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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Thursday, November 5, 2020
12:21 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

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

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23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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3 LEGISLATOR DEBRA MULE

4 5th Legislative District

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6 LEGISLATOR C. WILLIAM GAYLOR III

7 6th Legislative District

8

9 LEGISLATOR VINCENT T. MUSCARELLA

10 8th Legislative District

11

12 LEGISLATOR ELLEN BIRNBAUM

13 10th Legislative District

14

15 LEGISLATOR DELIA DERIGGI-WHITTON

16 11th Legislative District

17

18 LEGISLATOR JAMES KENNEDY

19 12th Legislative District

20

21 LEGISLATOR THOMAS MCKEVITT

22 13th Legislative District

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24 LEGISLATOR LAURA SCHAEFER

25 14th Legislative District

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3 LEGISLATOR JOHN FERRETTI, JR.

4 15th Legislative District

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6 LEGISLATOR ANDREW DRUCKER

7 16th Legislative District

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9 LEGISLATOR ROSE WALKER

10 17th Legislative District

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12 LEGISLATOR JOSHUA LAFAZAN

13 18th Legislative District

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15 LEGISLATOR STEVEN RHOADS

16 19th Legislative District

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18 MICHAEL PULITZER

19 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: I'm going
3 to call this meeting of the county legislature
4 to order and ask the Alternate Deputy
5 Presiding Officer Denise Ford to lead us in
6 the pledge.

7 Mike, please call the roll.

8 MR. PULITZER: Thank you
9 Presiding Officer. Roll call. Deputy
10 Presiding Officer Howard Kopel.

11 LEGISLATOR KOPEL: Here.

12 MR. PULITZER: Alternate Deputy
13 Presiding Officer Denise Ford.

14 LEGISLATOR FORD: Here.

15 MR. PULITZER: Legislator Siela
16 Bynoe.

17 LEGISLATOR BYNOE: Here.

18 MR. PULITZER: Legislator Carrie
19 Solages. Carrie Solages? I'll come back.
20 Legislator Debra Mule.

21 LEGISLATOR MULE: Here.

22 LEGISLATOR NICOLELLO: I can see
23 Legislator Solages.

24 MR. PULITZER: Legislator Solages
25 is present. Legislator C. William Gaylor III.

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2 LEGISLATOR GAYLOR: Present.

3 MR. PULITZER: Legislator Vincent

4 Muscarella.

5 LEGISLATOR MUSCARELLA: Here.

6 MR. PULITZER: Legislator Ellen

7 Birnbaum.

8 LEGISLATOR BIRNBAUM: Here.

9 MR. PULITZER: Legislator Delia

10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:

12 Here.

13 MR. PULITZER: Legislator James

14 Kennedy.

15 LEGISLATOR KENNEDY: Here.

16 MR. PULITZER: Legislator Thomas

17 McKevitt.

18 LEGISLATOR MCKEVITT: Here.

19 MR. PULITZER: Legislator Laura

20 Schaefer. We will come back to that.

21 Legislator John Ferretti.

22 LEGISLATOR FERRETTI: Here.

23 MR. PULITZER: Legislator Arnold

24 Drucker. Thank you. We will come back

25 there.

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2 Legislator Rose Marie Walker.
3 LEGISLATOR WALKER: Here.
4 MR. PULITZER: Legislator Joshua
5 Lafazan.
6 LEGISLATOR LAFAZAN: Here.
7 MR. PULITZER: Legislator Steven
8 Rhoads.
9 LEGISLATOR RHOADS: Present.
10 MR. PULITZER: Minority Leader
11 Kevan Abrahams.
12 LEGISLATOR ABRAHAMS: Here.
13 MR. PULITZER: Presiding Officer
14 Richard Nicolello.
15 LEGISLATOR NICOLELLO: Here.
16 MR. PULITZER: Let me come back
17 for a second. Legislator Laura Schaefer.
18 LEGISLATOR SCHAEFER: Here.
19 MR. PULITZER: And Legislator
20 Arnold Drucker. Okay. Sir, we have a quorum.
21 LEGISLATOR NICOLELLO: When Arnie
22 connects we will make sure we note that for
23 the record.
24 We have the one item, which is a
25 resolution pursuant to Section 305 of the

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2 county government law of Nassau County to
3 reconsider and approve items vetoed by the
4 county executive in relation to the 2021
5 Nassau County budget.

6 Moved by Legislator Ford. Seconded
7 by Legislator Rhoads. That's before us.
8 Before we start our debate or discussion I
9 would like to invite Maurice Chalmers up from
10 Office of Legislative Budget Review.

11 Arnie is here.

12 MR. CHALMERS: Maurice Chalmers,
13 OLBR.

14 LEGISLATOR NICOLELLO: I
15 understand we have received the latest sales
16 tax check, right?

17 MR. CHALMERS: Correct.

18 LEGISLATOR NICOLELLO: What were
19 the results of that?

20 MR. CHALMERS: I believe there
21 was a negative 5.5. It was in the five
22 percent range.

23 LEGISLATOR NICOLELLO: Negative
24 five percent for that time period?

25 MR. CHALMERS: Correct.

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2 LEGISLATOR NICOLELLO: I think
3 it's negative 5.78 percent, would that be
4 accurate?

