, you're actually
20 turning into a political advocate here rather
21 than a legal counsel who is explaining. You
22 work for the department but you work for the
23 county. You don't work for a party and you're
24 not supposed, I don't think, advocate for a
25 political position. We're talking about a

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2 political position over here. And this is a
3 decision as to what we are trying to do for
4 the residents of the county.

5 And again, it's our decision about
6 spending money. It's our decision and of
7 course the county executive can weigh in on
8 that and most assuredly will. It's our
9 position, it's our job to decide what should
10 be required and what the county residents
11 should get in the way of information and how
12 residents should get it not yours.

13 MR. KELLY: As I stated before
14 Mr. Kopel, I'm the attorney for the Department
15 of Assessment. I'm stating the position of
16 the Department of Assessment.

17 LEGISLATOR KOPEL: That's not
18 your job as attorney.

19 MR. MOOG: I also just want to
20 state by sending statements out when school
21 tax bills are going at the same time doesn't
22 give clarity to the taxpayer. It makes more
23 confusion. Having statements going out the
24 same time as school bills is not helpful to
25 the county or helpful to the department.

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2 LEGISLATOR KOPEL: Once again
3 that's your opinion but it's our decision.
4 It's not really something that you should be
5 deciding. That's something that we have to
6 weigh and decide here on the legislature.
7 That's our job. That's why we're here.
8 That's why we were elected by our constituents
9 to make those decisions.

10 MR. MOOG: And my job is to give
11 my opinion of what those decisions may impact
12 the department and the county.

13 LEGISLATOR NICOLELLO: Legislator
14 Gaylor.

15 LEGISLATOR GAYLOR: Thank you
16 Mr. Presiding Officer. It's become abundantly
17 clear to me over the course of the evening and
18 these last four or five local laws that we're
19 back to leadership. Or lack of it. I'm just
20 going to leave you with what I believe and the
21 way I've learned as I have come up in life.
22 There are three types of the people. There
23 are those leaders, the followers and those
24 that need to get out of the way. I think it's
25 time for you, Mr. Moog, to get out of the way

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2 because you are impeding the whole process
3 here. It's time that you seriously think
4 about getting out of the way and let other
5 experts do the job that should be done. Do it
6 properly. Do it correctly. Do it in an open
7 and honest and fair and transparent manner
8 because you've demonstrated tonight that you
9 don't believe in any of that. So please, for
10 the good of the people of Nassau County, step
11 aside. Thank you.

12 LEGISLATOR NICOLELLO: Legislator
13 Rhoads.

14 LEGISLATOR RHOADS: Thank you
15 Mr. Presiding Officer. You've gone through
16 the difference between the tax impact notice
17 and the taxpayer protection -- what did you
18 call it?

19 MR. MOOG: Taxpayer protection
20 plan.

21 LEGISLATOR RHOADS: By the way,
22 who actually drafted that taxpayer protection
23 plan notice?

24 MR. MOOG: It was drafted by
25 myself and also in consultation with the

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2 county attorney's office and the county
3 executive's office.

4 LEGISLATOR RHOADS: So the county
5 executive's office had a role to play in
6 drafting that notice?

7 MR. KELLY: Yes.

8 LEGISLATOR RHOADS: What was the
9 rationale behind removing the change in value
10 from that notice?

11 MR. MOOG: I don't recall the
12 rationale at this time.

13 LEGISLATOR RHOADS: Was there a
14 rationale?

15 MR. KELLY: Sir, I'm not sure
16 about the question you're trying to ask. The
17 original value wasn't there in the first place
18 on the statement so there was no --

19 LEGISLATOR RHOADS: It's on the
20 original tax impact notice.

21 MR. KELLY: Again, you're talking
22 about the original tax impact notices. It's
23 not a --

24 LEGISLATOR RHOADS: I know you
25 keep saying it's not a tax impact notice but

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2 the purpose of the notice is to advise
3 residents of the impact on their taxes of the
4 change in assessment, correct?

5 MR. KELLY: Not of the change of
6 the assessment. Of the taxpayer protection
7 plan exemption that was passed by the state
8 legislature.

9 LEGISLATOR RHOADS: You decided
10 or assessor Moog in consultation with the
11 county attorney's office and consultation with
12 the county executive decided that information
13 wasn't relevant to provide to homeowners,
14 correct?

15 MR. MOOG: On that statement,
16 correct. It's also listed on the same page.

17 LEGISLATOR RHOADS: By the way,
18 the taxpayer protection plan notice, who was
19 it that made the decision that if residents
20 had questions with regard to the notice not to
21 call the Department of Assessment but to call
22 their legislator?

23 MR. MOOG: I don't recall who
24 made that decision.

25 LEGISLATOR RHOADS: Did you make

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2 the decision?

3 MR. MOOG: I really don't
4 recall. I'm not recalling what was the
5 decision-making process on that.

6 LEGISLATOR RHOADS: Mr. Kelly do
7 you know?

8 MR. KELLY: I don't recall off
9 the top of my head.

10 LEGISLATOR RHOADS: We have no
11 one here from the county executive's office
12 but I would have to say that that instruction
13 to reach out to individual legislators I'm
14 assuming wouldn't have been made without
15 consultation with the county executive,
16 correct?

17 MR. MOOG: It was made within the
18 committee but I'm not sure who made the
19 recommendation.

20 LEGISLATOR RHOADS: So that the
21 purpose of the taxpayer protection plan notice
22 that you're talking about really was to
23 advocate for the passage of the taxpayer
24 protection plan, correct?

25 MR. KELLY: That is the purpose.

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2 LEGISLATOR RHOADS: So it's a
3 political document?

4 MR. KELLY: It's a statement by
5 the county executive and the county assessor
6 to state how the taxpayer assessment plan
7 would affect your taxes if implemented.

8 LEGISLATOR RHOADS: So it's a
9 document that was designed to advocate a
10 political outcome, correct?

11 MR. KELLY: It was to advocate a
12 position of the county executive insofar as
13 the administration --

14 LEGISLATOR RHOADS: By the way,
15 this committee did it have any public
16 meetings?

17 MR. KELLY: What committee?

18 LEGISLATOR RHOADS: The committee
19 that Mr. Moog just referred to.

20 MR. KELLY: There were no public
21 meetings of this committee. It's not a public
22 body in the sense of the public officers law.

23 LEGISLATOR RHOADS: Who was on
24 it?

25 MR. MOOG: Various people in the

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2 county executive's office, county attorney's
3 office and the Department of Assessment. An
4 internal meeting group that worked on the
5 document.

6 LEGISLATOR RHOADS: That's not
7 you? That's not a trade secret, right?

8 MR. KELLY: I'm not sure what you
9 mean.

10 LEGISLATOR RHOADS: Who is some
11 of the names of the individuals that were on
12 that committee?

13 MR. MOOG: Myself, Connal Denion,
14 Mr. Kelly here, Helena Williams, Mary Brower.
15 It was a work in progress and the document was
16 shared and drafted and modified along the way.

17 LEGISLATOR RHOADS: Were there
18 any notes or minutes that were made in these
19 meetings?

20 MR. KELLY: Again, Mr. Rhoads
21 these weren't meetings in accordance with the
22 public officers law.

23 LEGISLATOR RHOADS: I'm in the
24 asking whether it's a--

25 MR. KELLY: No. No minutes of

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2 the meetings were collected.

3 LEGISLATOR RHOADS: I wasn't
4 there. We weren't invited to play. So I'm
5 only asking questions because I need the
6 information. Were there any formal minutes
7 taken?

8 MR. KELLY: No. There were no
9 formal minutes of meetings taken.

10 LEGISLATOR RHOADS: Were there
11 any notes made concerning the meeting?

12 MR. KELLY: I suppose individual
13 employee could have taken notes.

14 LEGISLATOR RHOADS: Were any of
15 those notes maintained?

16 MR. KELLY: You'd have to speak
17 to the individuals.

18 LEGISLATOR RHOADS: We are back
19 again to the individuals. It was Mr. Moog, it
20 was you Mr. Kelly, it was Helena Williams, it
21 was Mary Brower, Connal Denion. And who
22 else?

23 MR. MOOG: Maybe some people in
24 communications might review the document. I'm
25 not sure who in communications would have

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2 reviewed it.

3 LEGISLATOR RHOADS: How many
4 people do you have in communications?

5 MR. KELLY: About three or four
6 employees in the county executive's
7 communications office. I'm going to estimate.

8 LEGISLATOR RHOADS: Who were the
9 individuals in the county executive's
10 communication department?

11 MR. KELLY: You'd have to get
12 that information from the county executive's
13 office.

14 LEGISLATOR RHOADS: You don't
15 know the names?

16 MR. KELLY: I don't know
17 everybody's name.

18 LEGISLATOR RHOADS: You sat in
19 the meeting, right?

20 MR. KELLY: That meeting was with
21 some people.

22 LEGISLATOR RHOADS: There's only
23 three or four. I'm not talking about a
24 hundred.

25 MR. KELLY: We're talking about

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2 emails Legislator. We're talking about a long
3 process over a series of months sharing drafts
4 back and forth between emails. I don't
5 exactly remember each individual who touched
6 the document.

7 LEGISLATOR RHOADS: So in other
8 words, there were email communications back
9 and forth. There were presumably other
10 written communications back and forth
11 concerning the creation of this particular
12 document?

13 MR. KELLY: Yes.

14 LEGISLATOR RHOADS: Presumably
15 that information would be FOILable?

16 MR. KELLY: That you would need
17 to speak with the county attorney's office.

18 LEGISLATOR RHOADS: You are the
19 county attorney's office, aren't you?

20 MR. KELLY: Correct. However,
21 the Legal Counsel Bureau determines FOIL
22 questions.

23 LEGISLATOR RHOADS: I
24 understand. More transparency.

25 You mentioned the issue of funding

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2 as being an impediment to why we can't get
3 these notices in the hands of residents and
4 why we're forcing them to try and find this on
5 the website. If they know that it's on the
6 website, which apparently they don't. You
7 have about 60 unfunded positions in the
8 Department of Assessment?

9 MR. MOOG: That is correct.

10 LEGISLATOR RHOADS: Those 60
11 unfunded positions in the Department of
12 Assessment since we are approaching the end of
13 September and the end of the third quarter of
14 the year do you have any anticipation of
15 filling any of those funded positions between
16 now and the end of the year.

17 MR. MOOG: We are continuously
18 recruiting and canvassing and hiring people at
19 this time.

20 LEGISLATOR RHOADS: Based on not
21 being able to fill those 60 positions prior to
22 the end of the year, do you anticipate what
23 the budget impact will be within in your
24 department of not having to pay salaries for
25 those 60 positions?

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2 MR. MOOG: I am not sure of the
3 impact on that.

4 LEGISLATOR RHOADS: Would it be
5 more or less than \$240,000?

6 MR. MOOG: Probably more than
7 \$240,000.

8 LEGISLATOR RHOADS: And
9 substantially more than \$240,000, right?

10 MR. MOOG: Probably substantially
11 more than \$240,000.

12 LEGISLATOR RHOADS: And if you
13 don't fill those positions what happens to the
14 money?

15 MR. MOOG: I imagine gets rolled
16 over to the next year.

17 LEGISLATOR RHOADS: With a
18 resolution from the legislature there could be
19 a transfer of funds of a portion of that money
20 to pay for this mailing, correct?

21 MR. MOOG: Budget-wise yes, you
22 could do that.

23 LEGISLATOR RHOADS: Really, money
24 isn't an impediment to this? You have extra
25 money in your budget that you're not going to

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2 spend. You would agree with that, right?

3 MR. MOOG: We always try to spend
4 money very wisely in the county and that's
5 what we felt, spending \$240,000 on these
6 notices wasn't spending money wisely.

7 LEGISLATOR RHOADS: What you're
8 saying is putting the notices in the hands of
9 taxpayers is unwise?

10 MR. MOOG: From a financial
11 perspective yes. People can access them
12 online but we feel it's the most sufficient
13 way of providing the information.

14 LEGISLATOR RHOADS: By the way,
15 the four-page color hurricane mailer that we
16 all just saw with the typos in it, how much
17 money did the county executive spend on that?

18 LEGISLATOR NICOLELLO: I don't
19 think these are the right people to ask those
20 questions. Can we wrap up?

21 LEGISLATOR RHOADS: I think the
22 question itself made the point. I assuming
23 you don't have the answer, right?

24 MR. KELLY: We're not involved
25 with that mailer.

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2 LEGISLATOR RHOADS: But that
3 clearly was important enough to send out to
4 homeowners.

5 MR. KELLY: Again, we're not
6 involved with that mailer.

7 LEGISLATOR RHOADS: Thank you.

8 LEGISLATOR NICOLELLO: Minority
9 Leader Abrahams.

10 LEGISLATOR ABRAHAMS: Thank you
11 Presiding Officer. I just want to from our
12 point of view try to bring it back and clarify
13 a couple of things. First and foremost, I was
14 listening to Legislator Kopel. He is right in
15 the sense that we as a legislative body
16 determine whether or not we want to spend the
17 money. Fortunately for us it's not really
18 about spending the money. We would be happy
19 to spend money that we know full well is to
20 educate taxpayers in Nassau County.

21 But the question I really have for
22 you, and I think Mr. Kelly you addressed it
23 the last time around, I just want to make sure
24 I understand. The notices that the majority
25 is asking to go out would be before October

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2 15th if I understand that correctly according
3 to the legislation?

4 MR. KELLY: That's the wording of
5 the proposals now that they have to go out
6 before October 15th.

7 LEGISLATOR ABRAHAMS: Today is
8 September 23rd. So, logistically, if this
9 bill was passed, assume it was signed by the
10 county executive can logistically that happen
11 by October 15th?

12 MR. MOOG: It would be a very,
13 very tight schedule. It might not make that
14 schedule. Leading the contract to the printer
15 and getting the paper sent over to the printer
16 and getting it formatted properly. It's not
17 simply pushing a button and have it coming out
18 of a photocopy machine.

19 LEGISLATOR ABRAHAMS: I get that
20 part. So I guess this leads me to my second
21 point. The information that would go out
22 would be reflective of the 2018-2019 roll?

23 MR. MOOG: Yes.

24 LEGISLATOR ABRAHAMS: When would
25 the information for the '19-'20 roll be

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2 available?

3 MR. MOOG: In January.

4 LEGISLATOR ABRAHAMS: So, in
5 essence, fresher, more up to date information,
6 where we will be happy to spend for mailings
7 comes out in a few months?

8 MR. MOOG: That is correct.

9 LEGISLATOR ABRAHAMS: I guess I
10 ask the question to the Majority. I
11 understand all of us want to appease our
12 residents and taxpayers as quickly as
13 possible. I'm trying to understand the
14 impetus of doing this on October 15th when
15 there's going to be fresher information. Why
16 true to confuse people? Especially with
17 Mr. Moog saying that there's also going to be
18 I think you had said some school tax bills go
19 out as well. The school tax bills will they
20 be similar to what people will see in January
21 or that will change or will it be the same?

22 MR. MOOG: The school tax bills
23 are done from the tax warrants that's probably
24 going to be voted on tonight and the bills go
25 out. And we know from past history that

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2 always generates different inquiries with the
3 Department of Assessment even though we are
4 not responsible for those bills. By sending
5 out a taxpayer protection plan statement at
6 the same time it's only going to cause more
7 confusion for people who needed to pay their
8 tax bills timely.

9 LEGISLATOR ABRAHAMS: What passes
10 tonight and what's part of the school tax
11 levies will that number be reflective on the
12 2018 roll or the '19-'20 roll?

