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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, October 26, 2020  
1:26 P.M.

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2     A P P E A R A N C E S:

3

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

15

16    LEGISLATOR KEVAN ABRAHAMS

17            Minority Leader

18            1st Legislative District

19

20    LEGISLATOR SIELA BYNOE

21            2nd Legislative District

22

23    LEGISLATOR CARRIE SOLAGES

24            3rd Legislative District

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2     LEGISLATOR DEBRA MULE

3             5th Legislative District

4

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

22

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

13

14     LEGISLATOR STEVEN RHOADS

15             19th Legislative District

16

17     MICHAEL PULITZER

18             Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: Now we are  
3 going to go to the full legislature and ask  
4 the legislators to come into the room. Then  
5 we have a couple of slips for public comment.  
6 Then we have a presentation from Farrah  
7 Mozawalla with respect to the work of the  
8 Office of Asian-American Affairs.

9 Calling the full legislature to  
10 order and ask that Mike please call the roll.

11 MR. PULITZER: Thank you Rich.  
12 Deputy Presiding Officer Howard Kopel.

13 LEGISLATOR KOPEL: Here.

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

16 LEGISLATOR FORD: Here.

17 MR. PULITZER: Legislator Siela  
18 Bynoe.

19 LEGISLATOR BYNOE: Here.

20 MR. PULITZER: Legislator Carrie  
21 Solages.

22 LEGISLATOR SOLAGES: Here.

23 MR. PULITZER: Legislator Debra  
24 Mule.

25 LEGISLATOR MULE: Here.

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2 MR. PULITZER: Legislator C.

3 William Gaylor III.

4 LEGISLATOR GAYLOR: Present.

5 MR. PULITZER: Legislator Vincent

6 Muscarella.

7 LEGISLATOR MUSCARELLA: Here.

8 MR. PULITZER: Legislator Ellen

9 Birnbaum.

10 LEGISLATOR BIRNBAUM: Here.

11 MR. PULITZER: Legislator Delia

12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:

14 Here.

15 MR. PULITZER: Legislator James

16 Kennedy.

17 LEGISLATOR KENNEDY: Here.

18 MR. PULITZER: Legislator Thomas

19 McKevitt.

20 LEGISLATOR MCKEVITT: Here.

21 MR. PULITZER: Legislator Laura

22 Schaefer.

23 LEGISLATOR SCHAEFER: Here.

24 MR. PULITZER: Legislator John

25 Ferretti, Jr.

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2 LEGISLATOR FERRETTI: Here.

3 MR. PULITZER: Legislator Arnold

4 Drucker.

5 LEGISLATOR DRUCKER: Here.

6 MR. PULITZER: Legislator Rose

7 Marie Walker.

8 LEGISLATOR WALKER: Here.

9 MR. PULITZER: Legislator Joshua

10 Lafazan.

11 LEGISLATOR LAFAZAN: Here.

12 MR. PULITZER: Legislator Steven

13 Rhoads.

14 LEGISLATOR RHOADS: Present.

15 MR. PULITZER: Minority Leader

16 Kevan Abrahams.

17 LEGISLATOR ABRAHAMS: Here.

18 MR. PULITZER: And Presiding

19 Officer Richard Nicolello.

20 LEGISLATOR NICOLELLO: Here.

21 MR. PULITZER: We have a quorum

22 sir.

23 LEGISLATOR NICOLELLO: Thank you

24 very much. We have a letter from Ms. Angela

25 Perry of 294 Uniondale Avenue, Uniondale,

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2 New York that she wanted made part of the  
3 record. Make sure that the clerk's office has  
4 that.

5 We also have an email from Peter  
6 Gaffney of Carle Place and also ask that that  
7 be made part of the record.

8 In terms of the public comment,  
9 Richard Clolery.

10 MR. CLOLERY: To the members of  
11 the legislature, I do understand we are in the  
12 midst of one of the worst events in this  
13 county's history, and I do respect this county  
14 is not getting as much tax revenue as it used  
15 to. However, when you people start to think  
16 about next year's budget I want you to think  
17 on this. You may think that people who you  
18 probably can't see here asking for  
19 hand-me-outs or that we're a bit like second  
20 class citizens, which you may have heard  
21 before, and yet we live here, we go to school,  
22 college. We shop at stores, go to the movies,  
23 until the pandemic came, we pay taxes. We do  
24 what we do to live here in this county.

25 I've also been observing because of



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2 the pandemic a number of small businesses are  
3 closing up shop, quite possibly for good.  
4 Explain to me how after the pandemic is over  
5 are you as a county going to encourage those  
6 old businesses to come back or even the  
7 possibility of encouraging new big or small  
8 businesses to come to Nassau County to help  
9 increase the tax revenue so that vital  
10 services such as public transportation here on  
11 the island can be fully funded.

12 One other small detail before I  
13 go. To the Republican members of the  
14 legislature, how are you feeling about this  
15 year's election so far? How confident are you  
16 feeling going forward about your chances of  
17 you getting either elected or reelected next  
18 year for the legislature? Think on it while  
19 you consider your priorities. That's all.

20 LEGISLATOR NICOLELLO: Thank you  
21 Richard. Pearl Jacobs.

22 MS. JACOBS: Good afternoon  
23 everyone. I'm happy to see everyone is  
24 healthy and well. I have some follow-up to my  
25 legislator, Legislator Abrahams. My first

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2 question regarding Uniondale is, can you  
3 please provide the status of the Uniondale  
4 community's request to remove the bench on the  
5 corner of Uniondale Avenue and Jerusalem  
6 Avenue? And we are requesting that all  
7 benches be removed in Uniondale. Is there any  
8 updates Legislator Abrahams regarding the  
9 benches being removed in Uniondale?

10 LEGISLATOR ABRAHAMS: Yes, Pearl,  
11 we've sent a request over. There are several  
12 different departments and unfortunately we are  
13 still waiting to hear back. But my office  
14 should have contacted you regarding that  
15 initial contact with those offices. We have  
16 definitely addressed your concerns in terms of  
17 reaching out.

18 MS. JACOBS: It's taking entirely  
19 too long Legislator Abrahams. Like I said,  
20 we're not against homeless people but it's  
21 becoming problematic to the community and it's  
22 also going to be an issue for the homeless  
23 people that one day we hope not to find one of  
24 those people on the benches frozen. So we are  
25 requesting that all the benches be removed in

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2 Uniondale. We're not happy that our benches  
3 have to be removed but until Nassau County  
4 does something with the homeless population we  
5 cannot enjoy benches in Uniondale.

6 Also, can you provide an update  
7 regarding the Uniondale community request for  
8 a moratorium on any further shelter homes in  
9 Uniondale Legislator Abrahams?

10 LEGISLATOR ABRAHAMS: This one is  
11 a little bit more complicated. We actually  
12 had a call with health and human services.  
13 Pearl, there's a couple of obstacles with the  
14 moratorium. As you probably know what's going  
15 on in other parts of the county, there was a  
16 legal case that was in regards to that.  
17 Obviously that has ramifications on what can  
18 happen.

19 I think what's more important to  
20 what you're trying to achieve is that we  
21 probably need to have a larger discussion with  
22 how the Town of Hempstead issues permits as it  
23 pertains to expanded housing and if those  
24 housing units become some form of shelter. I  
25 think that would probably be the more

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2 productive conversation. Because health and  
3 human services does not have the ability to  
4 tell a shelter provider that they can't  
5 operate in a particular area. That would be  
6 unconstitutional.

7 I think from that standpoint we  
8 need to have a much larger discussion -- which  
9 I will be happy to be part of it -- but  
10 obviously it would have to include the town  
11 and the town would have to be in that larger  
12 discussion to be able to do that.

13 MS. JACOBS: Thank you for that  
14 feedback. Definitely larger conversations are  
15 required as residents in Uniondale are  
16 becoming increasingly agitated and, you know,  
17 definitely not happy about these shelter homes  
18 that are springing up all over Uniondale.  
19 Perhaps we need to go to the route of Jericho  
20 and start lawsuits. Thank you so much.

21 Another issue, a very serious issue  
22 Legislator Abrahams that I'm bringing before  
23 you, it's the community's request for cameras  
24 on Jerusalem Avenue. Jerusalem Avenue has  
25 become a speedway for vehicles. Residents are

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2   complaining of the extremely high rate of  
3   speed of vehicles traveling on Jerusalem  
4   Avenue. Especially from late evening until  
5   the early hours of the morning.

6                   Jerusalem is known as an unsafe  
7   roadway as a student from Turtle Hook Junior  
8   High School unfortunately lost his life on  
9   this roadway years ago where he is  
10   memorialized. Every year his parents attend a  
11   Uniondale School District scholarship assembly  
12   and they present a scholarship to a high  
13   school student in the name of their son in  
14   their son's honor. They are indeed angels.

15                  In addition to the potential tragic  
16   consequences of cars racing down Jerusalem  
17   Avenue, residents complain that the noise  
18   pollution from the racing cars along with the  
19   explosive sound of the exhaust systems that  
20   they now have wake them up from their sleep at  
21   night. This is as an outright noise pollution  
22   and another offense to residents' quality of  
23   life.