5 MR. CHALMERS: Yes. I didn't
6 have the exact number in front of me.

7 LEGISLATOR NICOLELLO: With that
8 sales tax check in what is the year-to-date?

9 MR. CHALMERS: I believe it was
10 negative -- hold on just a second.
11 Year-to-date we were at a negative 8.6
12 percent.

13 LEGISLATOR NICOLELLO: Now, we
14 know that the county executive and her
15 Management and Budget Office made a projection
16 that we would be down 20 percent for the year
17 2020. How much would we have to go down for
18 the rest of this year to achieve -- not to
19 achieve actually, for us to wind up at minus
20 20 percent for 2020?

21 MR. CHALMERS: The negative 20
22 percent from the Office of Management and
23 Budget is 20 percent of the entire budget.
24 So, it doesn't really take into account the
25 actuals that we have received to date. Taking

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2 those actuals to date and matching up to the
3 other numbers the remaining checks would have
4 to decrease by 52.4 percent in order to get to
5 their number. I'm sure at some point they're
6 going to have to abate their number.

7 LEGISLATOR NICOLELLO: The
8 November 5th check was for what month? For
9 September, correct?

10 MR. CHALMERS: Correct. Next
11 week we get the final check that basically
12 wraps up the entire month of September. So it
13 was partial September. It has a couple of
14 different dates.

15 LEGISLATOR NICOLELLO: We are in
16 November now. Obviously October has gone by.
17 There has been no complete shutdowns. So we
18 can safely expect that the sales tax check for
19 October might be down somewhat but it's not
20 going to be down somewhere in the range of 50
21 percent, correct?

22 MR. CHALMERS: I don't think we
23 received any sales tax check that was down by
24 50 percent.

25 LEGISLATOR NICOLELLO: Through

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2 the entire year? For the height of the
3 pandemic?

4 MR. CHALMERS: Correct.

5 LEGISLATOR NICOLELLO: With
6 respect to the comptroller's estimates on the
7 high side, how much would we have to go down
8 again to meet the comptroller's estimate of
9 what he thought we might decline in 2020?

10 MR. CHALMERS: If we take the
11 numbers from the October 2020 from the
12 comptroller's office he presented three
13 scenarios. On the first scenario which is the
14 higher probability of having a second wave of
15 COVID the number would -- the remaining checks
16 would have to decrease by 73.8 percent to get
17 to that high number.

18 He also had a moderate scenario
19 which would only imply a decrease of negative
20 38 percent.

21 He had a low scenario which would
22 only be a decrease of 2.1 percent in order to
23 hit the number that they were projecting.

24 LEGISLATOR NICOLELLO: In terms
25 of his high scenario, his moderate scenario,

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2 you're talking about it would have to go down
3 between 38 and 73 percent for the rest of the
4 year, correct?

5 MR. CHALMERS: Yes.

6 LEGISLATOR NICOLELLO: Does
7 anyone have any questions for Maurice?
8 Legislator Ford.

9 LEGISLATOR FORD: Maurice, just
10 one quick question then. Considering that we
11 do not have the final check, we're going to
12 get it next week, has there been any
13 correspondence from the state comptroller
14 warning us that we're going to see a dramatic
15 decrease in the amount of projected sales tax
16 in the next check?

17 MR. CHALMERS: Not to these
18 numbers. The numbers that OMB has and
19 actually our comptroller were very high. Some
20 of them. I don't foresee having a decrease to
21 that effect. But there's always the
22 possibility.

23 LEGISLATOR FORD: But one would
24 think that based on us going through this and
25 just the overall state of New York State, I

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2 would think that maybe Comptroller DiNapoli if
3 there was a problem would have indicated this
4 to a lot of us already, correct?

5 MR. CHALMERS: He probably would
6 have.

7 LEGISLATOR NICOLELLO: Legislator
8 DeRiggi-Whitton and Legislator Rhoads.

9 LEGISLATOR DERIGGI-WHITTON: Good
10 to see you. Have you had a chance to look at
11 the difference of what is going to be, you
12 know, with the vetoes as far as the expense of
13 the two different submitted budgets?

14 MR. CHALMERS: What do you mean?

15 LEGISLATOR DERIGGI-WHITTON: With
16 the amendments do you know what the cost is
17 for the Majority's amendments?

18 MR. CHALMERS: The Majority's
19 amendments basically placed some items in the
20 budget and basically different items. In
21 essence, what their amendment did is it
22 recognized more in sales tax and did less of
23 the borrowing. So, their amendment took into
24 account the natural portion of the borrowing
25 or the cash flow savings that we could

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2 generate based upon the PFM report and only
3 did that portion. The way they balanced it is
4 with the additional sales tax. The projected
5 additional sales tax.