13 MR. MOOG: That's the '19-'20
14 roll.

15 LEGISLATOR ABRAHAMS: So
16 basically in essence they'll be getting
17 information if this bill is passed and you're
18 able to process the mailing and do everything
19 that needs to get done, the bill will be
20 passed reflective of a number that this body
21 is going to consider tonight which is going to
22 be different?

23 MR. MOOG: Yes, it will. That's
24 right. It will be different. That's why we
25 have apprehension about the confusion sending

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2 them out at that time.

3 LEGISLATOR ABRAHAMS: Again,
4 look, all of us want and do have the best
5 interests of taxpayers at heart but again,
6 this just looks like political shenanigans
7 again. This is not something for you to
8 comment to. Why October 15th? If you know
9 full well that we're going to consider
10 something tonight that's going to change the
11 number that's going to get reported to your
12 residents, wouldn't that just confuse them
13 even more? I really don't get it. To me it
14 seems simple.

15 The bottom line is this legislative
16 body, I think the gentleman in the back has
17 talked about it a few times, this body can do
18 something that's real, that really impacts
19 taxpayers' lives and that at least holds for a
20 hearing for the taxpayer protection plan. At
21 least let's have the level of debate and
22 discussion on something that's been clocked
23 in, passed through the state and let's have
24 that debate and discussion on whether or not
25 we should do that tonight. Which we have

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2 every authority to do.

3 But instead we are debating sending
4 out a notice for a tax roll that's going to
5 become useless probably in the next couple of
6 months, in a couple of hours Legislator
7 DeRiggi-Whitton is correcting me, because
8 we're actually voting on something tonight
9 that's neither going to be impacted, not even
10 reflective in that notice. To me, if this is
11 not politics I don't know what is.

12 They want the notice to go out
13 because they understand they want to try to
14 create some shock and awe before the November
15 election. I get it. But the bottom line is,
16 I think what they're undermining is that
17 Nassau County taxpayers and voters are much
18 smarter than that and they're going to see
19 right through it. Especially when the track
20 records shows for ten years there was very
21 little that was done.

22 That being said Mr. Moog, I thank
23 you for your commentary tonight.

24 LEGISLATOR NICOLELLO: This
25 notice is coming up on the website, correct?

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2 MR. MOOG: It's on the website,
3 yes.

4 LEGISLATOR NICOLELLO: At the
5 committee meetings the argument you were
6 making was it's sufficient to be on your
7 website because Nassau County residents, I'm
8 assuming you believe most county residents can
9 go to the website and see it.

10 MR. MOOG: Most of them can see
11 it or go to the public library and go on the
12 internet and see it or have someone print out
13 a copy for them.

14 LEGISLATOR NICOLELLO: So are you
15 pulling it down?

16 MR. MOOG: No.

17 LEGISLATOR NICOLELLO: Wait a
18 second. It's confusing, right? The school
19 tax bills are coming out, aren't they? So you
20 have this information on the website that
21 confuses people because the school tax bills
22 are up.

23 MR. MOOG: School tax bills are
24 mailed to your home.

25 LEGISLATOR NICOLELLO: That's

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2 effective, right, because it gets into
3 people's homes. They actually see it as
4 opposed to something that's on the website
5 that they don't see, right?

6 MR. MOOG: And having two
7 statements arrive in someone's home with two
8 different figures causes more confusion.

9 LEGISLATOR NICOLELLO: But I
10 thought you told us that it was just as
11 effective to keep it on the internet, on the
12 website. We didn't need to do a mailing.
13 Didn't you tell us that in committees?

14 MR. MOOG: Yes, I did.

15 LEGISLATOR NICOLELLO: If that
16 document is up on the website confusing people
17 shouldn't you pull it down because now people
18 are getting their tax bills. They're going to
19 go on the website and say oh my goodness.

20 MR. MOOG: It's been up since
21 July. It's not something arriving in the mail
22 at the same time as the tax bill.

23 LEGISLATOR NICOLELLO: I see.
24 Now you're counting on the fact that nobody is
25 going to go on to the website and actually see

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2 it, right?

3 MR. MOOG: I think tens of
4 thousands of people have already saw it on the
5 website.

6 LEGISLATOR NICOLELLO: Here is
7 what we want you to do in terms of notices.
8 We want these notices to go on a regular
9 basis. So we don't want to wait. Let's wait
10 until January. The county tax bills and town
11 tax bills are going out. We can't do it in
12 January. Let's wait until February. Then
13 we'll get another excuse from your
14 department. But we have this notice up on the
15 website. You don't need to do it.

16 Here's why we're not saying yes.
17 Because we played this game last year over the
18 course of months where you said we couldn't
19 send out the tax impact notices and you
20 delayed and some people didn't get it until
21 December. So we're not delaying anymore. We
22 want these notices to go out on a regular
23 basis each year so people have an
24 understanding of what their impacts are on
25 their taxes. Reassessment.

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2 LEGISLATOR FERRETTI: Just one
3 quick comment. Just in response to this idea
4 that this is somehow playing politics. If you
5 want to look at politics take a look at last
6 year when the tax impact notices were supposed
7 to be out by a certain date. Instead they
8 were sent out the week of Thanksgiving.
9 There's a reason for that.

10 Now we have these taxpayer
11 protection plan notices and if you look at
12 News 12 report based on the data given by the
13 county executive the majority of people and
14 quite frankly the districts on this side of
15 the aisle are going to see a tax increase
16 while on that side they're not. That's the
17 reason that this is not going to be mailed
18 out. That's politics.

19 LEGISLATOR ABRAHAMS: I'm sorry,
20 Mr. Ferretti, you said the people on which
21 side of the aisle again? I'm sorry.

22 LEGISLATOR FERRETTI: Looking at
23 the News 12 map.

24 LEGISLATOR ABRAHAMS: You're
25 saying the folks on your side are going to see

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2 a tax increase and we're going to see a tax
3 decrease?

4 LEGISLATOR FERRETTI: That's not
5 what I said. I said the News 12 map which
6 outlines each legislative district, the yellow
7 ones I believe are the one's where the
8 majority of residents will see a tax increase
9 as a result of the reassessment and the green
10 districts are the ones that majority of
11 residents will receive a tax decrease. That's
12 the News 12 map.

13 LEGISLATOR ABRAHAMS: You
14 referred to this side versus that side of
15 aisle. That was your commentary?

16 LEGISLATOR FERRETTI: Correct.
17 When the correlate the legislative districts
18 to the map.

19 LEGISLATOR ABRAHAMS: I got to
20 tell you either the News 12 map is inaccurate
21 or your interpretation of the interactive map
22 is inaccurate because that's completely not
23 the case. I hope you don't really believe
24 that. That Democratic districts are seeing a
25 decrease versus Republic districts are going

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2 up. To promote that to me is reckless and
3 irresponsible. I hope you don't believe that.

4 LEGISLATOR FERRETTI: That's not
5 what I said. I said the News 12 -- well the
6 News 12 map speaks for itself.

7 LEGISLATOR ABRAHAMS: But you're
8 promoting your interpretation of the
9 interactive map.

10 LEGISLATOR FERRETTI: That's my
11 interpretation. My interpretation is that
12 that's why the taxpayer protection plan
13 notices are not being mailed out. That's
14 playing politics. Not sending the taxpayer
15 protection plan is playing politics.

16 LEGISLATOR ABRAHAMS: Let me ask
17 you Mr. Ferretti, do you believe that the map
18 is accurate on News 12? That reflects
19 Republican districts are going up and
20 Democratic districts are going down?

21 LEGISLATOR FERRETTI: The map is
22 based on the taxpayer protection plan notices
23 and the data released by the county
24 executive. Do you believe it's accurate?

25 LEGISLATOR ABRAHAMS: I don't

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2 believe there's any ounce of accuracy that
3 claims that Republican districts are going up
4 and Democratic districts are going down.

5 LEGISLATOR FERRETTI: Then you
6 dispute the information released by the county
7 executive and the assessor.

8 LEGISLATOR DRUCKER: By the way,
9 Syosset and Plainview have been determined to
10 be the highest districts that are going to
11 experience an increase. Is that correct
12 Josh? Plainview and Syosset have the highest
13 amount of increases over \$5,000 out of all of
14 the districts.

15 LEGISLATOR FERRETTI: That's fine
16 but that's not reflected on the News 12 map.

17 LEGISLATOR DRUCKER: I'm not
18 aware of that. I'm just telling you as a
19 factual matter our districts are going to
20 experience the largest increase in taxes over
21 \$5,000.

22 LEGISLATOR NICOLELLO: Let's get
23 back to this item. Anyone else have any
24 discussion on the tax impacts? Any public
25 comment. Mr. Margolis. Let me tell you

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2 this. If you want to talk about tax impact
3 notices you're fine to do so. If it strays
4 from that we're moving on. Because at this
5 time of night everyone's not going to get up
6 and speak about whatever they want to speak
7 about. It's on the item or it's not
8 happening.

9 MR. MARGOLIS: The tax impact
10 notices that they just sent, that they just
11 posted are wrong anyway. If you read what I
12 gave you guys earlier today, Section 485-U,
13 what they're trying to vote in is a taxpayer
14 protection plan. They did the same formula
15 for every single house. Except if you go to
16 part C of the legislation, the last line says,
17 such exemption base, which everything is
18 defined off of, shall not include assessment
19 increases due to a physical improvement or a
20 removal or reduction of an exemption on
21 property.

22 In my situation, my 2018-2019 final
23 assessment roll, which is something that makes
24 up the exemption base, included 40 percent of
25 improvements. That's what I was told by the

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2 assessor. Yet that 40 percent of improvements
3 was not taken out in what was posted the end
4 of July. On the website I add.

5 I would say if you want to send out
6 taxpayer protection notices, first of all, you
7 don't call it a taxpayer protection notice if
8 it's not a taxpayer protection notice. Or at
9 least send somebody their comp. So if
10 somebody at 500,000 is going up send them the
11 same person at 500,000 that's going down so
12 people have something to compare it to.

13 I cannot believe that I'm the only
14 one here that's going up significantly in
15 taxes in all of Nassau County. The reason
16 because people don't know about it just like
17 you're saying. They don't go on the website.
18 I'm educating people.

19 Legislator Drucker, I had a
20 conversation with you. You told me that -- I
21 begged you not to vote for the taxpayer
22 protection plan. To shoot it down
23 immediately. You just stated that our
24 district was going up the most and you told me
25 the complete opposite. You said that you

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2 could not vote for this because you have to
3 help 52 percent of the people. If our
4 district is going up the most why are you
5 voting for the taxpayer protection plan?

6 LEGISLATOR DRUCKER: It's not on
7 the calendar. It hasn't been on any sort of
8 committee yet. It's something that's down the
9 road. I did not tell you that. All I said to
10 you was --

11 MR. MARGOLIS: That's not true.
12 You told me that.

13 LEGISLATOR DRUCKER: I told you
14 as a legislator my job is to not just consider
15 the people in my district but I'm also part of
16 Nassau County and I want to consider, just
17 like all 19 of us, how this affects the county
18 residents. I'm not disagreeing with you
19 Michael. I understand that Plainview and
20 Syosset have experienced large increase in
21 taxes.

22 MR. MARGOLIS: So you're willing
23 to put the county in front of your own
24 district?

25 LEGISLATOR DRUCKER: I didn't say

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2 that.

3 MR. MARGOLIS: And represent the
4 district that people that put you into office.

5 LEGISLATOR DRUCKER: It's a
6 hypothetical.

7 MR. MARGOLIS: That's what you
8 just said.

9 LEGISLATOR DRUCKER: I did not
10 say that.

11 MR. MARGOLIS: No further
12 comment.

13 LEGISLATOR NICOLELLO: On the
14 amended resolution, all in favor signify by
15 saying aye. Those opposed? That carries 11
16 to eight.

17 Last assessment item is 80. It's a
18 resolution to mandate the Department of
19 Assessment have a dedicated phone line to be
20 answered by a live person.

21 Moved by Legislator Gaylor.

22 Seconded by Legislator McKevitt.

23 This is actually it's an issue with
24 the Department of Assessment that has gone on
25 for years. That people cannot get through to

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2 the main number. They cannot reach a live
3 person. They cannot get their questions
4 answered. As I said, it didn't start with
5 this current assessor. It's been going on for
6 years. People will call our offices. We're
7 able to reach into the department. There are
8 a lot of dedicated people that work for the
9 Department of Assessment. We're able to get
10 the answers for the people that they need.
11 But there's no reason that they should have to
12 call the legislator's office to do that.
13 There should be somebody that answers the
14 phone at the Department of Assessment.

15 What actually triggered this was a
16 statement on the department website that told
17 people basically that urged them to write
18 emails instead of calling the department. It
19 apparently is the department's policy, or at
20 least that's been advertised as such, that
21 they don't want people calling instead they
22 want them emailing.

23 This basically mandates that they
24 have a live person answer the phone again. No
25 one is imputing the people that work for the

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2 Department of Assessment. There are many,
3 many people that work there that are dedicated
4 and do their jobs. But it's difficult for the
5 residents to reach these people and we want to
6 remedy that.

7 Any other comments or discussion on
8 this particular item? Mr. Moog.

9 MR. MOOG: We always try to allot
10 lot or assign people in order to try to get
11 all the phones answered in a timely basis. At
12 the same time balance all the other
13 responsibilities of the department. We are
14 trying to create the goal of making sure that
15 any taxpayer who doesn't get through gets
16 responded to within 48 hours and we are trying
17 to put the resources as well as any new
18 technologies to try to accomplish that goal.

19 We agree that taxpayers do deserve
20 to be able to speak to somebody. But during
21 peak periods that may be a difficult goal to
22 reach. Because there are certain times of the
23 year where phone calls do peak and other times
24 you don't have as many people calling.

25 If this law is passed, it would

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2 require us to staff at a peak level in order
3 to make sure all phones were being answered at
4 all times. So we would have to at least
5 expend, hire at least 18 more people to answer
6 calls during those peak periods at a cost of
7 approximately 1.3 to \$1.5 million to the
8 county.

9 If you're looking at the five or
10 six really highest peak days and we'd have to
11 answer the call on all of those days,
12 including the very highest peak days, then
13 you're talking about hiring an additional 40
14 people and that would be a much larger
15 expenditure. Again, we are trying to reach
16 the goal where if you do not reach a live
17 person a transcript is made from the message
18 and we will try our best to meet our goal of
19 responding to those people within 48 hours.

20 LEGISLATOR NICOLELLO: That may
21 be your goal but it's a goal that has not been
22 attained. We can all tell you that residents
23 call and don't get answers from your
24 department. I think you're inflating those
25 numbers. I find it hard to believe that since

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2 you already have, as you say, efforts being
3 made to answer calls that therefore all you
4 need is supplemental staffing on top of that.

5 Therefore, by your own arguments,
6 you're not going to have to start from zero.
7 You already have people dedicated to answer
8 the phones. And when peak periods come put
9 more people on the phones. That's as simple
10 as it is.

11 MS. BROWER: From December 1st to
12 through January 31st, not counting weekends,
13 last year, our peak period, we had 38,00
14 calls. Our staffing obviously as you're aware
15 is down. We just don't function in doing
16 assessments. We also handle permits. We also
17 handle data entry and things that are passed
18 on to the state. We handle exemptions at that
19 time. We have people working on exemptions.
20 In order to meet that kind of peak phone calls
21 we would need the additional staff.

22 LEGISLATOR NICOLELLO: All night,
23 we want you to send out notices. No, we can't
24 do that. We want you to do hearings and
25 answer questions. No, we can't do that. We

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2 want you to answer the telephone calls. No,
3 we can't do that. Is there anything that's
4 open and transparent about your department?
5 Is your department's message to the public
6 look, we're too busy, so we'll get back to you
7 when we can. That seems like what your
8 message is. Talk about lack of transparency.
9 That's what your message is tonight.