24                  I have spoken with our Nassau  
25   County Police Department and as always they

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2 were extremely responsive and have committed  
3 to place a portable street sign and step up  
4 police presence on Jerusalem Avenue.

5 Thankfully we have a police  
6 department that not only listens to the  
7 community's concerns they are also action  
8 orientated. However, our police department  
9 cannot be everywhere at all times and the  
10 portable speed signs serve as a temporary  
11 deterrent. Only when monetary penalties are  
12 imposed does people's behavior change.

13 Legislator Abrahams, we are  
14 requesting that you pass legislation to  
15 install speed cameras on Jerusalem Avenue  
16 along with visible signage that alerts drivers  
17 that the roadway is under surveillance. This  
18 is an appeal from the Uniondale community to  
19 save lives.

20 LEGISLATOR ABRAHAMS: Okay.  
21 Thank you.

22 MS. JACOBS: I'm very serious  
23 about this Legislator Abrahams. We had an  
24 issue about cameras before on Uniondale Avenue  
25 but that was a different issue. I know I'm

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2 out of time but I do have the footage from  
3 2014 when County Executive Mangano they had  
4 put speed cameras throughout Nassau County and  
5 there was a pushback and the cameras were  
6 removed.

7 But the issue here you know is  
8 pandering to your voting base. It's not  
9 good. It's not good pandering to your voting  
10 base when you have to save the lives of  
11 children and residents of Nassau County.  
12 Jerusalem Avenue is a potential death trap so  
13 we need to do something about this. Thank  
14 you.

15 LEGISLATOR ABRAHAMS: You're  
16 welcome.

17 LEGISLATOR NICOLELLO: Thank you  
18 Pearl. Legislator Ford, did you want to add  
19 something?

20 LEGISLATOR FORD: Thank you very  
21 much Presiding Officer. The letter we  
22 received from Ms. Angela Perry actually was  
23 the fact that she actually works at  
24 Christopher Morley Park, the golf course in  
25 Roslyn, New York. She wanted to bring to our

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2 attention and I thank her for letting us  
3 become aware of it that the workers that work  
4 at the golf courses, this is one of the only  
5 type of outdoor exercise or activity that the  
6 governor allowed to go forward early on in the  
7 pandemic.

8 I happen to know a lot of people  
9 who are golfers that actually did go out as  
10 soon as the okay was given. They went out to  
11 the golf courses and there were many that were  
12 old people that golf, young people that golf,  
13 people that have experience in golfing and  
14 especially those that were new. They just  
15 wanted to enjoy the freedom of being outside.

16 Without these workers being there  
17 that were deemed essential this activity would  
18 not have been able to go on. I know she only  
19 asked that if we could give the golf division  
20 staff an honorable mention but I think that  
21 what they really do deserve is a big loud  
22 thank you to say we appreciate your dedication  
23 and the hard work you did and the fact that so  
24 many people could participate the outdoors,  
25 enjoy themselves and do it safely. I know



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2 that by being there your workers and all of  
3 you were put at risk as well.

4 So really, it's really a debt of  
5 gratitude to those that work here in the  
6 county and to all those that do work on the  
7 front lines, whether on a golf or where ever  
8 else. So Angela thank you very much. Send  
9 back to let all the people that work with you  
10 know that really is appreciated all the work  
11 that you have done for us. I thank you.

12 LEGISLATOR NICOLELLO: Thank you  
13 Legislator Ford. I know that all of us join  
14 with you in thanking our workers, in this  
15 particular case the workers at the golf  
16 courses, but all of the workers that worked  
17 throughout the pandemic. John Budnick.

18 MR. BUDNICK: Good afternoon  
19 Chairman Nicoletto and members of this august  
20 county legislature. I want to take just a  
21 moment to talk about very quickly the  
22 governor's once again proposal to legalize  
23 marijuana, which I haven't been able to get a  
24 copy of yet. I do want to point out you need  
25 to refer to the scientific and medical

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2   evidence which clearly and unequivocally shows  
3   the deleterious, dangerous disease and effect  
4   of marijuana particularly on young people,  
5   especially those under 27 years of age, where  
6   use of it causes the person to have the  
7   retardation of the maturity of the brain.

8                   Also, I note that we are in the  
9   process I hope of completing the new  
10   courthouse where social services used to be.  
11   I respectfully suggest naming it after the  
12   most prominent, they happen to be an  
13   Italian-American family named Gulotta, who  
14   through the 1940s, '50s, '60s '70s '80s into  
15   the 21st century provided an immeasurable  
16   amount of public service to the people of our  
17   county and the people of our state and that  
18   should be recognized and memorialized.

19                  Also, I bring you greetings on  
20   Hispanic-American month and once again  
21   recommended to you, particularly with  
22   reference to Mitchel Field that something  
23   there be named after a, quote unquote, unknown  
24   Hispanic-American hero of World War II and the  
25   first administrator of the United States

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2   Federal Aviation Authority Elwood Pete Ricardo  
3   Quesada.

4                   Also we need to get the meats and  
5   bounds situation of the Mitchel Field  
6   historically district set up. I've been  
7   trying to get them from the county executive's  
8   office and several other places. Not having  
9   even anybody get back to me in regard to that.

10                  Also, in the Massapequa area I can  
11   tell you trying to vote for the last two days  
12   that the polling places there, particularly  
13   Oyster Bay town hall south are grossly and  
14   severely overcrowded. They have lines of  
15   hundreds of people stretching out into the  
16   parking lot.

17                  It is most respectfully suggested  
18   that you guys consider, excuse me, you folks  
19   consider contacting the board of elections  
20   about the possibility, at least in the  
21   Massapequa area, of utilization of either the  
22   police academy, the Massapequa community  
23   center or the North Massapequa community  
24   center as additional polling places. Or to  
25   release a good number of additional voting

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2 machines to be placed there.

3 Next, I have not been able, despite  
4 requests, to get any kind of crime  
5 statistics. It was noted in Newsday about two  
6 weeks ago on the front page that crime is  
7 down. I respectfully submit that that  
8 headline was an apparently false statement and  
9 I believe this legislature should obtain and  
10 publish for the public the crime statistics at  
11 least for the years 2018, '19 and thus far  
12 this year. Thank you very much for putting up  
13 with me and may the good Lord also bless and  
14 keep you.

15 Also with regard to naming places  
16 in Mitchell Field. I think I already  
17 mentioned previously the Fabulous Flying  
18 Flapper from Freeport Elinor Patricia Smith  
19 and also Eugene Jacques Bullard the first  
20 black fighter pilot in World War I from  
21 America. All these people are currently kind  
22 of forgotten by our current history. I hope  
23 that will change. Thank you very much for  
24 your time and trouble. Good luck.

25 LEGISLATOR NICOLELLO: Thank you

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2     John. We have invited Farrah Mozawalla, the  
3     executive director of the Office of  
4     Asian-American Affairs to give a brief  
5     presentation on the work of her office. I am  
6     one of the legislators who represents a  
7     community that has a growing, vibrant  
8     Asian-American constituency and many of whom  
9     are first generation. So, the work of your  
10    office has been very important especially the  
11    outreach during COVID because trying to get  
12    information to people in their home languages  
13    was vitally important. So we appreciate  
14    everything that you and your office have done  
15    during the COVID pandemic.

16                   MS. MOZAWALLA:     Thank you  
17    Presiding Officer Nicolello, Minority Leader  
18    Abrahams and members of the legislature.  
19    Thank you for giving me an opportunity to  
20    brief you on the Office of Asian-American  
21    Affairs. I am honored to serve as the  
22    executive director of this newly established  
23    office first announced by the county executive  
24    Laura Curran in her 2019 state of the county  
25    address and subsequently chartered by this

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2 body.

3 I wish to commend and thank our  
4 dedicated Asian-American advisory counsel  
5 chaired by Dr. Ismail Choudry. Our talented  
6 and engaged members have provided tremendous  
7 guidance to me, myself and my staff as we  
8 establish a department focused on serving the  
9 needs of Nassau's suburbs and growing Asian  
10 community as outlined by the charter.

11 During the past year and a half OAA  
12 has developed a wide ranging program of  
13 outreach, engagement and services to meet the  
14 needs of our Asian constituents. We serve as  
15 a break between the Asian communities and  
16 Nassau County government breaking down  
17 barriers of language and culture to ensure  
18 greater opportunities for all. Let me offer a  
19 few highlights of our efforts which continue  
20 to take shape as we learn more about the  
21 residents that we serve.

22 Number one, information. OAA is  
23 responsible for ensuring that the county's  
24 diverse Asian community has timely access to  
25 critical information about county programs and

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2 services. We have issued regular newsletters  
3 and have an active and popular social media  
4 presence. Utilizing Facebook, Twitter,  
5 WhatsApp, WeChat and Instagram. We stay up to  
6 date on each ethnic community's social media  
7 platform and with 25 different ethnicities  
8 living in Nassau County that are Asian I can  
9 assure you that we have our hands full.

10 We work with the CE's communication  
11 team and county agencies and regularly  
12 translate information into Mandarin, Hindi  
13 Bungalua and Arabic.