6 LEGISLATOR FORD: Does the number
7 63.6 million sound about right as far as the
8 comparison of the administration's budget and
9 the Majority's budget?

10 MR. CHALMERS: I don't know where
11 that number came from.

12 LEGISLATOR DERIGGI-WHITTON: I'm
13 hearing that's like kind of the difference or
14 the gap between what she's proposing and the
15 what the Majority is proposing.

16 MR. CHALMERS: Again, I'm not
17 sure where that number came from so I can't
18 talk to that number.

19 LEGISLATOR DERIGGI-WHITTON: Just
20 one other quick thing. How often do we get
21 the sales tax checks?

22 MR. CHALMERS: We get a check
23 next week on the 11th and in December I think
24 we get three checks in December.

25 LEGISLATOR DERIGGI-WHITTON: We

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2 get them throughout the year, correct?

3 MR. CHALMERS: Correct.

4 LEGISLATOR FORD: If we do find
5 that -- I love the rosy news and I want to
6 believe it, believe me, I'm very worried all
7 the time about my parents and everyone else.
8 We just don't want another wave. But if that
9 news does come to be true we can always make
10 adjustments maybe in the spring even.

11 My opinion is, as I said the other
12 day, not to waste anyone's time, but I really
13 feel that -- I don't trust that we're through
14 the worst. I don't think it will be bad as
15 last year so yes, we are through the worst.
16 But I don't trust that we won't get some type
17 of bounce as a second wave.

18 And looking at even the restaurants
19 with sales tax we've been supporting them but
20 I'm not going to want to sit outside in
21 December anymore. Honestly even now today is
22 a good day but it's getting harder to do it.

23 MR. CHALMERS: There's always a
24 possibility that the sales tax may decrease.
25 We haven't seen it yet based on the actuals

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2 that we have received. But we are monitoring
3 it very closely. With the check next week
4 we'll probably send out an update. At that
5 point most of the revenue should have already
6 been recorded. So it's only the December
7 checks that would probably be affected.

8 LEGISLATOR DERIGGI-WHITTON:

9 Again, I think right now we're okay. We've
10 all been going out. We've had people coming
11 here to use our beaches and parks. But
12 through the winter it's going to be a
13 different story I'm afraid for a lot of our
14 businesses. I hope not.

15 MR. CHALMERS: There's always an
16 exposure, yes.

17 LEGISLATOR NICOLELLO: Maurice,
18 the number of the year-to-date decline, 8.58
19 percent, that includes the time period in
20 which our county was virtually completely
21 locked down, correct?

22 MR. CHALMERS: That's correct.
23 That's the year-to-date number which includes
24 all the actuals.

25 LEGISLATOR NICOLELLO: So that

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2 includes a period where we had about as an
3 extreme a lockdown as we're ever going to
4 get?

5 MR. CHALMERS: Yes, it does.

6 LEGISLATOR NICOLELLO: Legislator
7 Rhoads.

8 LEGISLATOR RHOADS: Presiding
9 Officer you kind of jumped on the question
10 that I was going to ask. I'm glad to hear
11 that we are in agreement that we don't believe
12 that next year, even though there's some risk
13 involved, next year is going to be anywhere as
14 bad as what we had to deal with this year. In
15 fact, unlike last year, we have plexiglass, we
16 have masks, we have gloves, we have hand
17 sanitizer. We're taking all of the
18 precautions, social distancing, all of the
19 precautions that have been recommended by the
20 CDC and by our public health officials.

21 So, I certainly don't believe that
22 next year's revenue estimates or next year's
23 decline in sales taxes is going to anywhere
24 approach what we had this year. And I believe
25 you said this year was 8.58 percent

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2 year-to-date?

3 MR. CHALMERS: Year-to-date 8.6
4 percent.

5 LEGISLATOR RHOADS: In fact,
6 those numbers are actually getting better, are
7 they not?

8 MR. CHALMERS: Yes. The last
9 couple of checks was a negative five and
10 change. The prior one was a negative two and
11 the October check was actually a plus 13
12 percent.

13 LEGISLATOR RHOADS: So the
14 October check we actually over --

15 MR. CHALMERS: The prior year.

16 LEGISLATOR RHOADS: The prior
17 year we actually were making more in sales tax
18 revenue without a pandemic than we were
19 actually -- we actually made more with a
20 pandemic this year for the October check than
21 we made last year without a pandemic?

22 MR. CHALMERS: That check was
23 very positive, yes.

24 LEGISLATOR RHOADS: So the trend
25 is going towards there being less of a

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2 reduction. In fact, we are actually making
3 more year over year to this point than we did
4 last year?

5 MR. CHALMERS: Moody's has us
6 projected as a negative 16 percent I believe
7 is their number.

8 LEGISLATOR RHOADS: For this
9 year?

10 MR. CHALMERS: For this year.

11 LEGISLATOR RHOADS: Obviously the
12 numbers don't lie. We are obviously
13 outperforming what Moody's estimate was,
14 correct?