10 MS. BROWER: We are saying that
11 we have upped our staff. We are looking into
12 other ways to handle the phone calls and phone
13 volume. We have looked at our phone tree. We
14 have added extra staff. We are pulling people
15 off other jobs to put them into answering
16 phone calls. We are making the effort. We're
17 talking about peak times. When you answer
18 someone to answer every phone call in the peak
19 times that is when it is going to be not
20 probable without significant additional
21 staff.

22 LEGISLATOR NICOLELLO: We're
23 looking at this from inside government.
24 During peak times those people outside of the
25 government who are trying to get through and

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2 can't those are the people that we are
3 concerned about. Those are the people who pay
4 their taxes, who are our residents who we
5 represent. So, what we're telling you is,
6 especially at those times you should have live
7 people answering the phones so our residents
8 can get answers to the questions that they
9 have.

10 MS. BROWER: I hear you but at
11 the same point we are trying to process the
12 paperwork to give them the answers at the same
13 time. We would love all of the taxpayers to
14 timely give us their exemption applications.
15 To timely give us things that we need to work
16 on. But they don't. They wait until the last
17 minute. We're trying to process those as well
18 as answer the phone calls for them.

19 We are developing strategies for
20 this but to ask us to mandate to answer every
21 phone call at peak times and not return
22 messages, which we also do and make sure that
23 they get there in a preset time frame, is not
24 realistic. This is why companies have phone
25 trees. This is why they have the ability to

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2 hire part timers and things like that that we
3 don't have. We don't have that ability to
4 turn on a dime and do.

5 So, we are here for the property
6 owners. We want to help the property owners.
7 We are developing strategies to do that. We
8 are answering the phone calls live as much as
9 possible. Returning messages as much as
10 possible. We've got other strategies in how
11 to do mailings and possibly robocalls and
12 things like that to assist them in getting
13 their stuff in timely so we can have more time
14 to do the regular work. But to set a mandate
15 to answer every phone call is not realistic.

16 LEGISLATOR NICOLELLO: I'll tell
17 you what's not realistic. If we don't set a
18 mandate we will go back to the old way of
19 doing things. For the second time tonight
20 you've come forward and said it's too
21 expensive. We represent the taxpayers.
22 Basically our position is look, you can't say
23 it's too expensive. You have to provide the
24 services that our taxpayers need. Period.

25 MS. BROWER: You challenge the

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2 amount of people we needed. I didn't say it
3 was too expensive if you're willing to put it
4 on your dime. But you were challenging the
5 number of the people. When I tell you 38,000
6 phone calls in a relatively short period of
7 time while we have a limited staff doing many
8 different functions that being mandated is
9 going to take more staff. You want to staff
10 us up great.

11 LEGISLATOR NICOLELLO: As I said,
12 this is not a new issue. And this is not just
13 during peak periods. This is year round that
14 we get these calls from residents. Again,
15 once we are able to get through to your staff
16 we're able to get answers. So the answers are
17 there. It's just that the fact that for most
18 people trying to get through it's an
19 impossible gesture. If we don't mandate it
20 you will definitely go back to the old way of
21 doing things.

22 MS. BROWER: We've had attrition,
23 we've had layoffs, we've had all sorts of as
24 we know downsizing. We are trying to get up
25 to the point where we can handle everything.

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2 LEGISLATOR NICOLELLO: Does
3 anybody in the Department of Assessment or the
4 administration that can come up and say we can
5 get that done? All tonight all we're getting
6 is we can't do that. It costs too much
7 money. We have to hire. We're not like
8 private business.

9 MS. BROWER: We can get
10 reasonable amounts done. We cannot get peak
11 done.

12 LEGISLATOR NICOLELLO: Can we get
13 somebody from the administration to say with a
14 can-do attitude yeah, we're going to get that
15 done. Anybody?

16 MS. BROWER: Again, not peak.

17 LEGISLATOR NICOLELLO: Anyone
18 else?

19 MR. MOOG: These bills were filed
20 without any consultation with the department
21 or any inquiry in how we should be doing
22 this. Or any sort of suggestion on how to get
23 it done or view the numbers that we're doing.
24 You're only hearing the numbers now, and I
25 think we only got the cost over to the

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2 legislative office recently. If these bills
3 were done in consultation with the department
4 we could work collaboratively. Try to get
5 solutions that everybody can work with. But
6 that wasn't done. So now we're here trying to
7 explain ourselves at the podium.

8 LEGISLATOR NICOLELLO: That's an
9 excuse. These bills were filed three months
10 ago. If there were issues with the expense of
11 this you could have told us three months ago.
12 Now you're standing up at the microphone at
13 the 11th hour saying oh we can't do it.
14 That's just an excuse.

15 Legislator Ford.

16 LEGISLATOR FORD: It's like the
17 residents waiting to the last minute to get
18 their tax questions answered. How many vacant
19 positions do you have in the county assessor's
20 office?

21 MR. MOOG: We have budgeting
22 lines for about 60 lines.

23 LEGISLATOR FORD: All this time
24 after the attrition and firings and layoffs
25 and whatever you want to call it, how many

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2 people did we hire and why do we still have 60
3 vacant? If we are in need of these people and
4 we have always, I know I have, always
5 supported and I believe that we need to hire.
6 The county workforce is way too low and we've
7 always offered support, especially to our
8 Assessment Department, in getting you -- so
9 that you can hire the people that you need to
10 be able to do your jobs.

11 MR. MOOG: We canvassed over 900
12 people from civil service lists and had over
13 240 interviews. Many people turn down the
14 jobs concerning salary. We just canvassed 15
15 people, 15 spots for assistant county assessor
16 trainee, two people responded to that
17 canvassing. New hires for a new position that
18 had a career path attached to it. We will be
19 recanvassing that list with a higher salary in
20 order to try to recruit. We had to go
21 initially recruited the initial hiring salary
22 to prove that we had to go to a higher
23 salary. We are trying to make every effort to
24 do hiring. I would love to have more people
25 coming in. But with the tight labor market

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2 and the low entry salaries it's very tough.

3 We're trying every strategy possible to get
4 positions filled.

5 LEGISLATOR FORD: It is a common
6 problem throughout the county because our
7 starting salaries are way too low to be able
8 to attract good people. I don't care which
9 department we're in. I appreciate that
10 answer. But how long ago did you go to civil
11 service to have the starting salary upped?

12 MR. MOOG: We usually canvass the
13 list first if we don't get recruitment. Then
14 we recanvass the list at a higher salary.
15 This list that I just spoke about, two
16 candidates we are still waiting to hire. We
17 have to wait for their response and then we
18 recanvass at a higher salary.

19 LEGISLATOR FORD: All the people
20 that you interviewed the 800 people or 200
21 people whatever it was.

22 MR. MOOG: 240. Some for
23 promotions. A lot for new hires.

24 LEGISLATOR FORD: Did you then
25 like maybe go back to those people that you

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2 already looked at and thought you'd like to
3 have them but salary's too low. Did you go
4 back to them and say to them if you're still
5 interested instead of the starting salary
6 being \$45,000 we can now offer you 65,000?

7 MR. MOOG: We have done that in
8 the process of getting waivers. We have gone
9 through that many times. We've created
10 waivers for salaries on many of the positions,
11 actually most of the positions we hired and we
12 did eventually get waivers. But we're also
13 limited in recruiting from civil service
14 positions. And some of the people we
15 interviewed were not the highest qualified.
16 We try to keep a certain standard because the
17 county deserves productive people.

18 LEGISLATOR FORD: I understand.
19 It is a common complaint with residents, even
20 I get where people they just want to have
21 somebody answer the phone.

22 MR. MOOG: We understand that.
23 That's why we did also the effort to hire
24 veterans on the community service assistant
25 line. Got the waivers for those. And we're

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2 still continuing on that path.

3 What was just mentioned about peak
4 service, if you're looking at peak service in
5 December especially, you're looking at a very
6 high staffing level to do that. But we are
7 doing every effort to try to get the calls
8 made. We don't want to be having people not
9 speak to a person or not being responded to in
10 a timely matter.

11 We're also looking at other
12 strategies to try to get people's questions
13 answered before they even call. Such as many
14 of the inquiries are did you receive my senior
15 citizen exemption application? So we're
16 sending out postcards stating yes, we received
17 it so they don't have to call us. They
18 already have a card in hand saying we got your
19 application.

20 Many of the inquiries are with the
21 seniors and I understand they don't have
22 access to the internet and they do call and we
23 are trying to look at where those calls are
24 coming from and how to answer those calls
25 before they make those calls.

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2 We're also going to be doing
3 rolling determinations on the senior citizens
4 exemptions. They don't have to wait until
5 February to find out. We know many of the
6 calls come from that.

7 So we're looking at the calls.
8 We're looking at the transcripts trying to
9 figure out strategies to lessen the
10 inquiries. Get the answers to them without
11 them even making the call on those issues.

12 LEGISLATOR FORD: I'm sure most
13 of the calls are from them. Because I know we
14 get them. So then we try calling you to find
15 out and they get scared. They're old.

16 MR. MOOG: One of the first
17 things I instituted this year was try to get
18 postcards to them so they know their
19 application was accepted. We also made the
20 change in strategy if they're granted the
21 exemption they wouldn't wait until February.
22 They would get notification earlier. We feel
23 that will cut down the number of calls and cut
24 down the angst and anxiety with some of the
25 seniors.

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2 LEGISLATOR FORD: Tell them don't
3 lose the card.

4 MR. MOOG: The cards are good.
5 People like that tactile feel of the postcard
6 saying okay they got my application. They'll
7 start calling when it's going to be processed
8 but we'll be doing that on a rolling basis
9 also.

10 LEGISLATOR FORD: I think in the
11 past we used to send cards out to let them
12 know once they got their application. Many
13 years ago.

14 MR. MOOG: Many years ago and I
15 will always give credit where credit is due.
16 My executive secretary remembered those cards
17 and she suggested it. So I decided to
18 reinstitute. Sometimes institutional memory
19 helps solve newer problems.

20 LEGISLATOR FORD: Thank you.

21 LEGISLATOR NICOLELLO: Anyone
22 else want to talk about telephones? Any
23 public comment? Mr. Budnick, same
24 restriction. If you want to talk about this
25 particular item fine. If you want to talk

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2 about something else then it's not going to
3 happen.

4 MR. BUDNICK: I want to point out
5 that continually throughout these various
6 debates about these various items on these
7 proposed local laws the assessor's office
8 assumes that everyone in Nassau County has
9 access to the internet. I do not know that
10 that is true. That's one thing.

11 Another thing about this particular
12 issue, I don't know what's stopping the
13 possibility of hiring seasonals. And is the
14 county legislature willing to authorize
15 seasonals perhaps that might help in this
16 situation? I don't know. Thank you. I hope
17 somebody knows.

18 LEGISLATOR NICOLELLO: I'm going
19 to call for a vote on this item. All in favor
20 signify by saying aye. Those opposed? It
21 carries by a vote of 11 to eight. Let me do
22 the vote again. All in favor signify by
23 saying aye. Those opposed? Ten to eight it
24 passes.

25 Let's go to item five. A hearing

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2 on a proposed local law. A local law to amend
3 Title 45 of the miscellaneous laws of Nassau
4 County.

5 Moved by Legislator Ferretti.
6 Seconded by Legislator McKevitt. All in favor
7 of opening the hearing? Those opposed?
8 Hearing is open. Does anyone want to speak on
9 this bill?

10 LEGISLATOR FERRETTI: Shifting
11 gears. Obviously bicycle riding is a family
12 fun activity. It's something that we should
13 embrace. Something we want to encourage our
14 children to engage in. Bicycle helmets are 85
15 to 88 percent effective in mitigating head and
16 brain injuries and the most effective way to
17 reduce head injuries and fatalities.

18 The existing county law requires
19 children under the age of 14 to wear a bicycle
20 helmet while riding or sitting as a passenger
21 on a bicycle, foot powered scooter or
22 skateboard. This bill would extend that age
23 to riders up to the age of 18, which would
24 coincide with the current law that is in
25 effect in Suffolk County.

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2 LEGISLATOR NICOLELLO: Anyone
3 else? Any public comment?

4 MR. BUDNICK: Honorable members
5 of the county legislature, I'm very much in
6 favor of the concept behind this law.
7 However, I must point out that in subdivision
8 two it talks about changing it to no person
9 under the age of 18. In section two. While
10 in Section three it talks about 16. It either
11 has to be 16 or 18. That has to be looked at
12 further.

13 There's no penalty provision
14 included in here. Therefore, judges will be
15 unable to enforce this after accusatory
16 instruments are put in front of them and
17 people are convicted. There won't be able to
18 be fines because there's no fine or other
19 penalty specified there.

20 Also in Section 3, enforcement, the
21 Nassau County Police Department or any village
22 or city police department. What happened to
23 the state DEC police? New York State Police?
24 New York State Park Police? MTA Police? The
25 Port Washington Special District Police? That

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2 phraseology has to be changed to something
3 like or any police department having
4 jurisdiction in Nassau County. Or something
5 like that. Just trying to make helpful, I
6 hope, suggestions to an excellent proposed law
7 that needs a couple of fine point tuning.
8 Thank you.

9 LEGISLATOR NICOLELLO: Thank
10 you. Any other public comment? Hearing none,
11 motion by Legislator Ferretti to close the
12 hearing. Seconded by Legislator McKevitt.
13 All in favor of closing the hearing signify by
14 saying aye. The hearing is closed.

15 Item 19, a local law to amend Title
16 45 of the miscellaneous laws of Nassau
17 County. Moved by Legislator Ferretti.
18 Seconded by Legislator McKevitt. It's before
19 us. I'm going to call for a vote. All in
20 favor signify by saying aye. Those opposed?
21 Carries unanimously.

22 Six, a hearing on a local law to
23 add a new title to miscellaneous laws of
24 Nassau County to authorize the impoundment of
25 bicycles that are operated in a dangerous

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2 manner in controvention of the rules of the
3 road.

4 Moved by Legislator Ferretti.

5 Seconded by Legislator McKevitt to open the
6 hearing. All in favor of opening the hearing
7 signify by saying aye. Those opposed?
8 Hearing is open. Anybody want to say anything
9 about this? This is the dangerous bicycle
10 operation. I think the consensus is we have
11 discussed this at length in committees and we
12 don't need to add to that right now. Any
13 public comment? Mr. Budnick it's seven hours
14 now. You don't have to comment on every
15 hearing.

16 MR. BUDNICK: Believe me, I was
17 especially trying to avoid public comments on
18 the last several items.

19 LEGISLATOR NICOLELLO: It didn't
20 work.

21 MR. BUDNICK: The impounding in
22 Section 4 needs to be allowed by other police
23 departments other than the Nassau County
24 Police Department because other police
25 departments may need to impound the bike for

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2 evidence or other purposes. And the phrase in
3 Section 4 line 3 should be changed to a police
4 department having jurisdiction in the county
5 of Nassau. There some other issues but I
6 won't bring them up now.

7 LEGISLATOR NICOLELLO:
8 Mr. Budnick, Mr. Otsuni is majority counsel.
9 Call him when you look at these legislations
10 and you have suggestions and we can walk
11 through it.

12 MR. BUDNICK: I'm sorry. I only
13 got these on Friday. I don't have his home
14 number. Lucky guy.

15 LEGISLATOR NICOLELLO: Any other
16 public comment? Hearing none, I need a motion
17 to close the hearing. Legislator Ferretti
18 moves to close the hearing. Legislator
19 McKevitt seconds it. All in favor of closing
20 the hearing signify by saying aye. The
21 hearing is closed.