14 OAA has played a critical role in  
15 the county executive's important COVID-19  
16 response initiatives urging residents to sign  
17 up for multilingual text bullets. Our team  
18 has actively promoted the county's health and  
19 safety measures and assisted with community  
20 food distribution. We have also supported  
21 businesses during this challenging period of  
22 industry closures. Promoted the county  
23 through SNAFA loan and free PPE kit programs  
24 and helped guide businesses to reopening  
25 safely.

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2 We have developed special fact  
3 sheets on topics of concern to Asian residents  
4 such as the Know Your Rights document which we  
5 created in the earlier days of the COVID-19  
6 pandemic when incidents of discrimination  
7 against Asian businesses and residents was on  
8 the rise. Since the start of the pandemic OAA  
9 has issued over 100 public service  
10 announcements to the community.

11 Number two, responding to  
12 constituent concerns and inquiries. Our  
13 office receives many dozens of calls each week  
14 ranging from questions on social services to  
15 inquiries about business opportunities to  
16 calls from victims of domestic violence. We  
17 work closely with other county agencies to  
18 address these calls. We refer it to the  
19 appropriate agency and track the constituent's  
20 progress. We provide a point of entry and  
21 access where residents feel safe and  
22 comfortable.

23 Collaborative programs. We played  
24 a major roll in important countywide  
25 initiatives like the census 2020 connecting



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2 nonprofits to micrograds and engaging in  
3 active social media campaigns to promote  
4 participation by our Asian residents.

5 OAA has partnered with numerous  
6 county agencies to host programs designed to  
7 increase awareness about county services and  
8 opportunity. I am particularly proud of a  
9 series conducted earlier this year with the  
10 county executive, Office of Civil Service,  
11 Office of Minority Affairs and Office of  
12 Hispanic Affairs promoting job opportunities  
13 in county government.

14 Our recent voter information  
15 webinar with the Nassau County Board of  
16 Elections received 1300 views. Following the  
17 webinar we posted voice-overs in many of the  
18 different Asian languages on YouTube.

19 Celebrating diversity and  
20 inclusion. OAA takes pride in celebrating our  
21 diversity and our diverse Asian constituency  
22 hosting lively programs for important holidays  
23 such as Eid, Lunar New Year, Diwali and so  
24 many more. These celebrations allow us to  
25 honor our community leaders, build

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2 relationships and create awareness about our  
3 office and the services we provide.

4 Before COVID we conducted exit  
5 polls of our attendees to learn more about  
6 their concerns. And during COVID we have  
7 adjusted our event formats to ensure resident  
8 safety conducting drive-throughs and virtual  
9 celebrations. OAA participates in important  
10 conversations on diversity, inclusion and  
11 combating racial intolerance. In May we  
12 hosted a program with the Holocaust Center.

13 More recently OAA's counsel and I  
14 have engaged with the county executive and  
15 Police Commissioner Ryder on executive order  
16 203. I have also served on the committee  
17 reviewing consultant proposals for the  
18 disparity study.

19 In closing, we have certainly been  
20 busy fulfilling our mission. In the upcoming  
21 months OAA will be hiring additional staff to  
22 round our team to take an active agenda for  
23 2021 where we look forward to launching  
24 additional programing to support our community  
25 senior residents and other exciting

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2 initiatives. Thank you so much.

3 LEGISLATOR NICOLELLO: Thank you  
4 Farrah. Any questions or comments?  
5 Legislator Walker.

6 LEGISLATOR WALKER: I just have a  
7 comment. I want to thank you so much. I have  
8 a very, very large South Asian population too  
9 in my district. Especially during COVID many  
10 of them came together and helped provide  
11 assistance to those in need giving out PPE  
12 equipment, food drives and so on and so  
13 forth. They certainly were -- you've been  
14 very active and many of those who were able  
15 were certainly very, very active and did a lot  
16 certainly in my district and I'm sure in  
17 districts across the county. I just wanted to  
18 reach out to you and thank you and make sure  
19 you extend that thank you to all of them.

20 MS. MOZAWALLA: Thank you.

21 LEGISLATOR NICOLELLO: Anyone  
22 else?

23 LEGISLATOR SOLAGES: Yes. Thank  
24 you very much. I would like to thank the  
25 director for her hard work. I would just like

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2 to ask if they believe that the budget is  
3 sufficient to fulfill their mission?

4 MS. MOZAWALLA: So, we have --  
5 our office is a small and tiny team but we  
6 work extremely hard and we are extremely  
7 dedicated to our services. Right now we are  
8 having four full-time and four part-time  
9 employees. So I think we will be okay.

10 LEGISLATOR NICOLELLO: Anything  
11 else Carrie?

12 LEGISLATOR SOLAGES: Nothing  
13 further Presiding Officer. Thank you.

14 LEGISLATOR NICOLELLO: I want to  
15 echo Legislator Walker's sentiments and thank  
16 you for your leadership and thank you for the  
17 work that your office is doing. You are 100  
18 percent right. You have tremendous social  
19 media presence and up until the pandemic hit  
20 the outreach work you were doing was  
21 tremendous. As I said before, that outreach  
22 work was even more important and vital once  
23 the pandemic hit to reach out to all the  
24 different communities among the languages that  
25 you mentioned too.

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2 MS. MOZAWALLA: Thank you. We  
3 have a wonderful board that really supports us  
4 on our initiatives and they do a lot of work  
5 within our office with the translation  
6 services. We are extremely grateful to them.

7 LEGISLATOR NICOLELLO: Thank you  
8 very much. We will invite you back  
9 periodically for reports on what's happening.

10 Jump into the calendar now. There  
11 is a consent calendar which the Minority and  
12 Majority have agreed no further debate or  
13 discussion is necessary. All of these items  
14 have gone through committees either two weeks  
15 ago or at least one on the consent has gone  
16 through the committee a few moments ago. Here  
17 where we go.

18 Item 3, Ordinance 79. Four,  
19 Ordinance 80. Five, Ordinance 81. Six,  
20 Ordinance 82. Seven, Ordinance 83. Eight,  
21 Ordinance 84. Nine, Ordinance 85. Ten,  
22 Ordinance 86. 11, Ordinance 87. 12,  
23 Ordinance 88. 13, Ordinance 89. 14,  
24 Ordinance 90. 15, Ordinance 91. 16,  
25 Ordinance 92. 17, Ordinance 93. 18,

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2 Ordinance 94. 19, Ordinance 95. 20,  
3 Ordinance 96. 21, Ordinance 97. 22,  
4 Ordinance 98. 23, Ordinance 99. 24,  
5 Resolution 116. 25, Resolution 117. 26,  
6 Resolution 118. 27, Resolution 119. 28,  
7 Resolution 120. 30, Resolution 122. 31,  
8 Resolution 123. 32, Resolution 124. 33,  
9 Resolution 125. 34, Resolution 126. 35,  
10 Resolution 127. 36, Resolution 128. 37,  
11 Resolution 129. 38, Resolution 130. 39,  
12 Resolution 131. 40, Resolution 132. 41,  
13 Resolution 133. 42, Resolution 134. 43,  
14 Resolution 135. 44, Resolution 136. 45,  
15 Resolution 137. 46, Resolution 138. 50,  
16 Resolution 142. And 52, Resolution 144.

17 Legislator McKeivitt makes a  
18 motion. Seconded by Legislator Mule. Any  
19 debate or discussion? Hearing none, all in  
20 favor signify by saying aye. Those opposed?  
21 That carries unanimously. Those items.

22 Number one is a hearing on a local  
23 law amending Title 24 of the miscellaneous  
24 laws of Nassau County in relation to extending  
25 the hotel and motel occupancy.

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2 Need a motion to open the hearing.

3 Moved by Legislator Drucker. Seconded by  
4 Legislator Kennedy. All those in favor of  
5 opening the hearing signify by saying aye.  
6 Those opposed? Hearing is open.

7 Katy do we have someone to speak on  
8 the hotel-motel extender?

9 MR. PERSICH: Good afternoon.  
10 Andy Persich, Office of Management and  
11 Budget. This is just the extension of the  
12 local law for hotel-motel tax for collections  
13 that get dispersed in various different  
14 buckets that the county receives. If you have  
15 any questions I will be happy to answer them.

16 LEGISLATOR NICOLELLO: One of the  
17 questions I had was in terms of what's  
18 happening with the pandemic and its effect on  
19 hotel-motel. Obviously in the depth of the  
20 pandemic basically all our hotels essentially  
21 shut down for COVID purposes. But are you  
22 seeing the numbers rise or the revenues  
23 starting to flow back into the county?

24 MR. PERSICH: We haven't gotten  
25 the collections in as of yet. But when they

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2   were shut down we used to annually collect  
3   about \$6 million in gross. That's where we  
4   put a range between three and six million in.  
5   So we are seeing a decline. I don't see  
6   uptick in occupancies. I will say we haven't  
7   seen those numbers yet but they will be  
8   forthcoming probably later on in the year.

9                   LEGISLATOR NICOLELLO:     Many of  
10   our hotels, probably the majority of them,  
11   rely upon visitors, commercial visitors and  
12   with the economy being shut down for that  
13   length of time the hotels are at risk, many of  
14   them were closed. So it's a double hit for  
15   the county obviously not getting the sales  
16   taxes. The commerce is not going on. Hotels  
17   are not bringing in people to generate  
18   income. So it was difficult. Anyone else  
19   have any questions? Legislator Ferretti.