15 MR. CHALMERS: That is correct.

16 LEGISLATOR RHOADS: And we're
17 substantially over what their projection was,
18 correct?

19 MR. CHALMERS: So far, yes.

20 LEGISLATOR RHOADS: Since we are
21 seeing the trend to the point where now we are
22 actually earning more in sales tax revenue or
23 receiving more in sales tax revenue than we
24 were last year we would have the expectation,
25 unless there's some sort of incident, that

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2 that trend would continue, correct?

3 MR. CHALMERS: That is correct.

4 LEGISLATOR RHOADS: In fact,
5 we're moving into the holiday season where
6 spending should be increasing historically, is
7 that now true?

8 MR. CHALMERS: Yes. Spending
9 will be increasing hopefully throughout the
10 holiday season. But we are also comparing it
11 against last year, which was probably a good
12 year. We will be monitoring it very closely
13 and seeing how the next couple of checks come
14 in. But we don't foresee having these
15 decreases that are being projected.

16 LEGISLATOR RHOADS: Which
17 decrease? The 16 percent from Moody's?

18 MR. CHALMERS: Yes. What OMB has
19 which is a negative 52.4, we don't see that
20 happening.

21 LEGISLATOR RHOADS: And that was
22 with our being completely shut down for a
23 period of approximately four months?

24 MR. CHALMERS: That is to get to
25 their number, yes.

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2 LEGISLATOR RHOADS: Did you
3 formulate an opinion with respect to -- and
4 obviously the discussion is with respect to
5 the county executive's forecast for next
6 year -- there being a 20 percent decrease in
7 sales tax revenue? Did you formulate an
8 opinion with respect to whether -- what would
9 have to occur in order for that 20 percent
10 decrease in sales tax revenue to actually be
11 realized?

12 MR. CHALMERS: That's the 52.4
13 percent in order to get to their number. At
14 one point we were also considering negative 20
15 percent. But we were doing a negative 20
16 percent of the remaining checks versus the OMB
17 who was doing it at a negative 20 percent on
18 all the checks.

19 Our estimate took into account the
20 actual checks that we had and doing the 20
21 percent of the remaining checks, not the
22 entire budget. That led to an approximately
23 \$40 million difference I think was in our
24 midyear report. But since the midyear we got
25 a couple of really good checks. Better

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2 checks. And now to get to OMB's number that
3 would be the negative 52 percent of the
4 remaining checks.

5 LEGISLATOR RHOADS: Based on our
6 experience, and again this is new territory
7 for everyone, but based on our experience from
8 this year with a full shutdown for a third of
9 the year and at this point only being down 8.6
10 percent in revenue, what would have to happen
11 to produce a 20 percent decline in revenue?
12 Would we have to be shutdown an entire year?
13 Substantially all of the year? Can you
14 forecast that?

15 MR. CHALMERS: That would be very
16 difficult to forecast. But again, what we did
17 it was come up with a percentage that we would
18 need to happen or the percent decrease that
19 would need to happen to the remaining checks
20 in order to get to OMB's number.

21 LEGISLATOR RHOADS: Which is a 53
22 percent decrease?

23 MR. CHALMERS: Correct.

24 LEGISLATOR RHOADS: Thank you.

25 LEGISLATOR NICOLELLO: Legislator

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2 Ferretti then Legislator DeRiggi-Whitton.

3 LEGISLATOR FERRETTI: Hi

4 Maurice. So, just to touch on something I

5 think you and Legislator Rhoads were

6 dialoguing on in terms of the rest of 2020

7 when we're taking a look at the holiday

8 spending season. This is the first year we've

9 have internet sales tax coming into Nassau

10 County, right? Is this the first year we have

11 internet sales tax?

12 MR. CHALMERS: Correct.

13 LEGISLATOR FERRETTI: We didn't

14 have that last year, right?

15 MR. CHALMERS: No, we did not

16 have that.

17 LEGISLATOR FERRETTI: So when

18 you're accounting for the rest of 2020 and

19 you're trying to project if the holiday

20 spending season will be as ample as last year

21 that's certainly a factor, right?

22 MR. CHALMERS: That will

23 definitely be a factor. I think that's one of

24 the reasons why we have not seen a big

25 decrease is now that we are actually

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2 collecting on the internet sales and that's
3 definitely helping the bottom line.

4 LEGISLATOR FERRETTI: When we
5 talk about the roughly 8 and a half percent
6 decrease that we're seeing from last year, the
7 amendment that the Majority put forward that
8 includes a projected 12 percent decrease for
9 2021, correct?

10 MR. CHALMERS: Yes. The
11 amendment actually took a negative 12 percent
12 on the remaining checks for the year and then
13 added another 1.5 which was the growth factor
14 that OMB had included.

15 LEGISLATOR FERRETTI: It's not
16 like the amendment that the Majority has put
17 forward is anything out of line. In fact,
18 it's quite conservative compared to what we're
19 seeing for 2020. Would you agree with that?