22 We move to item 20 which is a local
23 law to add a new title to the miscellaneous
24 laws of Nassau County to authorize the
25 impoundment of bicycles that are operated in a

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2 dangerous manner in controvention of the rules
3 of the road.

4 Moved by Legislator Ferretti.

5 Seconded by Legislator McKevitt.

6 There was an amendment that was
7 filed that removes the operation of cell
8 phones and other electronics while riding
9 bicycles as a violation of this local law.
10 This behavior is dangerous and discouraged but
11 it does not address the purpose of this
12 legislation which is to stop rideouts.

13 Legislator Ferretti makes the
14 motion. Legislator McKevitt seconds it on the
15 amendment. All in favor of the amendment
16 signify by saying aye. Those opposed?
17 Amended. The item is now amended.

18 Vote on the item as amended. All
19 in favor signify by saying aye. Those
20 opposed? Carries unanimously.

21 We will jump to item ten. It's a
22 hearing on a proposed local law to prohibit
23 the inhumane treatment of pets.

24 Moved by Legislator Drucker and
25 seconded by Legislator DeRiggi-Whitton.

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2 That's a motion to open the hearing. All in
3 favor of opening the hearing signify by saying
4 aye. Those opposed? The hearing is open.
5 Anyone who is here for the dog tethering
6 legislation please come up I can call the
7 names. Paul Konisberg. Meredith Berman. Why
8 don't you tell us who you are.

9 MS. WERNER: Hi. Good evening
10 everyone. My name is Paula. I'm a Nassau
11 County resident. Please forgive me. I left
12 my glasses at home so I'm borrowing someone
13 else's.

14 I have many titles in my life. One
15 is mother. One is rescuer. We were waiting
16 for these laws to be proposed to Nassau
17 County. I'm sure a few of you have gotten
18 calls from some animal advocates asking you
19 for this tethering law. Looking at what we've
20 been told the original tethering law has been
21 changed. I'd like to know why was the
22 original bill changed because it doesn't
23 state -- we have no idea of where it's
24 covering and why we haven't done anything
25 through the entire County of Nassau. Animals

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2 be being abused.

3 LEGISLATOR NICOLELLO: The towns
4 have already adopted legislation. Town of
5 North Hempstead, Town of Hempstead, Town of
6 Oyster Bay. Towns have animal control
7 officers. They are primarily responsible for
8 enforcing laws with respect to animals. The
9 county is not, unlike the state, a superior
10 level of government. We are on the same level
11 of government as the towns. Therefore, if we
12 adopt something it does not overrule what the
13 towns do. So we would wind up in a
14 circumstance where you would have multiple
15 laws with different terms with respect to the
16 same issues.

17 Rather than do that, we deferred to
18 the municipalities, the Town of North
19 Hempstead, the Town of Hempstead, the Town of
20 Oyster Bay, who have animal control officers
21 who primarily will be enforcing this. Their
22 codes will take preference over the county
23 code. The key point to be made is that the
24 dog tethering confinement requirements will be
25 applicable in all three towns.

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2 I would assume at some point the
3 City of Long Beach, the City of Glen Cove will
4 adopt something. In the mean time, the county
5 law is what will be the rule in those two
6 cities.

7 MS. WERNER: According to the
8 Town of Hempstead now and according to what
9 this is only going to be covering Oyster Bay
10 from what I'm told. The temperature laws are
11 different.

12 LEGISLATOR NICOLELLO: That's
13 exactly why we deferred to them. We do not
14 want to have two different laws applicable in
15 the same place with different terms. We want
16 uniformity of terms.

17 MS. WERNER: Your temperature law
18 that you are proposing is 32 degrees or below
19 and 85 degrees or above. Town of Hempstead is
20 32 degrees and 95 degrees. That's a very big
21 difference in temperature for anybody. Most
22 officers are very confused about what's
23 allowed with animals and they're not doing
24 what they need to be doing.

25 LEGISLATOR NICOLELLO: That is

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2 exactly why we are deferring to the other
3 municipalities. You do not want to have a
4 situation in which somebody will not know what
5 temperature it is that they can put their
6 animal out or can't. Again, if we were the
7 state of New York we could do that, overrule
8 the towns and make a uniform law. We cannot
9 do that.

10 MS. WERNER: Even the SPCA, which
11 everybody defers to, even the SPCA is finding
12 it hard to go around and say what exactly is
13 law. They're not doing it because they're
14 saying that they themselves need more laws to
15 cover animals. This is a meeting that we have
16 sat with. We sat with your own district
17 attorneys and they told us the same thing.
18 There's so much diverse that nobody knows what
19 to follow. I just think that instead of
20 rushing to judgement maybe we can all get on
21 the same page.

22 And I want to thank you Legislator
23 Drucker for listening to our voices. He was
24 willing to listen. That's all we're asking.
25 Animals out there are being abused all the

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2 time, and I'm sure nobody wants to hear that.
3 But it falls on rescuers. We're always
4 getting phone calls that these animals are
5 tied. I've gotten emails from everybody. I
6 am from a local rescue. We need help and we
7 need our county legislators to stand up and
8 say we're behind you and what can we do to
9 stop this?

10 This is animal in our district, two
11 of them, that you may not see but I see all
12 the time. This is Max. Max is from
13 Lynbrook. He was four months old being tied
14 outside day and night. By the time he came to
15 me this dog was petrified. It took me five
16 months to calm this puppy down.

17 This is another animal that was
18 tied outside. Has severe mange. This is
19 Hicksville. I got an email from a young lady
20 that's here that's in Muttontown. This isn't
21 just one town that this is happening. This is
22 Nassau County. You guys need to pay attention
23 and say we want to help regardless of what
24 side you're on. You know what? Rescuers have
25 friends. Rescuers also have helpers. We

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2 vote. We want you guys to be on the same side
3 and say what can we do? Let's get people
4 together and say we need to create all
5 different laws. We need to create laws that
6 vets need to follow. If they're seeing animal
7 abuse they need to report it.

8 I've spoken to so many people on
9 this level. I don't understand why this is an
10 argument. This is common sense. We need to
11 save these animals. They feel and they belong
12 to people in our county. Do you have an
13 animal? Does anybody here have animals?

14 I just want to know what the
15 problem is in passing laws. Just common sense
16 laws. Do you know how many people have said
17 to us -- we are the rescue that's causing all
18 the emails. I'm being honest with you. I
19 have a petition right now that's climbing,
20 that has 1,000 signatures on it from people
21 that want you to help us stop this abuse. And
22 this is just one form of abuse that animals
23 are suffering.

24 I'm sorry if you feel that it's
25 passionate but this is taking time from my

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2 life, my family. By the time SPCA gets
3 involved we get the worst of the worst.
4 That's all we're saying. Stop this. You have
5 that power. Help us. Does anybody here
6 agree?

7 I lost a day's pay to come here and
8 say I need your help. Can you help? Can we
9 get four people from each side and say what
10 laws can we get together and actually make so
11 we can understand and help? Can we do that?
12 Instead of saying that this is an issue of
13 someone attacking me on my own rescue page.
14 All I'm trying to do is stop abuse.

15 LEGISLATOR NICOLELLO: I don't
16 know who is attacking you but we're passing a
17 law tonight that applies to these issues. But
18 again, we don't want multiple laws applying to
19 the same municipalities. That dog in Lynbrook
20 is subject to the law in the Town of
21 Hempstead. The dog that's in Syosset is
22 subject to the laws in the Town of Oyster
23 Bay. You don't need additional laws on top of
24 those. You have laws that cover it.

25 MS. WERNER: In this law we tried

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2 to make all the laws to change as misdemeanors
3 instead of summons because as per your
4 attorneys have told us it's so hard to track
5 summons. Once they're paid they fall off and
6 disappear. You can't track them. If we make
7 them misdemeanors we can find out actually who
8 is abusing these animals. Is there a problem
9 with that thought process? Because I don't
10 find that so. I can keep going back and forth
11 to you in saying if this man is abusing
12 animals he shouldn't have them. I don't
13 understand why we went from making it a
14 misdemeanor to now this legislation that you
15 change, went from making it a misdemeanor to
16 doing summons, which is untrackable per your
17 attorneys to a summons. We'll never get there.

18 LEGISLATOR NICOLELLO: You're not
19 understanding what I'm saying. Basically
20 we're saying that this is a matter that is
21 subject to the towns that already acted on
22 them. We are not passing a second legislation
23 that will expose somebody to both a violation
24 and a misdemeanor. It's either one or the
25 other.

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2 Basically as I said, we are not the
3 state of New York. We can't pass legislation
4 that overrules or preempts the towns. The
5 towns have already acted. Those laws are in
6 place. The only places that apparently that
7 has not been a legislation is the village of
8 Glen Cove -- the City of Glen Cove and the
9 City of Long Beach. But there is coverage now
10 for probably 90 percent of the county.

11 MS. WERNER: So what you're
12 passing is covering what area?

13 LEGISLATOR NICOLELLO: Right now
14 Long Beach and Glen Cove to my knowledge do
15 not have dog tethering laws. It covers those
16 areas right now. It defers to the local
17 legislation in the towns who have the animal
18 control officers who are primarily responsible
19 for enforcing town and animals law.

20 MS. WERNER: And they defer to
21 SPCA. The SPCA defers and says we follow New
22 York State law only. Just so you know.

23 LEGISLATOR NICOLELLO: So then if
24 you're following New York State law then maybe
25 we shouldn't do anything tonight, right?

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2 MS. WERNER: We're saying to you
3 that we need your help. I'm not fighting with
4 you.

5 LEGISLATOR NICOLELLO: Give you
6 help to do what?

7 MS. WERNER: Can you pass other
8 laws?

9 LEGISLATOR NICOLELLO: We're
10 passing a law tonight.

11 MS. WERNER: What other laws?

12 LEGISLATOR NICOLELLO: What other
13 laws?

14 MS. WERNER: Any laws that will
15 help animals in Nassau County. You just don't
16 want to do it because this was in front of you
17 three years ago.

18 LEGISLATOR NICOLELLO: Thank
19 you. Phil Konisberg. Meredith Berkman.
20 Dorian Furman. Lauri Ann Davis. Jim Burta.
21 We're going to call that later. That was my
22 mistake. Phyllis Kinzelberg.

23 MS. KINZELBERG: I'm Phyllis
24 Kinzelberg. I live in Syosset in the village
25 of Muttontown. I'm just curious. Does

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2 Muttontown have to have its own law or can the
3 village of Syosset or Oyster Bay cover
4 Muttontown as well?

5 LEGISLATOR NICOLELLO: The Town
6 of Oyster Bay covers anything with any
7 jurisdiction within their town. Otherwise the
8 county would not be effective in the towns in
9 any event.

10 MS. KINZELBERG: So therefore it
11 can cover the village of Muttontown. I want
12 to tell you a quick story that's been going on
13 for three and a half years and I will make it
14 as fast as I can.

15 My neighbor has a dog who is
16 tethered daily. She is out in the early
17 morning hours into the late and dark night
18 hours. There's no law to prevent this at this
19 time. In the past I found her tangled up on
20 her back and her urine. She had her water
21 bowl turned over in the distance on a very hot
22 day in the afternoon and had the many hours
23 ahead before her owner was due to show up.

24 In her bowl I have seen flies on
25 her chicken and pasta and red sauce left out

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2 in the heat. She is out in all the elements.
3 In all the varying degrees of heat, cold and
4 the storms. She cries and howls constantly.
5 It is heart wrenching. I see her when
6 departing and returning home. I hear her
7 whether I'm inside or outside my home. First
8 thing in the morning, throughout the day and
9 into the dark night.

10 I have been in touch with many
11 people starting with the district attorney,
12 that's Madelyn Singas' office, by phone,
13 email. Directed to the animals criminal unit
14 created by DA. I have been on the phone with
15 Joan Benson, who leads this unit. Joseph
16 Saladino. Everyone. I have left messages
17 asking people for help and guidance for a long
18 time now.

19 I even went to the Village of
20 Muttontown where an old law was tweaked to a
21 noise ordinance. I wish it was simple. I
22 wish it was just about making all these phone
23 calls, emailing and waiting for responses and
24 possibly having someone somewhere say this is
25 wrong, we will help in this. Who does not

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2 feel tethering laws should be ended and then
3 there should be laws created and then
4 enforced? That's why I'm here. Thank you for
5 passing any laws and hopefully it will trickle
6 down everywhere else.

7 LEGISLATOR NICOLELLO: Thank
8 you. Maria Menidetti.

9 MS. MENIDETTI: I'm Maria
10 Menidetti. I'm vice president of Our Best
11 Friends Rescue. I have been working with
12 animals. Especially aggressive dogs, for over
13 40 years. I'm part of FEMA for Worldwide
14 Disasters for Animals also. A vet tech and
15 also a groomer. There isn't one area I
16 haven't hit.

17 One thing I do tell you is when you
18 have a dog that is tethered you have a dog
19 that can get very aggressive. It gets out a
20 child gets hurt, a senior gets, a person gets
21 hurt. The dog gets killed. Meanwhile the
22 owner just walks away. This has to stop.

23 We have dogs that come in and I can
24 show you my scars. We can change them. Not
25 all. We have so much damage on these animals

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2 that they do have to be put to sleep. Why do
3 we have to wait so long for all of these laws
4 to be passed? Why do the experienced ones
5 have to get up there and do all the hard
6 work? To save lives. To save the animals'
7 lives. To give them a life that they
8 deserve. It's not much to ask.

9 So either it's a Nassau County law,
10 it's this town's, it doesn't matter. We all
11 have to join together. That's the point of
12 today. Everybody should be joining together
13 to make these laws one. It shouldn't be as
14 hard as everybody segregating each other.
15 It's ridiculous. It's like I don't like this
16 dog. I don't like this dog. This dog is too
17 small. That's ridiculous. We're done with
18 it. Everybody is always pointing fingers at
19 people and criticizing and you're doing the
20 same thing with the animals. They have
21 hearts. They have souls. And I'll be the
22 first one to tell you I'll never give up on a
23 dog. But I give up on people all day long and
24 this is why.

25 LEGISLATOR NICOLELLO: Thank

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2 you. Any other comments? Hearing none,
3 Legislator Drucker.

4 LEGISLATOR DRUCKER: I want to
5 say a few words. Paula, I applaud your
6 advocacy. As a passionate dog lover myself I
7 do understand how much should we care for our
8 pets and how important it is to do whatever we
9 can to protect them. I also share in your
10 frustration as I indicated when this bill was
11 before the committee a couple of weeks ago.
12 It is frustrating when you think about how we
13 now make our police officers and first
14 responders we make their jobs more difficult
15 in terms of enforcement because there might be
16 inconsistent laws and they have to refer to
17 the handbook to see which jurisdiction
18 applies.

19 But the most important thing is
20 that we're having a dialogue. We're starting
21 to become more aware. We're talking about
22 this issue more and more. Maybe it will
23 highlight the importance of it being reported
24 more. Maybe we'll start to see people being
25 held accountable and being more responsible

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2 when it comes to their pets. I'm hoping
3 myself that this law, even though it has
4 limitations with regard to the inconsistency
5 with other localities, I'm hoping that it does
6 bring to the forefront the importance of every
7 single person taking notice of how pets are
8 treated in these extreme temperatures.

9 I thank you for waiting all these
10 hours to passionately talk about this issue.
11 I'm certainly appreciative of it and I support
12 it. And I want to thank the entire
13 legislature and the majority for supporting
14 it. Albeit with some limitations.

15 LEGISLATOR NICOLELLO: I have a
16 motion by Legislator Drucker to close the
17 hearing. Seconded by Legislator Lafazan. All
18 in favor of closing the hearing signify by
19 saying aye. Those opposed? The hearing is
20 closed.