20                  LEGISLATOR FERRETTI:     Good  
21   afternoon Mr. Persich. Just a question. Is  
22   there a trend, is it trending up in terms of  
23   the hotel-motel tax? The reason I ask that  
24   obviously we have a travel quarantine, travel  
25   advisory from the state which seems to be ever



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2 growing to more and more states. I was just  
3 curious as we reopen and the economy is  
4 reopening at the same time this travel  
5 advisory encompasses more and more states is  
6 the hotel-motel tax trending up, remaining  
7 constant, down?

8 MR. PERSICH: I don't have the  
9 trends for you. I will get them for you. But  
10 I will say collections are down dramatically  
11 this year to last year is what I do know. The  
12 time period let's say for June they were down  
13 dramatically. But because they're on a lag  
14 when we get them it's hard to do. It's like  
15 sales tax, they come in later on. Maybe  
16 there's a lot of staycations happening for  
17 argument's sake that people are coming in.

18 A classic example would be the  
19 Marriott over by the Coliseum. Opened to  
20 venues people would be staying there. That's  
21 where we're seeing declines like that. I will  
22 see if I can get a trend for you but it's kind  
23 of hard the way it comes in. The big months  
24 would be probably July, the summer months  
25 maybe you might see an uptick.

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2 LEGISLATOR FERRETTI: Thank you.

3 LEGISLATOR NICOLELLO: Legislator  
4 DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: Hi  
6 Andy. When you mentioned there were buckets  
7 what are the buckets?

8 MR. PERSICH: Because the way the  
9 legislation is written you have to segregate  
10 the monies for different purposes. We have  
11 three different buckets is best way to  
12 describe it that the money gets put into. I  
13 don't have them off the top of my head but  
14 there's like cultural, tourism and some  
15 programatic stuff that it gets put into.

16 LEGISLATOR DERIGGI-WHITTON: Are  
17 some of them already predesignated like I  
18 think the children's museum?

19 MR. PERSICH: Some of them are.  
20 There are some that are predetermined. What  
21 those are off the top of my head I don't have  
22 the list in front of me but they're already  
23 predetermined. When collections go down so  
24 does the expense part of the equation.

25 LEGISLATOR DERIGGI-WHITTON: Do

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2 you think you could send us an email to all  
3 the legislators how the buckets work? I  
4 understand how hotel-motel is collected and  
5 what it's used for with the idea of promoting  
6 tourism and culture but I don't have a clear  
7 understanding of the mechanisms.

8 MR. PERSICH: I will get that for  
9 you.

10 LEGISLATOR NICOLELLO: Any other  
11 questions or comments by legislators? Hearing  
12 none, any public comment? Thank you Andy.  
13 Motion to close by Legislator Lafazan.  
14 Seconded by Legislator Ford.

15 Mr. Budnick I didn't see your hand  
16 up.

17 MR. BUDNICK: Just very quickly,  
18 I am quite distressed that you folks aren't  
19 getting now at the time you're voting on this  
20 issued answers that should have been  
21 anticipated by the administration and  
22 information should have been available to you  
23 and information on financial status of the  
24 county should always be available literally  
25 right here in this room whenever you are

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2 having a meeting. And I most respectfully say  
3 that a large part of that lack lies at the  
4 door of our current county comptroller and his  
5 lack of providing data to this body. Thank  
6 you.

7 LEGISLATOR NICOLELLO: Thank you  
8 Mr. Budnick. Again, the motion to close by  
9 Legislator Lafazan. Seconded by Legislator  
10 Ford. All in favor of closing the hearing  
11 signify by saying aye. Those opposed? Carries  
12 unanimously.

13 Now we go to item two. It's a vote  
14 on a local law amending Title 24 of the  
15 miscellaneous laws of Nassau County in  
16 relation to extending the hotel and motel tax  
17 occupancy tax.

18 Moved by Legislator  
19 DeRiggi-Whitton. Seconded by Legislator  
20 Schaefer. Any further debate or discussion?  
21 Hearing none, all in favor signify by saying  
22 aye. Those opposed? That carries  
23 unanimously.

24 Now we are going to move to item  
25 29. This is going to be a little

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2    complicated. This is Resolution 121 to  
3    ceremonially designate a portion of the county  
4    road known as Covert Avenue from the  
5    intersection of First Avenue to the  
6    intersection of Fifth Avenue in New Hyde Park  
7    to be known as Mark Farina Way and directing  
8    the Department of Public Works to install  
9    conspicuous signage.

10                   I will make that motion. Seconded  
11   by Legislator Rhoads. All in favor of --  
12   withdrawn. Actually what we now need is an  
13   emergency because we're going to be amending  
14   this. So we call an emergency. We need a  
15   motion to establish an emergency which will be  
16   made by Mr. Drucker and seconded by Legislator  
17   Ford. We need to vote on the emergency. All  
18   in favor of the emergency signify by saying  
19   aye. Those opposed? Thank you.

20                   Now we need an amendment in the  
21   nature of a substitution which designates a  
22   portion of Covert Avenue as ex-captain Mark  
23   Farina Way and changes the title of the  
24   resolution to reflect the same.

25                   I will make that motion again. Ask

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2 that Legislator DeRiggi-Whitton second it.

3 Any debate or discussion on the amendment?

4 All in favor signify by saying aye. Those  
5 opposed? Carries unanimously.

6 So now it's amended. Now we have  
7 to vote on the resolution as amended. All in  
8 favor of the amended resolution signify by  
9 saying aye. Those opposed? That carries  
10 unanimously.

11 There are several other items at  
12 the end of the calendar. These are  
13 resolutions that had just gone through  
14 committee but there's a request for an  
15 executive session on these items. What I am  
16 going to do is I will hold them, we'll do the  
17 emergency calendar and then we will go back to  
18 those for the executive session.  
19 Mr. Pulitzer.

20 MR. PULITZER: Yes, sir.

21 LEGISLATOR NICOLELLO: I guess  
22 we're going to have to call the emergencies.  
23 With the consent of the Minority ask that we  
24 waive the reading of the emergencies because  
25 this goes on for three pages. Is there

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2   agreement on that? These are the five items  
3   on the emergency calendar. 311 of '20. 312  
4   of '20. 313 of '20. 314, 315 and 316 of  
5   2020. Actually we'll do the emergencies  
6   first.

7                   I need a motion to establish an  
8   emergency for these items. Moved by  
9   Legislator Schaefer. Seconded by Legislator  
10   Bynoe. All in favor of establishing an  
11   emergency signify by saying aye. Those  
12   opposed? The emergency is established.

13                  Now we have to call these items,  
14   311, 312, 313, 314, 315, 316. These are  
15   ordinances to establish assessed valuations in  
16   school districts in North Hempstead, Hempstead  
17   and Oyster Bay. A resolution fixing the time  
18   and date for issuance of tax warrants to the  
19   towns receivers of taxes. A resolution to  
20   include a statement of assessed valuations in  
21   legislative proceedings and an ordinance  
22   certifying base and adjusted base  
23   proportions.

24                  Motion by Legislator -- who's  
25   home -- Legislator Muscarella. Seconded by

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2 Deputy Presiding Officer Kopel. These items  
3 are now before the full legislature. Do we  
4 have a speaker on these items?

5 MR. MILES: Robert Miles, deputy  
6 assessor. These are resolutions and  
7 ordinances submitted every year for the school  
8 tax warrants. I will take any questions that  
9 you have.

10 LEGISLATOR NICOLELLO: In terms  
11 of the legislative action, our action today is  
12 to either up or down. Can we amend these?

13 MR. MILES: No. These are the  
14 numbers as they are.

15 LEGISLATOR NICOLELLO: What if we  
16 don't pass them today?

17 MR. MILES: The schools do not  
18 get the money as requested based on their  
19 budgets and we cannot give them the monies.

20 LEGISLATOR NICOLELLO: Before you  
21 get to that point money, the receivers of  
22 taxes can't send out the bills; is that  
23 accurate?

24 MR. MILES: Correct.

25 LEGISLATOR NICOLELLO: By not



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2 sending out the bills the money doesn't flow  
3 in, the school districts don't get the money?

4 MR. MILES: Correct. And we do  
5 this on an annual basis.

6 LEGISLATOR NICOLELLO: Any  
7 questions? Legislator Rhoads.

8 LEGISLATOR RHOADS: Thanks  
9 Mr. Presiding Officer. Mr. Miles, my  
10 understanding is that obviously this is a  
11 ministerial act that's usually performed by  
12 the legislature on an annual basis, correct?

13 MR. MILES: Correct.

14 LEGISLATOR RHOADS: The purpose  
15 of the act as the presiding officer mentioned  
16 was to establish the tax roll so that  
17 receivers of taxes can timely send out bills  
18 that enable school districts to get paid,  
19 correct?

20 MR. MILES: That's the idea.

21 LEGISLATOR RHOADS: The roll that  
22 we are approving today is the roll for the  
23 2020-2021 school tax roll, correct? Or  
24 assessment roll.