20 MR. CHALMERS: It's within the
21 range to what is happening right now.

22 LEGISLATOR FERRETTI: Certainly
23 it's much more conservative than the roughly
24 seven percent projection in the Suffolk County
25 budget for 2021, would you agree with that?

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2 MR. CHALMERS: Suffolk, yes, went
3 a little bit more aggressive on their
4 estimate.

5 LEGISLATOR FERRETTI: Would you
6 say a little bit more, is that how you would
7 describe it? I mean, 12 percent and seven
8 percent is a pretty big difference.

9 MR. CHALMERS: That is. I think
10 the way that they did their numbers is a
11 negative 9.5 for this year and a positive 2.7
12 or something for next year.

13 LEGISLATOR FERRETTI: I want to
14 make sure I understand. Are you saying that
15 right now year-to-date Suffolk is 9.5 percent
16 down from where they were in 2019?

17 MR. CHALMERS: What they are
18 projecting is 9.5 negative for this year. For
19 2020.

20 LEGISLATOR FERRETTI: And what
21 are we projecting?

22 MR. CHALMERS: Right now what the
23 amendments are doing they're doing a negative
24 12 percent on the remaining checks. So, we
25 are being a little bit more conservative than

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2 Suffolk is.

3 LEGISLATOR FERRETTI: Thank you.

4 LEGISLATOR NICOLELLO: Legislator
5 DeRiggi-Whitton.

6 LEGISLATOR DERIGGI-WHITTON:

7 Again, I've never hoped more that you guys are
8 right. I really hope that this is the case.
9 But even just watching Cantor on Channel 12
10 and hearing about how rent is going to be due
11 on January 1st and a lot of people are five
12 months, six months behind, we're all kind
13 of -- I think Minority Leader Abrahams even
14 mentioned that we are all tightening our belts
15 right now because we don't know what's going
16 to happen.

17 I trust the people that have been
18 setting the sales tax. It's never a
19 definite. It's always a little bit of a
20 guess. I think it's better to be
21 conservative.

22 There's just a couple of other
23 payments that I was wondering about. The
24 distressed pool system payment has that been
25 paid or has that been accounted for?

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2 MR. CHALMERS: The amendments
3 that were proposed by the Majority did include
4 that adjustment.

5 LEGISLATOR DERIGGI-WHITTON: And
6 everything else that -- the other payments
7 that we're going to be facing for that because
8 I heard there might be another 3.8 million
9 coming up early next year for nursing homes
10 and things like that.

11 MR. CHALMERS: I don't know what
12 that 3.8 million is. AIM has a full year now
13 at this point.

14 LEGISLATOR FORD: Do you know
15 what next year's estimate for AIM is?

16 MR. CHALMERS: I believe AIM is
17 11 million. Close to 11 million.

18 LEGISLATOR DERIGGI-WHITTON:
19 Again, I remember after Sandy, like right
20 after Sandy everybody got their insurance
21 checks and the sales tax went up really high.
22 Then the next year they projected the same
23 thing and we knew it wasn't going to be the
24 same. So I want to error on the cautious
25 side.

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2 And again, we do have people --
3 this is what they do. They analyze what the
4 projections are and what the expenses are
5 going to be and I sort of defer to them in
6 this case.

7 Sergio are you okay -- would it be
8 alright if I had Sergio read a letter into the
9 record?

10 MR. CHALMERS: I'll just say
11 something really quick. The county budget is
12 very leveraged on sales tax. And as far as
13 the numbers that we have to monitor very, very
14 close. There's always a possibility it may go
15 down. Right now the trends are positive and
16 our projections are based on the actual
17 trends. If there's a downturn we will
18 probably need to adjust for it. But as of
19 right now we just don't see a downturn to this
20 magnitude.

21 LEGISLATOR FORD: Let's all
22 hope. I really hope you're right. I do.
23 Again, Cantor also said 30 percent of
24 businesses might not come back. I think we
25 have been hit in waves. We've been hit with

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2 the health wave, the economic wave and we have
3 had CARES Act money and that sustained a lot
4 of businesses. That's going to run out
5 eventually. I hope we get more. It's kind of
6 I don't want to say it's a false positive but
7 a lot of the money that people have right now
8 are coming from these sources that are not
9 going to continue forever.

10 Even with the holidays, maybe I'm
11 just the only one, but I feel like I'm not
12 spending as much only because you just don't
13 know. Trying to get the kids to go to state
14 school.

15 MR. CHALMERS: There's always
16 that exposure right there and this is
17 unprecedented times. We will be monitoring it
18 and sending you the updates to the legislature
19 as we get them.

20 LEGISLATOR DERIGGI-WHITTON: We
21 can always adjust and do more. I also want to
22 mention we did speak with the administration
23 and we've worked out something with the bus,
24 we've worked out our sprinkler legislation.
25 So that will be covered. It is an always

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2 moving process. But again, I think we owe it
3 to our constituents to move slowly and
4 carefully especially during these times.