21 Item 24 is a vote on a proposed
22 local law to prohibit the inhumane treatment
23 of pets.

24 Moved by Legislator Drucker.
25 Seconded by Legislator Lafazan. Any debate?

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2 Hearing none, all in favor signify by saying
3 aye. Those opposed? Carries unanimously.

4 I have people still here on -- 14
5 is a hearing on a proposed local law to amend
6 the Nassau County miscellaneous laws in
7 relation to restricting advertising of age
8 restricted products.

9 Moved by Legislator Drucker.

10 Seconded by Legislator Birnbaum to open the
11 hearing. All in favor of opening the hearing
12 signify by saying aye. Hearing is open.

13 This is self-explanatory. Anyone
14 on the legislature want to say anything about
15 it before we open it up to the members of the
16 public that are still here? Whoever wants to
17 speak just come up.

18 MS. DAVIS: My name is Laurie Ann
19 Davis. I am a mom and an acting teacher and I
20 own an acting studio in Bethpage, New York.
21 Besides my son, children are my life. My son
22 recently called me and told me he couldn't
23 breathe. I thought it was just anxiety. He
24 had his first year in college. It turns out
25 that after just one time he became addicted to

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2 vaping.

3 When I told him what was going on
4 with the ban and everything he very calmly
5 said mom, I understand that they're going to
6 try to ban the flavors but without mint in
7 there it's not going to work because it's very
8 highly addicting.

9 I apologize. I've been here for a
10 long time. I'm with Parents Against Vaping, I
11 joined them, and the founders had to go. We
12 are in the middle of what the United States
13 Surgeon General has called a youth vaping
14 epidemic. Where kids as young as 11 years are
15 using e-cigarettes cigarettes. With 135
16 percent increase over two years in high school
17 students using e-cigarettes and five million
18 kids vaping regularly up to 3.6 we need to
19 find a way to slow this epidemic. Sorry.

20 Of course banning all e-cigarette
21 flavors which hook our kids, including mint
22 and menthol, which are flavors, which is
23 essential in order to prevent new kids from
24 trying cigarettes. More than eight out of ten
25 who use e-cigarettes start with flavors.

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2 However, it is essential to
3 regulate and restrict advertising as well.
4 Which is why I'm here too.

5 Between 1998 and 2016 tobacco
6 companies they spend to market products at
7 retail locations has increased by 85 percent
8 from 4.7 billion to 8.7 billion. Now over 90
9 percent of all tobacco companies' marketing
10 budgets are spent at a point of sale including
11 price discounts, which accounts for two-thirds
12 of all tobacco industry spending on cigarette
13 advertising and promotion. US Federal Trade
14 Commission 2016.

15 Point of sale of tobacco promotions
16 work. They increase impulse purchases and
17 enhance the urge to purchase among recent
18 quitters. They are strongly associated with
19 initiation abuse. The point of sale
20 promotions and discounts are more common at
21 tobacco retailers near schools where teens are
22 likely to shop. Convenience stores for
23 example are popular among teenage shoppers and
24 feature significantly more tobacco advertising
25 promotion as compared to other stores.

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2 Between 2014 and 2016 the
3 percentage of middle school and high school
4 students exposed to retail advertising of
5 e-cigarettes increased 55 to 68 percent. This
6 advertising exposure predicts e-cigarettes
7 used among youths which often leads to
8 subsequent and established cigarette smoking
9 and other substance abuse behaviors. This is
10 a gateway. Absolutely.

11 E-cigarettes retail locations
12 cluster near schools and universities which
13 results in easy access to e-cigarettes. I
14 could go on and on.

15 But as a mom and a teacher, as an
16 acting teacher, my kids are telling me at the
17 age of ten that they have tried vaping. That
18 they can't even go into the bathroom without
19 the smoke bellowing.

20 My son just transferred to another
21 college. In his first year his roommate was
22 addicted and he tried it. And he said it gave
23 him a relaxing feeling. He's been not vaping
24 now for six weeks. Just on Friday I had to
25 sit in the doctor's office while my son had

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2 breathing tests and they're telling me, as my
3 cardiologist is watching my son on a heart
4 monitor and watching him take a stress test at
5 19 years old that they don't know the damage.
6 They don't know. He's constantly calling me
7 up saying I can't breathe.

8 We have to do something. And
9 thanks you to you for standing up and doing
10 this. This is really, really hard to hear
11 that my child can't breathe and to watch some
12 of my students go through it as well.

13 The advertising is so enticing to
14 them. Not just the flavors as well. They're
15 geared towards kids. And I had one of my
16 little ones say -- his mom said what do you
17 need for school? Is there anything else that
18 we can get you? You got your clothes. I'm a
19 little discombobulated right now. He said I
20 need a vape. She was like what? 11 years old
21 I need a vape. If I don't have one I won't be
22 cool. So they start with that and then they
23 become addicted. My son said it only took one
24 puff to get him addicted.

25 Thank you for your time. I

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2 appreciate it. I just hope that we can move
3 forward with this and amend also that the mint
4 be added to it because they did not say that
5 it was actually one of the flavors -- I know
6 that Governor Cuomo said all the other flavors
7 but not mint or menthol. Those are the ones,
8 those are the two that are highly addictive
9 before the flavors. Thank you for your time.
10 I appreciate it.

11 LEGISLATOR NICOLELLO: Thank
12 you. Anyone else here to speak on this? Mr.
13 Budnick.

14 MR. BUDNICK: First of all, I
15 have to apologize to you. When I picked up
16 proposed local laws on Friday a copy of this
17 was not included. Speaking as a member of the
18 board of directors of Brookville, Long Island
19 I will tell you that most of the complaints,
20 serious, frightening complaints that we've
21 received at the recent open school nights that
22 we go down to talk and listen to people is
23 about vaping. Children as young as ten, 11
24 are vaping and they don't stop. They don't
25 want to stop. They're addicted to it.

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2 I don't know what the provisions of
3 your law actually include but I would most
4 respectfully suggest that any people caught
5 vaping under the age of 18 be subject to a
6 summons to the family court wherein they would
7 be named as respondents as persons in need of
8 supervision. So that the probation, the
9 therapeutic, the counseling services of the
10 family court can be made available to these
11 addicts.

12 I would strongly suggest any
13 penalties for advertisers that are going and
14 are pointed at and are seeking to inveigle
15 people under the age of 18 be prohibited and
16 there be quite, quite serious penalties.
17 Thank you very much. Again my apologies for
18 speaking to you blank.

19 LEGISLATOR NICOLELLO: Thank
20 you. Anyone else like to speak on this? All
21 right. Legislator Drucker makes a motion to
22 close the hearing. Seconded by Legislator
23 Birnbaum. All in favor of closing the hearing
24 signify by saying aye. Those opposed?
25 Carries unanimously.

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2 Item 28. This is a vote on a
3 proposed local law to amend Nassau County
4 miscellaneous laws in relation to restricting
5 advertising of age-restricting products.

6 Motion by Legislator Drucker.
7 Seconded by Legislator Birnbaum. Any debate
8 or discussion? Any public comment?

9 LEGISLATOR DRUCKER: I just want
10 to say that despite the vitriolic nature of a
11 lot of the session this evening I think there
12 is one thing that all 19 of us can agree on
13 and act in a bipartisan fashion is when it
14 comes to protecting our children and that's
15 what this bill is all about.

16 Restricting the advertising from
17 these vape products, which is really what
18 these companies like Juul and the others are
19 luring young children by marketing directly to
20 them. We have an opportunity now to get out
21 in front of this.

22 My father was a two pack a day
23 cigarette smoker. I remember back in the '60s
24 they didn't have all the warnings and there
25 wasn't so much talk about the correlation

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2 between smoking and cancer. But the data came
3 in much later and far too late after hundreds
4 of thousands of people died from lung cancer.

5 We have an opportunity now to get
6 in front of this. The data is emerging on a
7 daily basis on the harmful effects of vaping
8 and what it's doing.

9 Let's start off with a ban on the
10 advertising so that kids are not exposed to
11 this attractive behavior at a young,
12 formidable age. So I applaud the majority
13 once again for being receptive and taking the
14 initiative on this bill. Thank you.

15 LEGISLATOR NICOLELLO: Thank you
16 Legislator Drucker. Anyone else? You just
17 spoke on it.

18 MR. BUDNICK: One section that is
19 that the county attorney be authorized to seek
20 injunctive relief.

21 LEGISLATOR NICOLELLO: All in
22 favor signify by saying aye. Those opposed?
23 Carries unanimously.

24 I'm going to jump to item 13. It's
25 a hearing on a proposed local law. It's a

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2 local law to amend the Nassau County Human
3 Rights Law in relation to reasonable
4 accommodations.

5 Moved by Legislature Lafazan.

6 Seconded by Legislator Mule. That's a motion
7 to open the hearing. All in favor of opening
8 the hearing signify by saying aye. The
9 hearing is open.

10 Ms. Krisel, I apologize. It's been
11 a long day. I know you've been waiting the
12 entire day.

13 MS. KRISSEL: It is my pleasure to
14 spend the day with legislators and I really
15 admire all of you for your incredible
16 patience.

17 I'm Martha Krisel, executive
18 director of the Nassau County Civil Service
19 Commission. I simply wanted to note the
20 concern I had, I've spoken already with
21 different legislators and their respective
22 counsel, just with regard to the whereas
23 clause that talked about the unnecessarily
24 inflexible rules. You know that the standard
25 we go by is arbitrary and capricious.

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2 So to avoid any appearances of that
3 or any problems of that, we do adhere to the
4 New York State Municipal Police Training
5 Counsel. They're informally known as MPTC.
6 Which everybody always hears. But it's really
7 medical and fitness standards. And they do
8 require reasonable accommodations for both
9 hearing and vision but there are very specific
10 protocols that we follow.

11 I just wanted the legislators to
12 understand that that is -- it's not an
13 inflexible standard. It's a New York State
14 standard. It helps us tremendously in the
15 testing. It affects law enforcement as well
16 as law enforcement-related positions and it
17 also affects all the other municipalities and
18 authorities for which we are responsible. And
19 if there are questions about that, I have
20 distributed the MPTC to both counsels sides
21 and anybody else that wants a copy of it I
22 would be happy to share.

23 LEGISLATOR NICOLELLO: So the
24 language that's at issue is in the whereas
25 clause?

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2 MS. KRISEL: Right. Then there's
3 a continuation into the law that talks about
4 permitting persons with impaired hearing to
5 use hearing aids and other such auxiliary aids
6 all of which we are working on very
7 effectively. But it also talks about a whole
8 litany of different types of testing devices.
9 And again, we are controlled by the MPTC
10 standards. So where there's an inconsistency
11 we would go with the MPTC standards. And I
12 have been assured that this will be addressed
13 in subsequent follow-up documentation.

14 LEGISLATOR NICOLELLO: Legislator
15 Lafazan.

16 LEGISLATOR LAFAZAN: I just
17 wanted to thank Ms. Krisel and we had a great
18 conversation before and I'm looking forward to
19 following up. I just want to thank my
20 colleagues on both sides of the aisle here.
21 Nassau County is slowly but surely becoming
22 the most accommodating municipality for
23 individuals who are deaf or hard of hearing.
24 And I want to thank my Republican colleagues
25 for adding vision into this important bill.

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2 So thank you Ms. Krisel and thank you to my
3 colleagues.

4 LEGISLATOR NICOLELLO: Is this
5 going to be an issue for civil service if it
6 is adopted in the current form?

7 MS. KRISSEL: If so, we've spoken
8 about possible subsequent amendments but I
9 didn't want to hold up the legislation this
10 evening.

11 LEGISLATOR NICOLELLO: That's
12 fair enough. We're more than open to making
13 whatever changes that will not interfere with
14 the mission or operation of the civil service.

15 MS. KRISSEL: I appreciate that
16 very much.

17 LEGISLATOR NICOLELLO: We will
18 look to do an amendment in the next month or
19 month after that. Thanks.

20 Any other discussion? Any public
21 comment? Hearing none, motion by Legislator
22 Lafazan and a second by Legislator Mule to
23 close the hearing. All in favor of closing
24 the hearing signify by saying aye. Those
25 opposed? Carries unanimously.

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2 Item 27 is a vote on a local law to
3 amend Nassau County Human Rights Law in
4 relation to reasonable accommodations.

5 Moved by Legislator Lafazan.

6 Seconded by Legislator Mule. It is before
7 us. Call for a vote. All in favor signify by
8 saying aye. Those opposed? Carries
9 unanimously.

10 Go back to the beginning. Item 7.
11 A local law in relation to establishing a
12 demonstration program imposing owner liability
13 for failure of an operator to stop for a
14 school bus displaying a red visual signal and
15 stop arm and amending the Nassau County
16 administrative code in relation to the
17 jurisdiction of the County Traffic and Parking
18 Violations Agency.

19 Moved by Minority Leader Abrahams.
20 Seconded by Deputy Presiding Officer Kopel.
21 That's a motion to open the hearing. All in
22 favor of opening the hearing signify by saying
23 aye. Those opposed? The hearing is open. If
24 anyone wants to address this it's been
25 addressed in committees. We understand it's

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2 New York State legislation we are opting
3 into. Does some good stuff. Any other
4 discussion? Mr. Budnick.

5 MR. BUDNICK: I have a number of
6 issues and maybe I should meet with somebody's
7 counsel because it's a large number of them
8 and they're all correctable. First of all,
9 I'm speaking out of personal knowledge.
10 Having had the occasion once upon a time to
11 let an employee of mine use my car overnight
12 and their son borrowed the car. He didn't
13 steal it. He just committed an unauthorized
14 use of it. At the same time he committed a
15 DWI. So the Nassau County Police seized the
16 car and were seeking to forfeit it, and I had
17 to get engaged in a rather lengthy legal
18 proceeding in order to get it back.

19 I am not a person to look lightly
20 upon holding an owner of a car liable for a
21 \$250 penalty plus surcharges when they are not
22 identified as the operator of the vehicle.

23 First of all, there should be the
24 extension of this law to Long Beach and the
25 City of Glen Cove, which is permitted by the

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2 statute as was amended and passed by the New
3 York State Legislature.

4 Why is there not a provision in
5 here about having an agreement with the owners
6 of the buses not just the school districts?
7 Because without agreements with the owners of
8 the buses as well as the school districts
9 there can be fantastic possibilities of
10 liability.

11 The removal and prohibition of use
12 of these photographs, videos et cetera by
13 anyone except the Nassau County TPVA is a
14 violation of the rights of the New York State
15 and federal grand juries, the jurisdiction of
16 the federal and state courts. That has to be
17 looked at and corrected before there's a
18 declaration of unconstitutionality when a
19 grand jury subpoena is handed to whoever has
20 these and they refuse it based on these
21 provisions.

22 There are a number of other issues
23 including not providing that these cameras
24 should be automatically inoperatable if the
25 red lights or the stop sign fails to deploy.

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2 Thank you and I look forward to
3 chatting with somebody about a number of these
4 issues in hopes of resolving them and over a
5 dozen more.

6 LEGISLATOR NICOLELLO:

7 Mr. Budnick thank you. Anyone else?

8 Legislator Ford.

9 LEGISLATOR FORD: I support this
10 law. Very much in favor of it. And I'm happy
11 to see it coming to Nassau County. But I am
12 going to be reaching out to New York State
13 because in my city of Long Beach we have a
14 divided road, Park Avenue, where the median is
15 more than 30 feet wide and many of my
16 residents, after we sent out the flyer on
17 this, reached out to me because they wanted to
18 know whether or not that would be included
19 under this where you can't pass on either
20 side. For me and the residents in Long Beach
21 and people who go through that area, I would
22 like to have clarification on what constitutes
23 divided highways. If it's any size or
24 whatever. Some things aren't quite as clear
25 and before this program goes into effect I

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2 want to make sure if we're going to ticket
3 people we do it the right way.