25 MR. MILES: Yes.

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2 LEGISLATOR RHOADS: That would be  
3 the first one under the county executive's  
4 reassessment; is that correct?

5 MR. MILES: Under the  
6 reassessment, yes, but we have passed the  
7 '19-'20 the previous year.

8 LEGISLATOR RHOADS: I understand  
9 that we pass it every year.

10 MR. MILES: I just wanted to make  
11 sure.

12 LEGISLATOR RHOADS: The  
13 difference this year though is that unlike in  
14 previous years the assessor's office announced  
15 to the towns last week that there were,  
16 despite the roll being before the legislature  
17 today, that the roll is being issued with  
18 approximately 12,000 errors; is that correct?

19 MR. MILES: That is not  
20 accurate. It is 12,000 SCAR hearing cases  
21 that are still at the court. It's a judicial  
22 process. These are not errors.

23 LEGISLATOR RHOADS: That's the  
24 first point of clarification is that the  
25 assessor in his response I think to the

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2 receivers of taxes and to the supervisors had  
3 termed them as errors.

4 MR. MILES: That is not  
5 accurate.

6 LEGISLATOR RHOADS: The assessor  
7 was incorrect with respect to that?

8 MR. MILES: No. The assessor did  
9 not describe them as errors. Our office  
10 reached out to their offices letting them know  
11 that there are 12,000 judicial hearings still  
12 at abeyance right now.

13 LEGISLATOR RHOADS: But it would  
14 be fair to say with those 12,000 cases still  
15 pending we actually don't know what the  
16 assessment is for those 12,000 homes as of  
17 yet. It may change as a result of those legal  
18 proceedings, correct?

19 MR. MILES: Right now the burden  
20 of proof is on the petitioner. So, the  
21 assessments are accurate and they are correct  
22 as of right now unless there is a judicial  
23 order saying otherwise.

24 LEGISLATOR RHOADS: Well, it's  
25 certainly the county's position that those

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2 assessments are accurate but whether or not  
3 they are deemed to be accurate is the very  
4 reason for the SCAR petition, correct?

5 MR. MILES: The burden is on  
6 them.

7 LEGISLATOR RHOADS: I understand  
8 the burden. I'm not asking that. I'm asking  
9 you is the purpose of the SCAR petition to  
10 make a determination as to whether the  
11 county's position that the roll is accurate  
12 with respect to those 12,00 homes, properties  
13 is accurate?

14 MR. MILES: I'm not going to go  
15 into litigating the SCAR hearings. I will  
16 refer you to Article 7.

17 LEGISLATOR RHOADS: Mr. Miles,  
18 I'm not asking you for any specifics about the  
19 process other than the accuracy of the roll as  
20 it pertains to those 12,000 pending SCAR  
21 petitions. The purpose of the SCAR hearing is  
22 to determine whether or not the roll is  
23 accurate with respect to those 12,000 homes.  
24 That's the very point of the litigation, is it  
25 not?

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2 MR. MILES: No.

3 LEGISLATOR RHOADS: What's the  
4 point of the litigation? Enlighten me.

5 MR. MILES: Like I said, I will  
6 refer you to Article 7. It is a judicial  
7 process. The roll is accurate until  
8 ordered -- the individual assessment is ruled  
9 otherwise.

10 LEGISLATOR RHOADS: So my  
11 understanding that this process obviously and  
12 we're dealing with a process that started two  
13 years ago, correct?

14 MR. MILES: I'm sorry?

15 LEGISLATOR RHOADS: We're dealing  
16 with a process that started two years,  
17 correct? We're talking about the roll that  
18 was initially or proposed tentative roll that  
19 was issued back in 2018, correct?

20 MR. MILES: The roll was  
21 published in 2019. January 2, 2019.

22 LEGISLATOR RHOADS: But it's a  
23 process that started -- in other words, the  
24 notices of tentative assessment went out in  
25 2018, correct?

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2 MR. MILES: Incorrect.

3 LEGISLATOR RHOADS: When did the  
4 proposed notice of tentative assessment go  
5 out?

6 MR. MILES: January 2, 2019.

7 LEGISLATOR RHOADS: When were  
8 homeowners first advised of the fact as to  
9 what their proposed assessment was going to  
10 be?

11 MR. MILES: November of 2018.

12 LEGISLATOR RHOADS: So 2018,  
13 right? That's when this process -- when  
14 homeowners were first engaged in this process  
15 and I know that there were issues and  
16 questions with respect to whether notices were  
17 accurate when they were actually sent out.  
18 We've gone through a litany of complaints and  
19 discussions with regard to the process. But  
20 this process started in 2018. So here we are  
21 two years later and with respect to those  
22 12,000 properties we still don't have an  
23 answer as to whether or not the roll is  
24 actually accurate with respect to those 12,000  
25 properties. It's fair to say that, right?

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2 MR. MILES: No.

3 LEGISLATOR RHOADS: You're saying  
4 it's not fair to say that because the county  
5 has taken the position that they're right.

6 MR. MILES: No. It's been  
7 independently discussed that this has been  
8 accurate. There are several sources that have  
9 determined that this is accurate. The  
10 coefficient of dispersion indicates that this  
11 is accurate and so it is an accurate roll  
12 determined independently.

13 LEGISLATOR RHOADS: But as far as  
14 the courts are concerned we don't know that  
15 it's accurate, correct?

16 MR. MILES: I'm not going to  
17 discuss what the court will or will not do.  
18 That is a judicial process that is done on an  
19 individual basis.

20 LEGISLATOR RHOADS: I understand  
21 that you really don't want to provide me an  
22 answer to the question but maybe if I break it  
23 down a little bit you can. Homeowners have  
24 challenged the county's position that the roll  
25 is accurate. 12,000 property owners have done

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2 that, correct?

3 MR. MILES: Yes.

4 LEGISLATOR RHOADS: And they have  
5 done that through the SCAR petition, correct?

6 MR. MILES: Yes.

7 LEGISLATOR RHOADS: There will be  
8 a judicial determination after a SCAR hearing  
9 as to whether the homeowner is right or  
10 whether the county is right.

11 MR. MILES: Whether the homeowner  
12 has overcome their burden of proof, correct.

13 LEGISLATOR RHOADS: If the  
14 homeowner loses that petition it would be  
15 verified that the county was correct with  
16 respect to that particular individual  
17 property, correct?

18 MR. MILES: Correct.

19 LEGISLATOR RHOADS: And if the  
20 court makes a determination that the homeowner  
21 is accurate that would establish that the  
22 county was incorrect with respect to its  
23 valuation, correct.

24 MR. MILES: Per the court.

25 LEGISLATOR RHOADS: Are you



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2 indicating that the county is unwilling to  
3 accept the court's determination?

4 MR. MILES: No. It is a judicial  
5 order. We are accepting the determination.

6 LEGISLATOR RHOADS: So you would  
7 agree that if there's a judicial order that's  
8 issued saying that with respect to those  
9 12,000 homes that the county's assessment roll  
10 is inaccurate the county is prepared to accept  
11 that determination, right?

12 MR. MILES: The county's  
13 assessment roll is accurate until and the  
14 numbers will remain the same until a hearing  
15 officer makes a determination. I'm not here  
16 to assume what a hearing officer will or will  
17 not determine.

18 LEGISLATOR RHOADS: I want to  
19 verify based on your comments today that if  
20 the court makes a determination that the  
21 assessment roll is not accurate with respect  
22 to any one of these 12,000 properties, and  
23 it's not exactly 12,000, right? It's a little  
24 over?

25 MR. MILES: A little over, a

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2 little under.

3 LEGISLATOR RHOADS: Which is it?

4 MR. MILES: Should be closer to  
5 11,500 now.

6 LEGISLATOR RHOADS: But we  
7 actually know how many petitions we're talking  
8 about at this point?

9 MR. MILES: Yes.

10 LEGISLATOR RHOADS: If the court  
11 makes a determination with respect to any one  
12 of these 12,000 homes that the county's  
13 assessment is wrong that is a final  
14 determination that the assessment was wrong  
15 with respect to that one property, correct?

16 MR. MILES: Yes. We will adhere  
17 to the court's opinion.

18 LEGISLATOR RHOADS: What happens  
19 if in the case of any one of those 12,000  
20 properties, what happens at this point, if we  
21 approve the roll today, what happens with  
22 respect to the county's potential liability?  
23 How does that impact the county and its tax  
24 bills?

25 MR. MILES: It will be dependent

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2 upon the judicial order, what the level of  
3 reduction is, and either there will be a  
4 lowering of the tax bill if we can in time or  
5 there will be a refund.

6 LEGISLATOR RHOADS: When are  
7 these bills supposed to be issued?

8 MR. MILES: First bill should be  
9 issued in November.

10 LEGISLATOR RHOADS: November  
11 1st?

12 MR. MILES: Yes.

13 LEGISLATOR RHOADS: So you're  
14 talking about Sunday?

15 MR. MILES: Correct. But you can  
16 also correct second half bills.

17 LEGISLATOR RHOADS: But with  
18 respect to first half bills Sunday, November  
19 1st is the date that those bills theoretically  
20 should be -- are frozen in time at that  
21 point. No changes can be made to the first  
22 half tax bills after November 1st?