5 Presiding Officer, whenever you
6 feel I would love to have Sergio read the
7 comptroller's letter into the record.

8 LEGISLATOR NICOLELLO: We're not
9 going to do that. Sergio, if you want to
10 present the letter you can present the
11 letter. It's a letter from the comptroller
12 that he sent to us today you want to present
13 it to the clerk's staff we will make it part
14 of the record.

15 Legislator Ford.

16 MR. PULITZER: We have the letter
17 sir.

18 LEGISLATOR FORD: Maurice, I
19 think you're going to have stay here for a
20 while. I do share the concern of Legislator
21 DeRiggi-Whitton to be very cautious moving
22 forward because these are unprecedented
23 times. But we go back to -- we talk about
24 those that are in the know. Aside from you,
25 we actually reached out to Dr. Cantor to

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2 review the amendments that we made and he
3 indicated support for our estimation of only a
4 negative 12 percent decrease in the sales tax
5 for 2021. Am I correct?

6 MR. CHALMERS: Yes. I did read
7 his report and he does report that.

8 LEGISLATOR FORD: I know there
9 was concern even with restaurants and when Dr.
10 Cantor was on talking about the 30 percent
11 closure of businesses I don't know if he just
12 left it to just Nassau County but it might
13 have been the whole region because we know
14 that New York City has some issues over
15 there.

16 I know that just reaching out to
17 some of my businesses and to see how they have
18 done. A lot of people are not going into
19 Manhattan because it's so dangerous at this
20 point. So people who can work from home are
21 working from home. I think that that has been
22 something that has been an engine to help our
23 sales tax to go a little bit higher because
24 instead of spending the money elsewhere
25 they're spending it their hometowns. Instead

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2 of buying in Manhattan getting food, they go
3 and they order from the various restaurants.

4 I live on a dead end street in the
5 west end of Long Beach and we all commented
6 how like about a million Amazon trucks that
7 are traveling all around. One day I had a UPS
8 guy stop in the middle of our block and open
9 up the back and went to six different homes
10 actually delivering items.

11 We have Uber Eats. We have Door
12 Dash. So I think that might be a trend that
13 might still follow through even when we go
14 into winter. I know down by me many of our
15 restaurants have outdoor heaters and they're
16 looking to be able to still be able to serve
17 people outside.

18 But let's go with all of a sudden
19 we realize that it is going to go south a bit
20 and maybe the sales tax will dip. I know that
21 Legislator DeRiggi-Whitton had said that we
22 can always do an adjustment in the spring.
23 I'm going to guess if we hold off and we only
24 borrow what we really need at this point and
25 then we can see and take a look at what this

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2 economy is going to do, is it possible then
3 for us to be able to borrow in the spring if
4 we need to?

5 MR. CHALMERS: I believe PFM had
6 said yes, I'm not 100 percent, but that was
7 based on their report. I think the amendments
8 as of right now reflect the current trends.
9 There may be a possibility, and Legislator
10 DeRiggi-Whitton bought it up, that we may
11 start seeing a downturn. But as of right now
12 it hasn't happened yet. When it does we will
13 update our numbers and send updates to the
14 legislature. There may be a need in the
15 future but as of right now the trends are not
16 there.

17 LEGISLATOR FORD: I don't know if
18 you can answer this question but I will pose
19 anyway because I do care about my
20 constituents. I see them struggling. Those
21 that have lost their jobs or whatever. That
22 being said, if we borrow all of the money now
23 we're saddled with that debt, am I correct?

24 MR. CHALMERS: That is correct.

25 LEGISLATOR FORD: Based on the

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2 fact that I read this morning that Senate
3 Majority Leader Mitch McConnell has reached
4 out to Speaker of the House Nancy Pelosi to
5 start speaking about the package that they
6 want. The relief package. So, say all of a
7 sudden they decide to sit down and going to
8 say let's work something out and they come up
9 with they're going to give the county \$100 in
10 relief aid because of the pandemic.

11 Say we borrow all this money and
12 now we're saddled with this whatever, hundreds
13 of millions of dollars worth of restructured
14 debt but now we get this \$100 million from the
15 federal government in relief aid. Can that be
16 applied to repay the loan to pay off the debt
17 or does that happen to be like we just have
18 excess money at this point?

19 MR. CHALMERS: I'm not 100
20 percent sure. That question will probably
21 have to be posed to PFM. But I would think if
22 you engaged now and borrow the money now and
23 get 100 million you might be able to either
24 repay it or that money will probably be used
25 for other purposes in the budget. I'm not 100

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2 percent sure what the correct answer is. PFM
3 probably could answer that question.

4 LEGISLATOR FORD: Thank you very
5 much.

6 LEGISLATOR NICOLELLO: Anyone
7 else have any -- Legislator Walker.

8 LEGISLATOR WALKER: I understand
9 that we can't predict the future. If we did
10 none of us would just be having these jobs
11 that we have right now. But the budget that
12 is presented by the county executive saddles
13 us with a future of almost \$238 million more
14 in debt than the budget that we are
15 presenting. That's factual by the numbers
16 that are here. We never know what tomorrow is
17 going to bring. Eight years ago I never
18 anticipated that I was going to have to go
19 through cancer treatment and everything else
20 and I'm lucky enough to be sitting here. Some
21 people aren't so lucky. We don't know what
22 the future holds.