4 LEGISLATOR NICOLELLO: Thank
5 you. Motion to close the hearing? Motion by
6 Legislator Muscarella. Seconded by Legislator
7 Walker. All in favor of closing the hearing
8 signify by saying aye. Those opposed?
9 Carries unanimously.

10 Let's go to number 21 which is the
11 vote. It's a vote on a local law in relation
12 to establishing a demonstration program
13 imposing owner liability for failure of an
14 operator to stop for a school bus displaying a
15 red visual signal and stop arm and amending
16 the Nassau County Administrative Code in
17 relation to the jurisdictions of the Nassau
18 County Traffic and Parking Violations Agency.

19 Moved by Legislator Mule. Seconded
20 by Legislator McKevitt. Any debate or
21 discussion? Hearing none, all in favor
22 signify by saying aye. Those opposed?
23 Carries unanimously.

24 I'm going to call three hearings at
25 once. Eight is a hearing on a proposed local

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2 law to establish within the Nassau County
3 Police Department the Health and Wellness
4 Division.

5 Nine is a hearing on a local law to
6 establish within the County's Sheriff
7 Department the Health and Wellness Division.

8 11 is a local law to prohibit the
9 harassment of police officers, peace officers
10 or first responders.

11 Legislative Ford moves those
12 items. Legislator Rhoads seconds those.
13 They're not moving them. They're making a
14 motion to open the hearing. All in favor of
15 opening the hearing signify by saying aye.
16 Those opposed? Hearing is open. These are
17 pretty self-explanatory. Issues that we have
18 all put through. Any debate or discussion at
19 the legislature? Any public comment?
20 Mr. Budnick.

21 MR. BUDNICK: I do hope that the
22 various chaplains of the corrections
23 department, of the sheriff's office and the
24 police department will be placed in these
25 sections or bureaus of the police department

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2 and the sheriff's office.

3 With regard to the one about
4 throwing water or other substances at police
5 officers, peace officers or first responders,
6 the bill does not and the New York State
7 criminal procedure law, at least the copy that
8 I have which was dated last year, does not
9 contain a definition of first responder.
10 Somebody has to define what a first responder
11 is for that particular law.

12 Also, it needs to be extended to
13 correction officers who are very often
14 attacked by inmates throwing all sorts of
15 substances. Some of which make you want to
16 reverse your peristalsis and correction
17 officers need protection under this law too.
18 Thank you very much and thanks once again for
19 putting up with me.

20 LEGISLATOR NICOLELLO: Thank
21 you. Legislator Ford makes a motion to close
22 the hearing. Legislator Rhoads seconds it.
23 All in favor of closing the hearing signify by
24 saying aye. Hearing is close.

25 Item 22 is a vote on a proposed

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2 local law to establish within the Nassau
3 County Police Department the Health and
4 Wellness Division.

5 Item 23 is a vote on a local law to
6 establish within the Nassau County Sheriff's
7 Department the Health and Wellness Division.

8 Item 25 is a local law to prohibit
9 the harassment of police officers, peace
10 officers or first responders.

11 Moved by Legislator Ford. Seconded
12 by Legislator Rhoads. All in favor of those
13 items signify by saying aye. Those opposed?
14 The three carry unanimously.

15 Twelve is a hearing on a local law
16 to amend Section 22-4.3 of the Nassau County
17 Administrative Code in relation to increasing
18 access to the annual statements of financial
19 disclosure of elected officials.

20 Moved by Legislator Walker.
21 Seconded by Legislator Bynoe. Motion to open
22 the hearing. All in favor of opening the
23 hearing signify by saying aye. Those
24 opposed? The hearing is open.

25 Anyone from the county attorney's

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2 office here to speak on this?

3 MR. VIVANTE: Nick Vivante,
4 deputy county attorney. Last time you
5 addressed a question about other
6 municipalities and their similar reporting
7 requirements online. JCOPE, the ethics board
8 for the state and the competent interest board
9 for the city both have posting of their
10 disclosure forms online for elected
11 officials. And any information provided
12 online it's more likely that a can occur but
13 the county attorney's office doesn't have any
14 particular concerns. Shall I repeat any of
15 that?

16 LEGISLATOR NICOLELLO: Thank
17 you. Any other public comment? Motion by
18 Legislator Bynoe to close the hearing.
19 Seconded by Legislator Walker. All in favor
20 of closing the hearing signify by saying aye.
21 Those opposed? Carries unanimously.

22 We have some more questions about
23 this item. We are not going to be calling the
24 actual vote on the proposed local law
25 tonight.

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2 We are going to item 31.

3 Legislator McKeivitt is going to recuse
4 himself. Let the record reflect that
5 Legislator McKeivitt has left the chambers and
6 will not be participating in any debate,
7 discussion or vote on this item which is
8 Ordinance 75. An ordinance making certain
9 determinations pursuant to SEQRA in
10 authorizing the county executive to accept on
11 behalf of the county an offer of purchase from
12 the Long Island Railroad of certain real
13 property located in Carle Place and
14 authorizing the county executive to execute a
15 deed, contract of sale and all pertinent
16 documents in connection therewith to
17 consummate the sale.

18 Moved by Legislator Rhoads.

19 Seconded by Legislator Kennedy. Any debate or
20 discussion? Any public comment?

21 MR. BUDNICK: Just to let you
22 know that when I was at the Open Spaces and
23 Parks Advisory Committee where this was
24 discussed it was indicated that the Long
25 Island Railroad will be doing extra work and

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2 providing extra compensation to the county for
3 the acquisition of this. It is very much
4 needed for the new third rail line that goes
5 out all the way to Hicksville. My compliments
6 for putting up with me.

7 LEGISLATOR NICOLELLO: Thank
8 you. Any other public comment? Hearing none,
9 all in favor signify by saying aye. Those
10 opposed? Carries unanimously.

11 Item 62. A resolution to provide a
12 tuition reimbursement program at Nassau
13 Community College or any accredited college
14 located in Nassau County to the surviving
15 dependent family members of a Nassau County
16 resident who served in the military or was a
17 Nassau County first responder and who has
18 died, been declared missing in action or has
19 become severely and permanently disabled while
20 performing official duties.

21 Moved by Legislator Gaylor.
22 Seconded by Deputy Presiding Officer Kopel.
23 Need an amendment which will limit the annual
24 appropriation for tuition reimbursement to
25 \$500,000. Moved by Legislator Ford. Seconded

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2 by Legislator Drucker. All in favor of the
3 amendment signify by saying aye. Those
4 opposed? Amendment passes unanimously. Now
5 we have the bill before us as amended. Any
6 discussion? Legislator Gaylor.

7 LEGISLATOR GAYLOR: Just for my
8 colleagues, earlier this year I proposed
9 legislation to give free tuition to Gold Star
10 families to attend Nassau Community College.
11 Simply put, it's really our duty to honor
12 those who died fighting for our freedoms and
13 to take care of those that they leave behind.
14 We can do better and will do better. But this
15 is a small step in the right direction. As a
16 veteran myself, I'm committed to doing
17 everything in my power to make this right in
18 providing scholarships for free. Tuition at
19 Nassau Community College is just one of those
20 baby steps in the right direction. So I'm
21 going to vote yes and urge my colleagues to do
22 the same. Thank you.

23 LEGISLATOR NICOLELLO: Any public
24 comment? Mr. Budnick.

25 MR. BUDNICK: My father was a 100

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2 percent disabled veteran of the United States
3 Army, Army Air Corp. and he was US Air Force.
4 Fortunately I didn't need the help of this
5 kind of bill would provide me in order to get
6 through college and law school and also do
7 post doctoral work and whatnot. Fortunately
8 my grades were good enough.

9 My sister on the other hand didn't
10 have that good grades and I had to work to pay
11 to put her through Nassau Community College.
12 She spent the next 38 years of her life
13 working for the Nassau County Police
14 Department. First as a 911 operator. Then
15 she was elevated to a supervisor. And I think
16 that this law is absolutely more than
17 necessary and more appropriate.

18 I must say one other thing just
19 because it relates to Nassau Community
20 College. Please note, New York State since
21 2017 has reduced aid to Nassau Community
22 College by \$4.5 million. That needs to
23 somehow be made up because Nassau Community
24 College --

25 LEGISLATOR NICOLELLO:

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2 Mr. Budnick, please, this is on the item.

3 It's eight hours now. It's nine o'clock at
4 night. We don't need necessarily have to hear
5 your random thoughts about stuff. If you have
6 a comment about this you have a right to talk
7 about it but that's it.

8 MR. BUDNICK: I'm almost through.

9 LEGISLATOR NICOLELLO: You are
10 unless you're going to be speaking about this
11 item then you're done.

12 MR. BUDNICK: Thank you.

13 LEGISLATOR NICOLELLO: Thank
14 you. Any other public comment? Hearing none,
15 all in favor signify by saying aye. Those
16 opposed? Carries unanimously.

17 Item 81, a resolution to establish
18 the Nassau County Commission to Combat Senior
19 Citizen Identity Thefts, Frauds and Scams.
20 Resolution 178.

21 Moved by Legislator Gaylor.

22 Seconded by Legislator Kennedy. You want to
23 say anything about this?

24 LEGISLATOR GAYLOR: Thank you
25 Presiding Officer. So, I see on the news

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2 every day stories about how senior citizens,
3 who are some of our most vulnerable residents
4 are being victimized by these types of scams
5 to try and steal money off of them. In fact,
6 it's become so common place that the media has
7 stopped focusing on the seniors who lost their
8 money and are instead doing stories about the
9 seniors who are outsmarting the scammers now
10 because these are the exceptions.

11 However, we need to do something
12 about this problem. Too many of our seniors
13 are being solicited by rabbis or by what they
14 believe are police departments or police
15 foundations or churches or synagogues or the
16 IRS or the Social Security Administration or
17 other unsavory types trying to take their
18 money. So we need to do something about this
19 problem. This is part of the reason for the
20 legislation.

21 Our county from roads to public
22 safety has many layers of government that
23 don't always work together seamlessly. So
24 this legislation brings all of the community
25 stakeholders together for the common goal of

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2 protecting our seniors. This legislation
3 would create an eleven member commission
4 called the Nassau Commission to Combat Senior
5 Citizen Thefts, Frauds and Scams. And will
6 not only study the effectiveness of existing
7 statutes but also teach older residents how to
8 protect themselves from scammers.

9 It will have representatives from
10 the district attorney's office, the police
11 department, social service departments as well
12 as the county attorney's office that can
13 evaluate the current laws and add whatever we
14 need to do better to protect our residents.
15 We need to end the stigma associated with
16 being scammed and we need to give our seniors
17 the knowledge and ability to fight back. This
18 bill will do that. I urge my colleagues to
19 support this measure. Thank you.

20 LEGISLATOR NICOLELLO: Anyone
21 else in the legislature? Any public comment?
22 Mr. Budnick.

23 MR. BUDNICK: Having been a
24 person that received a number of extortionary
25 threats from people alleging themselves to be

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2 the US Department of Social Security accusing
3 me of fraud. When I called Nassau County 911
4 I was told they can't do anything about it.
5 That is disgusting and absurd. I hope and I
6 thank and I highly compliment Colonel Gaylor
7 for his outstanding work here. By the way, if
8 anybody wants to see one of the messages I got
9 I still have it on my voice mail. Thank you.
10 God bless you for putting up with me.

11 LEGISLATOR NICOLELLO: Thank
12 you. Any other public comment? Hearing none,
13 all in favor of item 81 signify by saying
14 aye. Those opposed? Carries unanimously.

15 Item 82 is Resolution 179 to
16 authorize the establishment of an asset
17 forfeiture escrow fund.

18 Moved by Legislator Walker.
19 Seconded by Legislator Drucker. The item is
20 before us.

21 MR. JEFFERSON: Beaumont
22 Jefferson, county treasurer. If you don't
23 have any questions I still would like this
24 opportunity to tell you a little bit about
25 that.

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2 LEGISLATOR NICOLELLO: If we
3 didn't have any questions I would have tried
4 to call this with the consent calendar. I
5 apologize for you having to wait sent.

6 MR. JEFFERSON: This is the
7 establishment of the asset forfeiture escrow
8 fund and this fund is being established by new
9 section 6(v) of Chapter 55 of the laws of
10 2019. It's from the New York State
11 Legislature. Technically what this does is
12 just establish the asset forfeiture fund. We
13 already have asset forfeiture accounts that
14 are segregated in our grant fund. But what we
15 will do here is those accounts will move into
16 the asset forfeiture and it just simplifies
17 our reporting structure.

18 LEGISLATOR NICOLELLO: Thank
19 you. We appreciate that and appreciate the
20 improvement the way this is administered. Any
21 public comment? Hearing none, all in favor
22 signify by saying aye. Those opposed?
23 Carries unanimously.

24 Before we go to the emergencies
25 Mr. Margolis did you have something else? Let

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2 me ask you this is Thomas Kaufman here? Or
3 Melissa -- okay. After Mr. Margolis come
4 right up.

5 MR. MARGOLIS: Just wanted to
6 thank the legislature for bearing with me
7 today also.

8 Approximately nine months ago I
9 appeared at the Nassau County Assessor's
10 Office to be told by his supervisor that she
11 could probably be fired for what she was
12 saying but that our property tax assessment on
13 our new home had been very messed up and we
14 would to speak with a politician. Although I
15 am an attorney myself, I never had dealt with
16 a politician or knew anything about tax law.
17 In the last nine months I've learned more
18 about law, politics than I probably learned
19 throughout my 15 year career and all of law
20 school.

21 I was sent to Laura Curran's office
22 immediately and since then mine my family's
23 life has changed dramatically. Sleepless
24 nights, depression, et cetera all caused by
25 the upcoming issue I'm about to describe.

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2 We moved from one end of Plainview
3 to the other on December 16, 2016 and
4 immediately grieved our property taxes. Said
5 grievance was for the 2018-2019 tax year we
6 are just completing in which our tax grievance
7 was denied and we paid approximately \$25,000
8 in real property taxes this year.
9 Approximately double in 2017-2018 tax year.

10 In January, even with the frozen
11 tax roll, we learned our taxes would be going
12 to approximately \$40,000. The reason I've
13 been given for this is because the 2019 number
14 was only based off 60 percent of the
15 improvements while the 2020 is now being based
16 off an additional 40 percent of the
17 improvements.

18 It shall be noted that nowhere on
19 the county website or in any document does it
20 say that you can be assessed twice.
21 Especially when we moved into a house prior to
22 the January 2, 2017 tentative assessment
23 date.

24 Additionally, it shall be noted
25 that our property was subdivided with the same

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2 house going on both parcels. Except my back
3 neighbors moved into their home approximately
4 July of 2019. I'm truly the only person in
5 the Nassau County with truly an exact comp.

6 My back neighbors immediately
7 grieved for the 2019-2020 tax year. Their
8 property assessment was reduced immediately by
9 approximately 40 percent. Thereby, resulting
10 in them paying approximately \$25,000 in taxes
11 for this upcoming year while I'm paying 40.

12 In speaking with my legislator,
13 Mr. Drucker, who has lived in Plainview I
14 believe for at least 30 or 40 years, maybe
15 more, he acknowledges he has never even heard
16 of anybody paying \$40,000 in real property
17 taxes. This goes against all principals as
18 equity is the foundation of our law. As all
19 people should be treated equally. Otherwise,
20 people like my family will be financially
21 irreparably harmed, which goes everything we
22 have learned in our judicial system.