23 MR. MILES: That is my  
24 understanding.

25 LEGISLATOR RHOADS: I think it's

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2 reasonable to expect that these 12,000 SCAR  
3 challenges obviously are not going to be heard  
4 between now and Sunday, correct?

5 MR. MILES: Correct.

6 LEGISLATOR RHOADS: What happens  
7 in a situation where a homeowner is determined  
8 to be right yet they've already received the  
9 tax bill and they theoretically have already  
10 made payment, what happens?

11 MR. MILES: They will either get  
12 a correction to their second half bill or  
13 receive a refund.

14 LEGISLATOR RHOADS: But if  
15 they're entitled to a reduction we don't turn  
16 around and raise the taxes to make up that  
17 difference on behalf of every other homeowner,  
18 correct?

19 MR. MILES: Correct.

20 LEGISLATOR RHOADS: That's a  
21 result of something called a county  
22 guarantee? The county guarantee?

23 MR. MILES: That's absolutely the  
24 county guarantee.

25 LEGISLATOR RHOADS: For these

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2 12,000 properties if there's a determination  
3 that these 12,000 homeowners are correct, do  
4 we know what the potential liability is to the  
5 county?

6 MR. MILES: I'm not aware of it.  
7 It will not be 12,000 homeowners being  
8 correct. So it's very difficult to determine  
9 on an individual basis who will receive an  
10 order in favor of reduction and who will not.

11 LEGISLATOR RHOADS: I'm not  
12 asking you to predict anything. I'm asking  
13 you about total exposure. For example, in  
14 these SCAR petitions the homeowners put down  
15 what they believe their assessment should be,  
16 correct?

17 MR. MILES: Yes.

18 LEGISLATOR RHOADS: So, if they  
19 put down what their assessment should be we  
20 should be able to determine based upon those  
21 claims what the county's potential liability  
22 is if in fact they succeed in proving that  
23 they're correct, right?

24 MR. MILES: I don't believe  
25 that -- that's a very difficult calculation to

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2 determine hypothetically what that would be.

3 LEGISLATOR RHOADS: It's a  
4 mathematical calculation, isn't it? Has the  
5 assessor's office looked into that at all? Or  
6 are we simply approving the roll not knowing  
7 what our potential liability might be?

8 MR. MILES: You are approving the  
9 roll because this is a ministerial act that's  
10 performed every year and we need this roll to  
11 produce the tax bills and for the schools to  
12 get the money.

13 LEGISLATOR RHOADS: I totally  
14 understand that you've left us with no  
15 choice. Don't get me wrong. I get that  
16 fact. I just am trying to find out a little  
17 information so we know how bad -- hold on, I'm  
18 not done -- so we know how bad this  
19 potentially can be for the county and its  
20 taxpayers that the assessor's office is  
21 presenting us a roll that may have up to  
22 12,000 errors on it. I'm just trying to  
23 figure out what that is.

24 MR. MILES: Once again, I think  
25 you also said this is -- there's no errors.

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2 These are judicial hearings.

3 LEGISLATOR RHOADS: Right. If  
4 there's a judicial determination that there's  
5 an error it's an error. It is what it is. So  
6 with 12,000 of these hearings still pending  
7 there are potentially 12,000 errors if a court  
8 makes a determination --

9 MR. MILES: It is a judicial  
10 hearing. It is not an error.

11 LEGISLATOR RHOADS: If the court  
12 determines that the county is wrong, right,  
13 can we agree on that? Or we're going to say  
14 it's right no matter who says otherwise and we  
15 have to --

16 MR. MILES: We will accept the  
17 opinion of the court and the homeowner will  
18 receive the reduction that's ordered by the  
19 court.

20 LEGISLATOR RHOADS: My point is  
21 if there's a reduction by the court has there  
22 been any effort on the part of the assessor's  
23 office to make a determination as to what the  
24 county's potential exposure is if each of  
25 these 12,000 petitions happens?

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2 MR. MILES: It's very difficult  
3 to determine the refund liability.

4 LEGISLATOR RHOADS: So the answer  
5 is no?

6 MR. MILES: I don't have that  
7 number for you.

8 LEGISLATOR RHOADS: I know you  
9 may not have the number but has anybody even  
10 bothered to try and figure it out?

11 MR. MILES: I would refer you to  
12 the budget office.

13 LEGISLATOR RHOADS: So the budget  
14 office is making that determination?

15 MR. MILES: I am not sure.

16 LEGISLATOR RHOADS: Does the  
17 budget office actually have copies of the SCAR  
18 petitions?

19 MR. MILES: They do not have  
20 12,000 individual SCAR hearings.

21 LEGISLATOR RHOADS: Has anybody  
22 told the budget office then how many SCAR  
23 petitions there are and what the homeowners  
24 are claiming their taxes are supposed to be so  
25 that the budget office can make that



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2 determination?

3 MR. MILES: Everyone is aware of  
4 the 12,000 petitions heard.

5 LEGISLATOR RHOADS: I'm not aware  
6 of the 12,000 petitions heard. Is it possible  
7 for us to be able to get a list of these  
8 12,000 properties that are still up in the  
9 air? Because when we send out these bills  
10 we're telling these homeowners that they owe  
11 the money, right? There's real dollars that  
12 have to come out of their pocket even though  
13 they are still in the process of challenging  
14 it 24 months after they actually received  
15 their initial notification of their  
16 assessment.

17 MR. MILES: Per the law,  
18 correct. Per the law. The roll is  
19 published. Then there's the SCAR season and  
20 then you have to go through the judicial  
21 hearing process.

22 LEGISLATOR RHOADS: But typically  
23 these SCAR petitions would have been heard  
24 before the assessment roll was final; is that  
25 correct? Before the actual bills go out so

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2 that they don't have a potential refund  
3 situation.

4 MR. MILES: Typically when there  
5 isn't a pandemic, yes. But because the  
6 deadline was on hold until September 4th, well  
7 into the time period for us to start  
8 calculating the warrants, then yes. But this  
9 year is a very different year.

10 LEGISLATOR RHOADS: Are you  
11 saying that the 12,000 petitions that are  
12 outstanding all came in after September 4th?

13 MR. MILES: I'm not saying that.

14 LEGISLATOR RHOADS: So why  
15 weren't these 12,000 resolved prior to? I  
16 understand that you're using the deadline  
17 extension as an excuse but that only matters  
18 if these petitions came in after the deadline,  
19 right?

20 MR. MILES: No. There is a  
21 scheduling. There is a calendaring. The  
22 court is in charge of scheduling and  
23 calendaring. The Department of Assessment is  
24 not in charge of that. We are in charge of  
25 sending individuals prepared to defend the

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2 roll.

3 LEGISLATOR RHOADS: So you have  
4 engaged though -- the Department of Assessment  
5 has engaged though in an attempt to resolve  
6 these SCAR petitions, correct?

7 MR. MILES: Correct.

8 LEGISLATOR RHOADS: So we've made  
9 settlement offers to these various homeowners  
10 with respect to their individual properties,  
11 correct?

12 MR. MILES: Yes.

13 LEGISLATOR RHOADS: And there  
14 were 88,000 -- actually there's I guess some  
15 discrepancy because some of the documents from  
16 the clerk's office indicates that it may be as  
17 much as 92,000. But somewhere in the high  
18 80s, low 90,000 --

19 MR. MILES: We have received our  
20 80,000 number from the courts and they are the  
21 ones who determine the number of petitions  
22 that come to us.

23 LEGISLATOR RHOADS: The clerk's  
24 office is the clerk of the court, correct?

25 MR. MILES: I'm not sure why

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2 there's a difference between the clerk and the  
3 court.

4 LEGISLATOR RHOADS: I'm not sure  
5 either. But somewhere between 80 and 90,000  
6 is that fair to say?

7 MR. MILES: There's 80,000. I  
8 get my numbers from the court.

9 LEGISLATOR RHOADS: I thought the  
10 testimony that we received during the budget  
11 hearings was that there was actually 88,000  
12 and that was directly from the assessor. Now  
13 there's only 80,000?

14 MR. MILES: No. He said 80,000  
15 and there are 80,000.

16 LEGISLATOR RHOADS: I don't have  
17 the record in front of me.

18 MR. MILES: Neither I do but I  
19 know it's 80,000.

20 LEGISLATOR RHOADS: We will agree  
21 to disagree on that point. Whether it's  
22 80,000, 88,000, 92,000 with all of these  
23 cases, with the exception of the 12,000 that  
24 are still outstanding, the assessor's office  
25 was able to, presumably with the assistance of

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2 the court, was able to negotiate some sort of  
3 resolution to those claims, correct?

4 MR. MILES: I'm sorry. I missed  
5 half of the --

6 LEGISLATOR RHOADS: Not a  
7 problem. Whatever the difference is between  
8 the total number of claims and the 12,000 that  
9 remain outstanding the assessor's office has  
10 been able to resolve those claims, correct?

11 MR. MILES: Maybe I'm not hearing  
12 you or I just need clarification.

13 LEGISLATOR RHOADS: Regardless of  
14 what the number is, I'm going to say 88  
15 because that's what I think the assessor said,  
16 the difference between 88,000 and the 12,000  
17 claims that remain from the SCAR process that  
18 difference -- I got to do the math -- the  
19 76,000 claims those have all been resolved at  
20 this point, correct?