23 But we do know by all the
24 projections that you have given us, all the
25 information that we have that we are an upward

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2 trend as far as our sales tax goes. I think
3 for us to saddle future generations, certainly
4 us sitting here today, but I look at my
5 children and my grandchildren and to think
6 about saddling them with millions and millions
7 and millions of dollars in debt because we
8 don't know if our sales tax projections are
9 right right now. We don't know if they're
10 going to be continue to be as good as they
11 have been. It's a travesty to all of our
12 residents.

13 I know I'm getting bombarded with
14 phone calls and text messages and emails
15 because of people now facing disastrous school
16 tax hikes due to assessment. So there are
17 other issues that our residents are dealing
18 with and have to face. I just think that
19 we're focusing on one aspect and because of
20 that we're not moving forward. We're saddling
21 our future with tremendous, tremendous debt
22 and I think that's very wrong for our
23 taxpayers.

24 LEGISLATOR NICOLELLO: Legislator
25 Rhoads.

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2 LEGISLATOR RHOADS: One other
3 question Maurice. Obviously, as Legislator
4 Walker framed, the debate is sales tax
5 estimates and additional revenue coming into
6 the county that the county executive is making
7 up for to accommodate her 20 percent reduction
8 in her projections for sales tax revenue is
9 making up for that in borrowing. Essentially
10 she's borrowing more than the county needs.
11 In fact, engaging in additional borrowing.

12 Borrowing more than the county needs at a
13 higher rate than she probably has to pay
14 because she's intending to use bond premium,
15 correct? Bond premium is part of her budget?

16 MR. CHALMERS: There is a certain
17 amount of bond premium in the budget I
18 believe. I don't recall the exact number but
19 there is.

20 LEGISLATOR RHOADS: But I'm
21 correct in my understanding that the concept
22 of bond premium is that in order for them to
23 give us additional monies we are paying at a
24 higher interest rate than we would ordinarily
25 have to pay.

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2 MR. CHALMERS: That's correct.

3 LEGISLATOR RHOADS: Not only is
4 the sales tax estimate, being what it is,
5 saddling our taxpayers with more debt, they're
6 having to pay more than the going rate for
7 that debt so that she can get that money in
8 the first place, correct.

9 MR. CHALMERS: That is the
10 concept of the bond premiums, yes.

11 LEGISLATOR RHOADS: If in fact
12 and we've spoken about the possibility of
13 being able to revise the budget some time in
14 the spring based upon what we see actual sales
15 tax revenues being, with the opportunity to
16 see what the pandemic does and whether or not
17 there is a second wave. If there's a second
18 wave, whether that second wave is worst than
19 what we anticipated, we would still have the
20 opportunity to be able to borrow at that time
21 in the market, correct?

22 MR. CHALMERS: I believe that is
23 correct and but we would have to verify that
24 with PFM and make sure that answer is
25 correct. But I do believe it's correct

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2 basically.

3 LEGISLATOR RHOADS: And your
4 experience from this year, and it certainly
5 makes sense, that the interest rates came down
6 as a result of the pandemic, correct?

7 MR. CHALMERS: That's.

8 LEGISLATOR RHOADS: That rates
9 came down, they freed up capital, made access
10 to capital easier for not only municipalities
11 but for businesses as well. Made access to
12 capital easier and that's reflected in lower
13 interest rates and that's what we're seeing
14 now. In fact, one of the reasons that we're
15 engaging in debt restructuring is because the
16 interest rates are so much lower now for new
17 debt that's issued it enables us to reissue
18 old debt at higher rates and issue new debt at
19 lower rates to save on debt service payments.
20 In fact, the county executive's plan to
21 balance the budget is based on that debt
22 restructuring, correct?

23 MR. CHALMERS: It's based on the
24 actual savings that could be garnered from
25 doing the restructuring.

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2 LEGISLATOR RHOADS: So it would
3 stand to reason that if in fact this pandemic
4 got worse we would in fact see in all
5 likelihood lower rates than there are today?

6 MR. CHALMERS: Possibility yes.

7 LEGISLATOR RHOADS: And it's a
8 pretty good possibility based on how the
9 markets function, right?

10 MR. CHALMERS: Correct.

11 LEGISLATOR RHOADS: So by not
12 issuing debt today that we don't need to issue
13 we do still have the opportunity potentially
14 come the spring to engage in the issuance of
15 that debt if the sales tax revenue projections
16 that we have in our budget turn out not to be
17 accurate, we do have the opportunity to issue
18 additional debt at in fact lower rates than we
19 have today potentially. That's a real
20 possibility.

21 MR. CHALMERS: And we may have to
22 depending on what happens to your point in the
23 next couple of paychecks and couple of sales
24 tax revenue. So if the next couple of sales
25 tax revenues start tanking then we may not

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2 have a choice but to do that. That's further
3 down the line.