23 Again, I have spent months,
24 countless hours taken away from my job trying
25 to get to the assessor's office, my own

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2 legislator, my county executive and also my
3 town supervisor to assist in correcting this
4 grave injustice. Everybody says they feel bad
5 but no one knows how to help or can help.

6 I came here today, never probably
7 met a lot of you, I'm sure I have seen some of
8 you along this journey, to say that something
9 needs to be done. I cannot pay on October
10 15th \$40,000. My family will lose our home.
11 I brought today the charts, which if we passed
12 around, to show the difference in values on
13 the same exact property. How can one be
14 expected to pay \$40,000 when somebody else
15 pays \$25,000? This isn't oh, the answer I get
16 is we grieved for ten years. People grieve
17 for ten years. Me and my neighbor didn't
18 grieve for ten years. I filed a grievance and
19 was denied. Nobody knows why it was denied.

20 And everywhere I go I get the same
21 blank stares. Ms. Curran doesn't speak with
22 individual constituents. That's her line. I
23 can come down here. I think I have been here
24 about nine times in the last nine months. I
25 get treated like a criminal. I have to sit in

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2 a little corner to make a phone call. I'm a
3 high paying Nassau County taxpayer. I have
4 lots and lots of friends. Lots of friends. A
5 lot of them were here earlier today. We are
6 the people who have invested in Nassau
7 County. We are the people that take huge
8 risks.

9 LEGISLATOR NICOLELLO:

10 Mr. Margolis, other people are still waiting
11 to speak. Your three minutes was up a few
12 minutes ago. Please sum up.

13 MR. MARGOLIS: I apologize. I
14 would just like to know if there's anybody
15 that can fix this?

16 LEGISLATOR NICOLELLO: This body
17 can't. We don't have the power to do that.

18 I know you've been here all day. I
19 apologize for having to wait for this long
20 time. The topic you said was traffic
21 calming. I thought you were going to speak
22 when we did a couple of the laws that we did.
23 I apologize that you had to wait all day
24 that.

25 MS. MINFAKH: My name is Melissa

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2 Minfakh. I live on North Brookside Avenue in
3 Freeport. I have three young children and
4 there are many other young kids in our
5 neighborhood. We live on a beautiful street
6 near a great community park in convenient
7 walking distance to Freeport High School and
8 the Baldwin train station. Many neighborhood
9 residents walk, bike and skateboard every day
10 down this street.

11 I'm here today to bring your
12 attention to traffic management on North
13 Brookside Avenue. This is a two and half mile
14 residential road between the Southern State
15 Parkway and Sunrise Highway maintained by the
16 Nassau County DPW. Since Exit 21 was added to
17 the Southern State Parkway our residential
18 street has become a thruway for traffic
19 between the parkway and Sunrise Highway. Cars
20 drive well in excess of the posted speed
21 limit, which is 30 miles an hour, and there
22 are no safe places for pedestrians to cross
23 the street in the half mile between Seaman
24 Avenue and Sunrise Highway.

25 The northern two miles of Brookside

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2 Avenue were recently redesigned and repaved.

3 However, the last half mile is a dangerous
4 stretch of road that has seen at least five
5 crashes in the past two years since I moved
6 into my house. Including one head on
7 collision resulting in serious injuries as
8 well as a single car accident that took down
9 an entire utility pole.

10 This is an inordinate amount of
11 accidents for such a small stretch of
12 residential road highlighting a need for
13 better road design and traffic calming
14 measures. With its current design it's only a
15 matter of time before a traffic fatality
16 occurs from one of these accidents.

17 Traffic engineering science tells
18 us the best way to slow traffic is to narrow
19 the road. When you drive on a narrower road
20 you naturally slow down to maneuver safely
21 past park cars and oncoming traffic. A
22 narrower road is more effective than stop
23 signs, speed bumps or police enforcement.

24 Reducing traffic speed from 40
25 miles an hour, a common speed of cars

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2 traveling on North Brookside, to 30 miles an
3 hour, the posted speed limit, shortens the
4 stopping distance required to stop a car by
5 100 feet. This could save the life of
6 pedestrian or motorist.

7 How can we narrow North Brookside
8 Avenue to make it safer for pedestrians,
9 cyclists and drivers without impacting
10 emergency vehicle traffic? I have a cost
11 effective plan that will use road features
12 everyone can benefit from, like bike lanes and
13 crosswalks, to narrow the road to a safer
14 width and slow the cars without adversely
15 affecting emergency response.

16 Our current street profile is on
17 page three of the packet. The road is 40 feet
18 wide with a double yellow line down the
19 center. It has a two foot wide grass strip at
20 the curb and a three foot wide sidewalk on
21 either side. The parking lane is not marked,
22 so the travel lanes are, in effect, each 20
23 feet wide. Especially since very few cars
24 park on North Brookside.

25 With 40 feet of available street

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2 space we can add a delineated parking lane on
3 either side of the road and a bike lane. Two
4 seven foot wide parking lanes and a six foot
5 wide bike lane would reduce the travel lane
6 width to ten feet each. It is also the
7 minimum for fire trucks to pass without
8 obstructing oncoming traffic. The six foot
9 width of the bike lane would also meet the DOT
10 recommendation.

11 The seven foot parking, while not
12 the DOT's desired width, meets the minimum
13 requirement. And given that fewer people park
14 on the street than walk, bike or drive on it
15 the fewest people will be affected by the
16 parking lane minimum instead of desired
17 criteria.

18 An additional safety feature of
19 this plan is protecting the bike line in two
20 ways. The first is to place it between the
21 curb and the parking lane so it is buffered
22 from traffic by the seven foot wide parking
23 lane. The second is to add bollards at the
24 edge of the lane to provide a barrier between
25 bike traffic and cars. This protects cyclists

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2 from cars and also protect drivers from
3 bicycle traffic.

4 The proposed configuration of the
5 new street is on page six of the packet. Six
6 feet for a bike lane next to the west side
7 curb, seven foot parking lane, two ten foot
8 traffic lanes and another seven foot parking
9 lane. This narrows the road travel lanes to
10 New York State DOT desired width, which will
11 naturally slow vehicle traffic on the road.

12 It adds bike travel lanes for kids
13 traveling to Glacken Park, students to
14 Freeport High School, commuters to the Baldwin
15 Long Island Railroad station and consumers to
16 the Cedarmore Freeport Farmer's Market on
17 Saturdays. Which I know Legislator Abrahams
18 has been instrumental in supporting.

19 This configuration is a much better
20 use of our 40 feet that prioritizes the people
21 living in the neighborhood instead of the cars
22 passing through it. I will briefly sum up the
23 last part of it.

24 In addition to that, the sidewalk
25 on the west side of that street ends abruptly

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2 before the train station parking begins. And
3 there's no crosswalk to get to the other side
4 of the street where the sidewalk continues so
5 you can get to the park. There needs to be a
6 stop sign at that intersection which is North
7 Brookside and Lena Avenue and there needs to
8 be a crosswalk so you can get from where there
9 is no more sidewalk to the other side of the
10 street. Thank you for you time.

11 In addition, I have a petition here
12 signed by 40, more than 40 residents of the
13 area indicating a huge amount of community
14 support given that these 40 people all live
15 within that half mile of Brookside Avenue.

16 In addition, I have contacted the
17 DPW and have not gotten any response other
18 than that they received the proposal in
19 November of 2018.

20 LEGISLATOR ABRAHAMS: Melissa,
21 first I want to thank you for coming down and
22 thank you for hanging out with us until 9:20
23 at night. But if I can see your proposal.
24 Have you sent it to my office? I haven't seen
25 it.

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2 MS. MINFAKH: I have not sent it
3 to your office.

4 LEGISLATOR ABRAHAMS: If I could
5 get a copy of it because a lot of your ideas
6 sound very good. I would love to explore them
7 more.

8 So I just want to bring up a couple
9 of things. Like a little history with
10 Brookside which has been very tricky. The
11 department went through an endeavor to try to
12 calm the roadway. I don't know if you
13 remember. Before we paved the road was it
14 last summer we paved the road? Before we
15 paved the road we did explore a calming
16 method, not particular for that last half mile
17 that you were discussing, it was pretty much
18 the whole stretch of roadway. If you look at
19 it from an aerial view it's very winding type
20 of road. You couldn't tell that from driving
21 on it. But it's very winding from an aerial
22 view.

23 Long story short, the department
24 went through a process of trying to straighten
25 up the crookedness. However, it required that

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2 certain portions of people's property was
3 going to be needed to be able to make the
4 necessary improvements. However, what
5 happened at the end of the day it required
6 sign off from many, many homeowners and they
7 just didn't do it.

8 So, eventually the recommendations,
9 even though they weren't required, the
10 recommendations never went forward because the
11 department wasn't able to get the appropriate
12 sign off from each of the homeowners that they
13 believed could enhance the roadway. I don't
14 want to say make the roadway more safe.
15 Enhance the roadway to be more safe I should
16 say it that way.

17 The bottom line is it was
18 unfortunate. It was I would say probably a
19 three, four year process of trying to secure
20 the sign-offs and unfortunately, it resulted
21 in us not being able to move forward. I know
22 you had mentioned you live on North
23 Brookside?

24 MS. MINFAKH: Yes.

25 LEGISLATOR ABRAHAMS: Where

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2 exactly on North Brookside?

3 MS. MINFAKH: Between Milburn and
4 Maxon.

5 LEGISLATOR ABRAHAMS: So you're
6 south of where the homeowners we needed to
7 sign off on. Many of them were north of that
8 going into the Roosevelt area.

9 MS. MINFAKH: That's what was
10 just recently paved. Our part has not been
11 paved.

12 LEGISLATOR ABRAHAMS: Yes.
13 You're right. Which I will discuss that part
14 with the commissioner to see when that part
15 will be paved.

16 MS. MINFAKH: Can I ask the
17 purpose behind trying to straighten the road?
18 Because my understanding is that these
19 extremely wide straight lanes are what
20 encourage people to drive faster in the first
21 place. We would like to narrow the lanes and
22 slow down the cars.

23 LEGISLATOR ABRAHAMS: As we
24 probably saw over the last decade or so, as I
25 said before it was more about the road was

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2 very crooked and very winding resulted in many
3 of the accidents per the department's review
4 of the police report that were occurring. I
5 know especially as you're driving north, I
6 live in that area, I'm on New York, as you go
7 past Prince, there's a curve where there are
8 many accidents where the kids cross Prince.
9 Prince turns into -- my memory is fading at
10 this night because they go to Brookside. I'm
11 trying to remember the street on the other
12 side of Brookside.

13 But anyway, that curve resulted in
14 many accidents because of the way it turns as
15 it goes in there. I guess when I say
16 straighter they were trying to create a
17 mechanism where the road would be more
18 efficient and it required that certain levels
19 of property would need to be I guess consumed
20 to be able to make it work for the roadway.
21 And then there were more of those issues going
22 up to the Roosevelt area as well north of the
23 Centennial going up into the Roosevelt-Baldwin
24 area, which is not quite where you're talking
25 about.

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2 MS. MINFAKH: Are there any
3 proposals specific to the area south of Seaman
4 Avenue that hasn't been newly paved that we
5 are talking about in this proposal?

6 LEGISLATOR ABRAHAMS: No.

7 MS. MINFAKH: This is a separate
8 issue that can be considered?

9 LEGISLATOR ABRAHAMS: That's why
10 I would like to see your proposals. I
11 especially like your proposal regarding the
12 crosswalk at Lena to get over to Glacken.
13 Because many a times, as you know, parking at
14 Glacken is very, very slim. And if you're not
15 able to get a spot right adjacent to the park
16 you have to park at the railroad station. And
17 I coach my son's Little League so we're
18 constantly trying to get past the madness. So
19 I think that's a very good idea. I would love
20 to see how it could be designed. That's kind
21 of why I was excited to see your packet of
22 information because maybe we can actually put
23 together a design to try to do that. Which
24 would also include a stop sign. But there's a
25 stop sign at the corner of Brookside and --

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2 MS. MINFAKH: And where Bayview
3 goes on in like a Y shape.

4 LEGISLATOR ABRAHAMS: They're
5 telling me I'm talking too much and it's
6 already 9:25 at night.

7 MS. MINFAKH: The stop signs
8 don't line up at that intersection so you
9 still can't cross there as a pedestrian.

10 LEGISLATOR ABRAHAMS: Call my
11 office.

12 MS. MINFAKH: Can I contact your
13 office?

14 LEGISLATOR ABRAHAMS: Absolutely
15 and you've given the packet to us and they're
16 telling me to shut up.

17 LEGISLATOR NICOLELLO: Thank you
18 again for your patience. Make sure I called a
19 name before. Thomas Kaufman here or not
20 here? Not here. All right. We have
21 emergencies. Two emergencies. You're going
22 to call them together?

23 MR. PULITZER: I'm going to
24 consolidate this with your permission. I'm
25 calling emergency Resolution 20-2019 for clerk

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2 items 367-19 through 372-19. Emergency
3 resolution number 20-2019. An emergency
4 resolution declaring an emergency for
5 immediate action upon the following six clerk
6 items. They are as follows. Clerk item
7 367-19, clerk item 368-19, clerk item 369-19,
8 clerk item 70-19, clerk item 371-19, and clerk
9 item 372-19.

10 Now I'm going to read the next
11 emergency resolution which is 21-2019. Excuse
12 me 370-19.

13 Emergency resolution number
14 21-2019. An emergency resolution declaring an
15 emergency for immediate action upon a
16 resolution authorizing the county executive to
17 execute an agreement with the Capital District
18 Youth Center, Inc. in relation to the use of a
19 regional secure detention facility. Do you
20 want to call the vote sir?

21 LEGISLATOR NICOLELLO: We need a
22 motion. Motion by Legislator Walker.
23 Seconded by Legislator McKeivitt. That is to
24 establish the emergency, right? So before we
25 have that vote I believe Legislator Bynoe has

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2 a question on the emergency.

3 LEGISLATOR BYNOE: Thank you
4 Presiding Officer.

5 MS. RYER: My name is Arianne
6 Ryer. I'm special counsel to the Department
7 of Probation overseeing adolescent and
8 juvenile justice.

9 LEGISLATOR BYNOE: Good evening.
10 I have a couple of questions regarding this
11 item. First of all, I want to understand the
12 idea of transporting young people to Albany.
13 As the spirit of the law for Raise The Age was
14 expressly to ensure that children were in
15 close proximity to their home and not taking
16 them all the way out to Albany. Because in
17 fact it could impede their ability to have
18 legal representation. In addition to that,
19 access to their family which could be
20 emotionally impactful. And in addition to
21 that, there's a concern, for me anyway, that
22 the transporting, there's all kinds of
23 liability issues regarding being responsible
24 for the detention of these young people. Now
25 we're going to transport them all the way up

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2 to Albany and that also could have a liability
3 issue for the county.

4 Could you explain why we're going
5 all the way up to Albany?

6 MS. RYER: Yes. I'd be happy
7 to. I wish that the spirit of the Raise the
8 Age law were in fact to keep young people
9 close to their homes and their families.

10 LEGISLATOR BYNOE: I'm going to
11 read something here from the law which states
12 counties can enter into agreements with other
13 counties and authorize a contract between two
14 or more counties, but it's to be operated --
15 I'm sorry -- operating a conveniently
16 accessible detention center certified by the
17 division. So it expresses that it needs to be
18 convenient.

19 MS. RYER: Absolutely. But
20 unfortunately under the Raise the Age statute,
21 as I know you're well aware Legislator,
22 adolescent offenders who are a new designated
23 class under the law of 16 year olds charged
24 with felonies can only be housed in facilities
25 designated as specialized secured detention

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2 facilities for older youth. They cannot be
3 held at the jail. They cannot be held at the
4 juvenile detention center.