21 MR. MILES: Those that are not  
22 the 12,000 have been resolved.

23 LEGISLATOR RHOADS: What is it  
24 about these 12,000 that made it impossible to  
25 resolve?

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2 MR. MILES: They are not  
3 impossible to resolve.

4 LEGISLATOR RHOADS: What is it  
5 about these 12,000 that have made it  
6 impossible to timely resolve before we have a  
7 roll?

8 MR. MILES: Some individuals  
9 didn't accept settlement offers. Some  
10 individuals we felt did not deserve a  
11 settlement offer. Some individuals felt that  
12 a zero offer wasn't the offer that they  
13 wanted. And some individuals just wanted to  
14 go to court. And that is their administrative  
15 right to go to court and if the court wants to  
16 calendar cases for all those 12,000 we will of  
17 course abide by the court's calendar.

18 LEGISLATOR RHOADS: The court  
19 doesn't have a choice, correct?

20 MR. MILES: Yes, the court  
21 doesn't have -- well, the court can calendar  
22 the way they would like to calendar and we are  
23 following the calendar of the court as any  
24 other litigated process occurs.

25 LEGISLATOR RHOADS: During our

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2 initial hearings we were informed by the  
3 assessor that with respect to some of the  
4 north shore properties that the roll was  
5 indefensible on some of the higher value  
6 homes.

7 MR. MILES: That is not correct.

8 LEGISLATOR RHOADS: The assessor  
9 didn't say that?

10 MR. MILES: No.

11 LEGISLATOR RHOADS: Can you tell  
12 us with respect to these 12,000 properties  
13 then where they are geographically located.

14 MR. MILES: No. They are  
15 disbursed throughout the county.

16 LEGISLATOR RHOADS: Is there a  
17 concentration in any one particular area?

18 MR. MILES: Not that I'm aware  
19 of.

20 LEGISLATOR RHOADS: Do we have an  
21 outside time frame as to when these homeowners  
22 are actually going to know whether the amount,  
23 if we approve this roll today, as to whether  
24 the amount we are asking them to pay is  
25 actually the amount they owe?

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2 MR. MILES: It is dependent upon  
3 when the hearings are calendared.

4 LEGISLATOR RHOADS: We have no  
5 idea how long this could potentially take?

6 MR. MILES: I am not aware. You  
7 would have to talk to the Nassau County  
8 Supreme Court.

9 LEGISLATOR RHOADS: The  
10 assessor's office has been involved in the  
11 assessing process since 1938, right?

12 MR. MILES: Correct.

13 LEGISLATOR RHOADS: I would  
14 imagine that over that time there's been a  
15 certain institutional knowledge and expertise  
16 as to how these processes work.

17 MR. MILES: Except that this year  
18 there is a global pandemic that pushed our  
19 deadline back from April 30th to September  
20 4th.

21 LEGISLATOR RHOADS: I get that.  
22 But in terms of the resolution of pending  
23 cases do we know how long it takes to resolve  
24 cases?

25 MR. MILES: It generally does not



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2 take this long but it is a pandemic and the  
3 deadline was pushed back from April 30th to  
4 September 4th and the court did not start  
5 hearing cases until June 16th.

6 LEGISLATOR RHOADS: We're being  
7 presented with a roll today that has a  
8 potential exposure, potential errors if the  
9 court makes that determination, with respect  
10 to 12,000 individual property owners. We have  
11 no idea what the potential exposure is to  
12 county taxpayers, nor do we have any idea when  
13 we can tell those 12,000 affected homeowners  
14 when there may actually be a resolution to  
15 their SCAR process so that we can assure that  
16 the amount of money that they are being asked  
17 to pay actually is the amount of money that  
18 they owe. Am I correct in that  
19 understanding?

20 MR. MILES: You are passing a tax  
21 roll. Something that is done on a yearly  
22 basis every year. It's a ministerial act.

23 LEGISLATOR RHOADS: But every  
24 single year you do not have 12,000 pending  
25 SCAR petitions.

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2 MR. MILES: There were pending  
3 SCAR petitions many years before this. So  
4 this is not something that is unprecedented.

5 LEGISLATOR RHOADS: 12,000 is not  
6 unprecedented?

7 MR. MILES: Prior to this  
8 administration there were cases of pending  
9 litigation, judicial hearings. So this is not  
10 unprecedented.

11 LEGISLATOR RHOADS: Is it  
12 unprecedented to the extent of 12,000  
13 potential clients?

14 MR. MILES: I'm not aware of the  
15 exact number from the previous years but this  
16 is not something that is new and the previous  
17 legislatures have passed the tax rolls before  
18 and the tax warrants so that the homeowners  
19 can receive their bills and the schools can  
20 get the money that they are owed.

21 LEGISLATOR RHOADS: But this  
22 level of potential incompetence is new to me.  
23 So, I appreciate that you can't give me any  
24 more information that you already have so  
25 thank you.

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2 MR. MILES: Thank you.

3 LEGISLATOR NICOLELLO: I had a  
4 question for you. You mentioned that you had  
5 reached out to the tax receivers. Was there a  
6 telephone call or something like that of that  
7 nature?

8 MR. MILES: Yes. I believe there  
9 was a call representatives from both offices.

10 LEGISLATOR NICOLELLO: What was  
11 the purpose of reaching out to the receivers  
12 of taxes?

13 MR. MILES: To confirm that tax  
14 bills can be corrected if there were judicial  
15 orders that come in from the court. Rather  
16 than have the homeowner receive a tax bill  
17 they can receive -- I'm sorry, receive a  
18 refund they can receive a corrected tax bill.  
19 So it is easier administratively for the  
20 county I believe and it's better for the  
21 taxpayer that they can receive it in their tax  
22 bill.

23 LEGISLATOR NICOLELLO: Was there  
24 a request that the receivers not send out the  
25 tax bills for the individuals who were in

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2 these SCAR proceedings?

3 MR. MILES: No. I don't believe  
4 legally you can ask them to not issue tax  
5 bills.

6 LEGISLATOR NICOLELLO: So you  
7 called them to confirm if the tax bills could  
8 be corrected?

9 MR. MILES: Because you can  
10 either use a refund or you can do a corrected  
11 tax bill. We felt that the corrected tax bill  
12 would be better for the taxpayer.

13 LEGISLATOR NICOLELLO: Corrected  
14 tax bill would have to go out when?

15 MR. MILES: Remember, there's the  
16 first half tax bill and the second half tax  
17 bill. So you can also correct the second half  
18 tax bill.

19 LEGISLATOR NICOLELLO: Even if  
20 the tax bill had been sent out and they had  
21 paid their taxes you can seek to --

22 MR. MILES: No. The second half  
23 tax bill would have to be corrected.

24 LEGISLATOR NICOLELLO: A lot more  
25 questions there but Legislator Ford.

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2 LEGISLATOR FORD: So everybody,  
3 by passing this legislation today, everybody  
4 will receive their tax bill on time?

5 MR. MILES: Yes.

6 LEGISLATOR FORD: I just want to  
7 follow up a little bit --

8 MR. MILES: Pursuant to the  
9 executive order by the governor of course.  
10 That pushed back the deadlines legally.

11 LEGISLATOR FORD: Because  
12 normally people would have gotten their tax  
13 bills already?

14 MR. MILES: Right. But remember  
15 the executive order pushed everything back.

16 LEGISLATOR FORD: When are the  
17 tax payments due by all the residents?

18 MR. MILES: I believe it's  
19 December 10th.

20 LEGISLATOR FORD: I have somebody  
21 who was asking. So there will be no delay at  
22 all that people will not -- so you're not  
23 asking because I guess there was a  
24 misunderstanding. I had somebody call me.  
25 So, the tax bills themselves are delayed being

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2 sent out but rather than having to pay in  
3 November we will be able to pay in December,  
4 correct?

5 MR. MILES: That's pursuant to  
6 the executive order.

7 LEGISLATOR FORD: You can just  
8 say yes or no. We understand it's the  
9 executive order. I understand it has to come  
10 from the governor. That's actually a given  
11 because we can't change those dates. It's all  
12 state law, correct? Yes.

13 Just going back to the 12,000 that  
14 Legislator Rhoads was asking about, okay, and  
15 we didn't know like how many when we look  
16 at -- and I understand that people had SCAR  
17 hearings and even when we sent out previous  
18 years there were still people litigating  
19 whether or not their assessment was right or  
20 wrong or whatever.

21 MR. MILES: Yes.

22 LEGISLATOR FORD: But it seems  
23 that there were 80,000, so we're still holding  
24 on to 12,000 that are still are in the process  
25 of going before a judicial hearing, correct?

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2 MR. MILES: They're being  
3 calendared by the court, correct.

4 LEGISLATOR FORD: But out of the  
5 other 68,000 that have been settled by the  
6 courts you must know --

7 MR. MILES: It had gone to the --  
8 they had already --

9 LEGISLATOR FORD: Settled. One  
10 way whether or not they accepted the offer by  
11 the assessor or --

12 MR. MILES: Or there was a  
13 hearing. Because we did do as many hearings  
14 as the calendar from June until September.