5 Unfortunately, there are only six
6 facilities across the state that have that
7 designation. The closest one to Nassau County
8 is in Westchester County. The county has made
9 every effort to have every adolescent offender
10 in which bail has been set housed in
11 Westchester, our closest facility. Just as
12 recently as today that facility was filled to
13 capacity and there were no beds available for
14 adolescent offenders.

15 The next closest facility is
16 Albany. Beyond that we're going even
17 farther. To Monroe County, to Syracuse, to
18 Erie County. Moving kids that far is exactly
19 what we're trying not avoid.

20 Unfortunately, the Albany detention
21 facility is a consortium which requires this
22 type of contracting in order to allow the
23 adolescent offenders to be housed there.

24 So what we are looking for and
25 actually seeking your approval of this

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2 contract is the ability to keep these
3 adolescent offenders as close to home as
4 possible and not transporting them and housing
5 them further away from their communities.

6 LEGISLATOR BYNOE: Question.

7 I've sat in a couple of meetings. In fact, I
8 requested a briefing as to where the county
9 was with creating a more regional secured
10 detention center and there were some
11 discussions in that meeting that Nassau County
12 and Suffolk County would consider creating
13 such an entity here. And where are we with
14 that?

15 MS. RYER: That's true. There is
16 a meeting actually tomorrow between Nassau and
17 Suffolk County representatives to discuss
18 shared services for the housing of adolescent
19 offenders and juvenile offenders. But I
20 envision that if ground breaking hasn't even
21 begun, if the discussions are only beginning,
22 then that plan will take some time. It will
23 take years.

24 LEGISLATOR BYNOE: That in
25 essence is the question. Because we knew

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2 about this coming down the pike back in 2017.

3 And so here we are in 2019, approaching 2020,

4 and you're telling me a meeting is just

5 happening tomorrow. I'm concerned about where

6 we are with Raise the Age in its entirety.

7 Because it's not just the aspect of how we're

8 going to house young people at the different

9 age groups and the like, it's also all the

10 social services and also supposed to wrap

11 around the family and young people to allow

12 them to be successful through this process.

13 I think that it would be in the

14 best interests of this body to hold some level

15 of a public hearing so we can be updated and

16 we should be updated regularly so that we

17 ensure that we're within compliance with the

18 law.

19 I have another question.

20 MS. RYER: If I can address that

21 point first in that the Department of

22 Probation and different county agencies

23 submitted our plan to the state when Raise the

24 Age first went into implementation. We have

25 been seeking to make the juvenile detention

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2 center in Westbury outfitted so that it could
3 house our adolescents offenders in addition to
4 our juvenile offenders and our juvenile
5 delinquents. That plan has not been approved
6 by the state.

7 In order to move forward it needs
8 approval from the Department of Corrections.
9 It needs approval from the Office of Children
10 and Family Services and it needs approval by
11 the Department of Criminal Justice Services.
12 So we've submitted our plan. We submitted
13 revisions to that plan. We've submitted
14 revisions to our revisions to that plan in
15 hopes of allowing our juvenile detention
16 center to house these adolescents offenders.
17 That would be our ultimate goal. That was our
18 first plan.

19 It's only because the state has not
20 approved that plan and because pieces of the
21 juvenile detention center are in desperate
22 need of updating that we have no choice under
23 the law as it stands but to house these
24 adolescents offenders in other facilities.
25 The law requires that they be housed in a

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2 specialized secured detention facility. And
3 what we are ultimately trying to avoid is
4 moving them further and further away.

5 LEGISLATOR BYNOE: You made that
6 point earlier. It's not lost on me that
7 you're saying that Westchester is not
8 available to us because they're at capacity
9 potential with their own young people from who
10 neighboring areas.

11 At this point I hear you that
12 Albany might be the best possible solution at
13 the moment. But I am going to say that I'm
14 disappointed that we're only here. I think
15 again this body needs to be better informed.
16 Because when this law changed there were all
17 kinds of assertions made by the state
18 government that they were going to be very
19 supportive and timely and give us technical
20 assistance to make sure our plans got
21 through.

22 In addition to that, they said that
23 they would be funding the initiatives that we
24 need to build out a jail. Soft cost also in
25 terms of operational costs for being able to

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2 manage all of the Raise the Age initiatives.

3 If we don't know where there's a bottleneck,

4 if we don't know that there are issues, we

5 can't be in the best possible position to

6 advocate for this county to be able to meet

7 the needs of the young people.

8 The other piece that I have to

9 bring up is, is there funding, first of all, I

10 know this is a retroactive contract, right?

11 You entered to some level of an agreement by

12 having young people already go to this

13 facility, am I correct?

14 MS. RYER: We do have one young

15 lady currently housed there, yes.

16 LEGISLATOR BYNOE: Only one?

17 MS. RYER: Yes.

18 LEGISLATOR BYNOE: I have New

19 York State Raise the Age Implementation Task

20 Force Report. In that report it says that for

21 a period of time there have been ten children

22 placed out of county.

23 MS. RYER: That's correct.

24 LEGISLATOR BYNOE: Was it at this

25 facility?

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2 MS. RYER: No. The majority of
3 them have been in Westchester. The other ones
4 who were placed at Monroe was because there
5 was no other open facility. I believe the
6 same young lady who's now in Albany did spend
7 some time in Onondaga but they as soon as a
8 bed became available we moved her closer, as
9 we've done on multiple occasions.

10 LEGISLATOR BYNOE: What is the
11 expense we've incurred to this point with this
12 consortium center up in Albany?

13 MS. RYER: I don't know if I'm
14 the best person to speak to that. It is a
15 per diem rate. She's been there since October
16 5th I believe and it's \$1,318 a day I'm being
17 told. Because it's a Raise the Age expense
18 it's 100 reimbursable.

19 LEGISLATOR BYNOE: Are you saying
20 she's there from September or last October?

21 MS. RYER: No. Just October. I'm
22 sorry.

23 LEGISLATOR BYNOE: September
24 2019.

25 MR. RYER: I'm sorry. I'm

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2 misspeaking. September of 2019. From
3 September to date she remains there.

4 LEGISLATOR BYNOE: So the expense
5 for her being up in Albany will be reimbursed
6 to the county by way of the state.

7 MS. RYER: Through the Raise the
8 Age legislation through the state it's 100
9 percent reimbursable, that's correct.

10 LEGISLATOR BYNOE: I am concerned
11 about the distance. I would suspect that
12 young people placed at that distance their
13 families are going to have a hard time going
14 to visit. If they have paid attorneys that
15 the expenses that would be incurred by the
16 attorneys for the traveling and potentially
17 overnight stays might make it cost prohibitive
18 for them to have the right level of counsel.
19 There are a host of different reasons why
20 Albany is not a good idea.

21 MS. RYER: We join in your
22 concern. Immediately when we became aware
23 that there was limited availability for
24 housing for these adolescents offender we sat
25 down with defense counsel, we sat down with

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2 the Legal Aid Association, who voiced the same
3 concerns that you have that we agree with.
4 That it's an unfortunate situation that the
5 way the legislation was passed that our
6 ability to house these young people in Nassau
7 County is impossible for adolescent offenders
8 and very limited for the juvenile offenders.

9 LEGISLATOR BYNOE: We've asked
10 that this item be amended to limit the amount
11 of money that can be spent so that we have an
12 opportunity to really have discussions and
13 encourage all the stakeholders to get on board
14 and to start looking at a more local
15 solution. So, this \$100,000 that we've
16 limited this contract to, do you have an idea
17 how long that contract would actually be
18 enforceable based on the \$100,000 limitation?
19 Do you have an idea?

20 MS. RYER: The contract expires
21 at the end of this year.

22 LEGISLATOR BYNOE: What I'm
23 asking is, based on the number of young people
24 that you project based on past history or data
25 from other parts of the country, based on

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2 other places enforcing Raise the Age, do you
3 have a projection how long that \$100,000 would
4 last.

5 MS. RYER: It's a very difficult
6 projection you're asking me to make because
7 come October 1st we have the 17 years old
8 coming as you're well aware under Raise the
9 Age Law. We picked a number that we thought
10 would last us several -- through the end of
11 the year at the very least. Like I said, we
12 currently only have one female housed in
13 Albany and we hope not to put anybody else
14 there unless it's absolutely required.
15 Westchester is full and bail is set on another
16 adolescent offender we will have no choice but
17 to look to Albany.

18 LEGISLATOR BYNOE: It will
19 behoove you based on you saying you don't
20 think it will last that long to start having a
21 real dialogue with us so we can figure out how
22 we move forward.

23 MS. RYER: Be my pleasure.

24 LEGISLATOR BYNOE: Thank you.

25 LEGISLATOR NICOLELLO: Legislator

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2 Ford.

3 LEGISLATOR FORD: Does that
4 \$100,000 include the other adolescents that
5 are up in Westchester County?

6 MS. RYER: No. That's only the
7 Albany detention center. Everything else is
8 paid automatically through the state, through
9 a computerized system with the Office of
10 Children and Family Services.

11 LEGISLATOR FORD: Those that are
12 incarcerated up in Westchester they're
13 automatically being paid by New York State?

14 MS. RYER: Correct.

15 LEGISLATOR FORD: Up in Albany
16 how big of a center is it? How many
17 adolescents are there?

18 MS. RYER: Let me see if I have
19 that answer for you. I don't have that answer
20 for you because it increased since I had
21 this. It said originally in September of 2017
22 that there were eight male beds and three
23 female beds. But that may have changed over
24 the past year.

25 LEGISLATOR FORD: So, in essence,

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2 we can then end up sending the 17 year olds
3 further away than Albany, right? Because
4 there may not be beds available for them in
5 Albany?

6 MS. RYER: We're going to try to
7 avoid that yes. But unfortunately that's the
8 situation that we found ourselves in on
9 several occasions.

10 LEGISLATOR FORD: Considering
11 their families, because this is a concern for
12 families not being able to visit, who actually
13 then would pay for the families to travel
14 either up to Albany or to Ononadaga? In many
15 case these families may not have money. So it
16 is a hardship for them. Will under this Raise
17 the Age is this something that New York State
18 has considered and allowed some sort of
19 stipend for the families so they're able to
20 visit their family members?

21 MS. RYER: Not that I'm aware
22 of. The regulations require that each one of
23 these facilities make visitation available and
24 telephone contact available. But nowhere in
25 the regulations does it address actually

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2 transporting the families or paying for
3 transport of the families. So we share that
4 concern as well.

5 LEGISLATOR FORD: The 1318 you
6 pay a day up in Albany, does that also include
7 like any type of training or schooling for
8 this young woman while she's there?

9 MS. RYER: That's kind of all
10 inclusive within the facility. The facility
11 offers the educational services, any kind of
12 mental health services, any kind of physical
13 aid if they need medical attention as well.

14 LEGISLATOR FORD: Then for the
15 center down here, the juvenile center, do we
16 know what the approximate cost would be if we
17 wanted to upgrade it so that these adolescents
18 can go there rather than up to the Albany?

19 MS. RYER: I know DPW has
20 submitted that plan. I don't know that number
21 that DPW submitted though.

22 LEGISLATOR FORD: Do you think
23 then we could ask, whatever the price tag is,
24 would New York State consider funding that
25 considering if they're going to pay --

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2 MS. RYER: We have been asking
3 that for over a year. Part of the plan that
4 we submitted to the state was to have the
5 juvenile detention center made into a
6 specialized secured detention center for older
7 youth. That requires approval by the
8 Department of Corrections, OCFS and the
9 Department of Criminal Justice. And very
10 specific doors and windows and handles. All
11 of which we have been put into our budget. We
12 even requested that we harden one piece of the
13 JDC in the mean time so that these young
14 people that are adolescents offenders can be
15 housed while we wait to do the rest of the
16 facility. None of that has been approved by
17 the state. But it is not through lack of
18 effort by the county.

19 LEGISLATOR FORD: If you could
20 keep us all in the loop because I think that
21 we should all join. It is concerning. A lot
22 of times at least when we the young offenders
23 in the Nassau County Correctional Facility the
24 family members called us about them. They'd
25 reach out. They worried about whether or not

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2 they were getting their medicine. If they
3 were getting this and that. We at least I
4 would call over to speak to the sheriff to say
5 so and so. They'd go check on it. Sometimes
6 we had some of the young people moved to like
7 work in the kitchen or whatever just for added
8 protection.

9 By taking even that ability away
10 from us where we can't even advocate because
11 who knows where they are. If a family member
12 called me and asked me if I could check on it
13 I have no idea who to call. I feel that to
14 have that taken away is just I feel
15 upsetting. I can only imagine how the family
16 would feel.

17 So if you could let us know because
18 I really would like to then to help advocate
19 with New York State to start moving on this.
20 They passed this. They got to follow through
21 in a more timely fashion.

22 MS. RYER: We would appreciate
23 the help. I'd be happy to keep you in the
24 loop. We are in constant contact with the
25 directors of each one of these facilities to

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2 make sure that everything is being maintained
3 appropriately and I'd be happy to continue
4 these conversations.

5 LEGISLATOR FORD: I apologize for
6 not jumping in on this sooner but thank you.

7 LEGISLATOR NICOLELLO: Thank
8 you. On the emergency, all in favor signify
9 by saying aye. Those opposed? The
10 emergencies carry.

11 What I would like to do is waive
12 the reading of these items on the agenda with
13 the consent of the Minority. 367-2019,
14 368-2019, 369-2019, 370, 371 and 372. Hold
15 373 for a moment.

16 Moved by Legislator Muscarella.
17 Seconded by Legislature DeRiggi-Whitton. Any
18 debate or discussion on these items? All in
19 favor signify by saying aye. Those opposed?
20 Carries unanimously.

21 Item 373 is the one that's been
22 questioned just recently. A resolution
23 authorizing the county executive to execute an
24 amendment agreement with the Capital District
25 Youth Center, Inc. in relation to the use of a

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2 regional secured detention facility.

3 Moved by Legislator Lafazan.

4 Seconded by Legislator Ford. Any debate or
5 discussion? Any public comment? As far as
6 the amendment is concerned, I'm told all I
7 need to do is read the time stamp which is
8 September 23, 2019 at 8:16 p.m. Thank you.
9 Any public comment? Mr. Budnick.

10 MR. BUDNICK: Speaking for just
11 less than a minute. As a former assistant
12 district attorney who was with the law and
13 appeals bureau and handled hundreds of
14 appellate criminal matters it is my sincere,
15 very, very great concern that putting an
16 accused person, as far as I know it is, in
17 Albany when their proceedings are going on
18 here in Nassau may result in a reversal and
19 potentially great liability for the county.

20 So, I very strongly suggest you
21 speak to the District Attorney's Office and do
22 everything that is humanly possible to contact
23 all of the members of our state senate and
24 assembly delegations in Albany and do anything
25 else we can to expedite to this being ended.

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2 Thank you.

3 LEGISLATOR NICOLELLO: All in
4 favor signify by saying aye. Those opposed?
5 Carries unanimously.

6 Motion by Legislator Mule to
7 adjourn the legislature. Seconded by
8 Legislator Drucker. All in favor signify by
9 saying aye. Those opposed? Carries
10 unanimously. We have a Rules Committee
11 meeting. Two contracts we have to untable.

12 (TIME NOTED: 10:04 P.M)

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1
2 CERTIFICATION
3
4
5

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

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

12 IN WITNESS WHEREOF, I have
13 hereunto set my hand this third day of
14 October 2019
15
16
17

18 -----
19 FRANK GRAY
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