15 LEGISLATOR FORD: That I  
16 understand. How many of those ones that were  
17 challenged by residents did the residents end  
18 up getting the settlement they desired?

19 MR. MILES: I'm not sure off the  
20 top of my head.

21 LEGISLATOR FORD: We don't keep a  
22 record to see whether or not to see the  
23 accuracy of the roll to make sure --

24 MR. MILES: I can create an  
25 analytic form but I don't know that off the

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2 top of my head.

3 LEGISLATOR FORD: I would like to  
4 see if you can do that and send it to us  
5 because I think that would be good for us to  
6 see where the challenges were, where some of  
7 the issues were with some of the residents in  
8 regard to and on what basis they were able to  
9 be successful in challenging their  
10 assessment. Thank you.

11 LEGISLATOR NICOLELLO: Legislator  
12 Ferretti.

13 LEGISLATOR FERRETTI: Thank you.  
14 Good afternoon Mr. Miles. A lot of my  
15 questions were already asked by Legislator  
16 Rhoads so I guess I just have a couple of  
17 comments.

18 I heard, Mr. Miles, you said  
19 numerous times how this is a ministerial act  
20 that's been done so many years before. This  
21 is not -- 2020 is not just your ordinary  
22 year. There are residents really hurting.  
23 Residents are facing very, very tough  
24 financial times. We've got a lot thrown at us  
25 in 2020. The idea that this is just some



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2   ministerial act and not to mention a  
3   countywide reassessment for the first time in  
4   15 plus years. So the idea that this should  
5   be just passed without any scrutiny, as I  
6   think you are certainly implying, I think is  
7   disappointing.

8                   Additionally, it seems like the  
9   assessment office is somewhat talking out of  
10   both sides of its mouth. Legislator Rhoads is  
11   asking you pretty pointed questions as to the  
12   12,000 outstanding SCARS and it seems like  
13   your de facto response was I'm not going to  
14   guess as to how the court is going to  
15   adjudicate these SCARS, right?

16                  MR. MILES:       I'm not going to do  
17   that.

18                  LEGISLATOR FERRETTI:   But at the  
19   same time he asked you what the potential  
20   liability was and you said that 12,000 won't  
21   be found to be overassessed. So, in affect  
22   you are predicting when it fits the argument  
23   but at the same time --

24                  MR. MILES:       That's not a  
25   prediction.

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2 LEGISLATOR FERRETTI: You're  
3 saying that it is possible that all 12,000 are  
4 found in favor of the SCAR petitioner?

5 MR. MILES: I'm not predicting  
6 like I said.

7 LEGISLATOR FERRETTI: I just find  
8 it shocking that there has been no  
9 communication, no thought as to what the  
10 potential liability could be to Nassau  
11 residents. This is not something that really  
12 should have taken you offguard here. I'm  
13 shocked that there was no inquiry from the  
14 budget department. Has there been any  
15 communication between the Assessment  
16 Department and the budget department as to  
17 what the potential liability could be?

18 MR. MILES: It is difficult to  
19 estimate what the refund liability is because  
20 of the individual nature of each hearing.

21 LEGISLATOR FERRETTI: Okay.  
22 Again, I'm going to hold my nose and vote in  
23 favor of this because as Legislator Rhoads  
24 said we've been somewhat boxed in a corner but  
25 it's disappointing that some pretty simple and

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2 important questions any year but specifically  
3 in 2020 are going unanswered today.

4 LEGISLATOR NICOLELLO: Legislator  
5 McKeivitt.

6 LEGISLATOR MCKEVITT: Just to  
7 follow up a point beforehand where you said  
8 that the receivers will be sending out the  
9 first half school tax bill and if there needed  
10 to be there would be a correction on the  
11 second half school tax bill; is that correct?

12 MR. MILES: Yes.

13 LEGISLATOR MCKEVITT: I know some  
14 people actually pay their entire year's tax  
15 bill at the first bill because there's  
16 actually a discount they receive when you pay  
17 it. So for those who choose to pay your  
18 entire year's worth of taxes at the first bill  
19 before December 10th how will that then be  
20 rectified?

21 MR. MILES: I don't want to speak  
22 for the treasurer but there would be a refund.

23 LEGISLATOR NICOLELLO: Just one  
24 other follow-up on my part. The conference  
25 call when your office reached out to the

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2 receivers of taxes who was on that call?

3 MR. MILES: Several individuals.

4 Our accounting division I believe was the

5 representative on the call. But I'm not

6 sure. I was not on the call.

7 LEGISLATOR NICOLELLO: Was Mr.

8 Moog on the call?

9 MR. MILES: I am not sure.

10 LEGISLATOR NICOLELLO: Thank

11 you. Legislator Walker.

12 LEGISLATOR WALKER: I just want

13 to get this straight. So now if people's tax

14 bills were say they were charged \$2,600 for

15 each half. After their hearing they find that

16 they overpaid by \$1,000. The next half of

17 their bill if they didn't pay it in full would

18 then be dropped to \$1,600 rather than the

19 \$2,600?

20 MR. MILES: I believe that's how

21 it works. But we are confirming with the

22 treasurer and the receivers' offices.

23 LEGISLATOR WALKER: Now, does the

24 county then have to make up that \$1,000 to the

25 school district because the school district

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2 was anticipating 2600?

3 MR. MILES: No. The school  
4 district is always made whole. They either  
5 receive the money that they're supposed to  
6 receive always from the town and then we would  
7 have to pay the refund. But we guarantee.

8 LEGISLATOR WALKER: So then we're  
9 back to the fact that the county guarantee  
10 again kicks in and again, even though we were  
11 promised over and over and over that  
12 everything was correct and bills would be  
13 correct and you had enough people to do all  
14 these things, now we're going to have to lay  
15 out money again in this upcoming year to --

16 MR. MILES: Well, legislator, I  
17 do once again want to reiterate that the  
18 timeline is generally April 1st to April 30th  
19 and the deadline to file was moved from April  
20 30th to September 4th. And the hearings did  
21 not occur until June 14th due to the pandemic.

22 LEGISLATOR WALKER: But once  
23 again, every time we questioned anything we  
24 were promised that everything was fine. We  
25 had the number of people to do this.

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2 Everything was going to be right and obviously  
3 that's not the case.

4 MR. MILES: Prior to there being  
5 a global pandemic and the courts are in charge  
6 of the calendaring.

7 LEGISLATOR WALKER: We asked many  
8 of these questions during the pandemic also.  
9 I feel like that's going to be our answer for  
10 everything. But well, you know, we had a  
11 global pandemic. We all realize that.

12 MR. MILES: I believe all the  
13 hearings occurred prior to the pandemic  
14 regarding the strategy for SCAR.

15 LEGISLATOR NICOLELLO: Legislator  
16 Drucker.

17 LEGISLATOR DRUCKER: Thank you  
18 Presiding Officer. Mr. Miles, we are all  
19 aware that this is an unprecedented year COVID  
20 pandemic. Isn't it true that in previous  
21 years as mentioned that there were outstanding  
22 tax challenges before SCAR at the exact time  
23 that the legislature was asked to approve the  
24 tax warrants? Isn't that true?

25 MR. MILES: Correct. Every year.

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2 LEGISLATOR DRUCKER: And in those  
3 previous years the budget department was never  
4 sought to predict or estimate the refunds that  
5 might have been necessary; isn't that true?

6 MR. MILES: Correct.

7 LEGISLATOR DRUCKER: I didn't  
8 think so. Thank you.

9 LEGISLATOR NICOLELLO: Anyone  
10 else? Anyone on remote? Hearing none, thank  
11 you Mr. Miles. Any public comment? Hearing  
12 none, all in favor signify by saying aye.  
13 Those opposed? It carries unanimously.

14 So those were the emergencies. We  
15 have the four items remaining on the calendar  
16 which we will call and then we will go into  
17 executive session. 47, 48, 49 and 51.  
18 Resolutions 139, 140, 141 and 143. These are  
19 the settlements with respect to the Village of  
20 the Cedarhurst and the Village of Lawrence as  
21 well as the IMAs with respect to both.

22 Motion by Deputy Presiding Officer  
23 Kopel. Seconded by Minority Leader Abrahams.  
24 Those items are before us. Motion by  
25 Legislator Bynoe to go into executive

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2 session. Seconded by Legislator Kennedy. All  
3 in favor of executive session signify by  
4 saying aye. Those opposed? We are in  
5 executive session.

6 (Legislature recessed to executive  
7 session at 2:44 p.m.)

8 (Legislature reconvened at 3:00  
9 p.m.)

10 LEGISLATOR NICOLELLO: We are  
11 back out of executive session and we are going  
12 to have a vote on these four items, 47, 48,  
13 49, and 51. Any debate or discussion? All in  
14 favor signify by saying aye. Those opposed?  
15 It carries unanimously.

16 Motion to adjourn by Legislator  
17 Rhoads. Seconded by Legislator Drucker. All  
18 in favor of adjourning signify by saying aye.  
19 Those opposed? We are adjourned.

20 (Legislature adjourned at 3:00  
21 p.m.)

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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 28th day of  
October 2020

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FRANK GRAY