4 LEGISLATOR RHOADS: In fact,
5 we're not talking about just tanking we're
6 talking about collapsing in order to meet the
7 numbers that the county executive has
8 forecasted in her budget, correct?

9 MR. CHALMERS: Correct.

10 LEGISLATOR RHOADS: Worse than
11 the original shutdown effect, right?

12 MR. CHALMERS: Yes.

13 LEGISLATOR RHOADS: Substantially
14 worst than the original shutdown?

15 MR. CHALMERS: 52 percent was the
16 number.

17 LEGISLATOR NICOLELLO: Legislator
18 DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON: Do
20 you have any idea of what type of state aid
21 the county might be receiving? Do you know
22 what the number it would be?

23 MR. CHALMERS: I can get you that
24 number. I don't have that number with me
25 right now but I can get you that number. In

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2 the latest projection we started accounting
3 for a 20 percent cut to the state aid. So our
4 projection included a projected decrease in
5 state aid.

6 LEGISLATOR FORD: Just a lot of
7 moving parts.

8 MR. CHALMERS: There are tons of
9 moving parts. For now, we are at a certain
10 position. It may change. We don't know the
11 answer yet. We have to wait for the next
12 couple of sales tax checks in order to
13 probably decide what we want to do or if we
14 have to react by certain things.

15 LEGISLATOR NICOLELLO: Does
16 anyone else have anything for Maurice? Thank
17 you Maurice. Appreciate it.

18 I see that we have the county
19 attorney here, Mr. Kasschau. Would invite you
20 to come up to the mic.

21 MR. KASSCHAU: Thank you
22 Mr. Presiding. Good afternoon everyone.
23 Nassau County Attorney Jared Kasschau. Good
24 afternoon Mr. Presiding Officer, Mr. Minority
25 Leader, members of the legislature. I

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2 understand that there may be questions with
3 respect to the two opinions that the county
4 attorney's office issued dated October 28th
5 and November 4th. We're happy to discuss
6 those opinions and address any questions to
7 the extent possible. If we are unable to
8 answer any questions immediately certainly get
9 back to legislative counsel as quickly as
10 possible.

11 LEGISLATOR NICOLELLO: In a
12 nutshell, the opinion was that the legislature
13 is not authorized under the county charter to
14 change revenue estimates in the county
15 executive's proposed budget. Is that
16 accurate?

17 MR. KASSCHAU: That is accurate.

18 LEGISLATOR NICOLELLO: Tell me
19 what that entails. What does revenue
20 estimates entail?

21 MR. KASSCHAU: Revenue estimates
22 would include any -- the anticipated --
23 actually it's defined I think in the charter
24 if I turn to -- so Article 3 of the county
25 charter.

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2 LEGISLATOR NICOLELLO: Tell us
3 what is entailed with revenue estimates.

4 MR. KASSCHAU: Article 3 of the
5 county charter, as the legislature knows well,
6 establishes the county's comprehensive budget
7 process and that's described in the beginning
8 of Section 300B of the county charter. The
9 description of what revenue estimates or the
10 definition in fact of what revenue estimates
11 includes is found in Section 300B subsection 3
12 of the county charter. I'm happy to read that
13 to the legislature if that's helpful.

14 LEGISLATOR NICOLELLO: Yes.

15 MR. KASSCHAU: Revenue estimates
16 A, revenue estimate categories for the
17 following three fiscal years shall include but
18 be not limited to the following. Subsection
19 one; revenue estimates from sales taxes,
20 property taxes, miscellaneous revenues
21 anticipated federal and state aid, categorical
22 grants and anticipated asset sales.
23 Subsection section; the impact of any tax
24 increases or reductions in anticipated changes
25 in federal or state aid based on new

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2 legislation shall be included in revenue
3 estimates.

4 And subsection three; any other
5 information required by this law.

6 There's also a subsection four.
7 The information required by Resolution
8 321-B-1999, except as such information shall
9 be supplied for a three-year period and not
10 the two-year period set forth therein.

11 Forgive me, I don't know exactly
12 what 321-B-1999 provides as I stand here now.

13 LEGISLATOR NICOLELLO: That is a
14 very comprehensive definition. It basically
15 includes every conceivable, that I can think
16 of, revenue that the county would receive.
17 There may be something miscellaneous but
18 you're talking about virtually the entire
19 revenue side of the county's budget.

20 MR. KASSCHAU: That's the
21 definition included in the county's
22 comprehensive.

23 LEGISLATOR NICOLELLO: You
24 include, not you, the charter includes within
25 that property tax, correct?

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2 MR. KASSCHAU: I believe yes that
3 was one of the elements listed. Yes,
4 subsection 1.

5 LEGISLATOR NICOLELLO: So you're
6 telling this legislature we have no ability to
7 take out the county's estimate of property tax
8 estimate, correct? We can't remove the
9 property tax?

10 MR. KASSCHAU: Respectfully, Mr.
11 Presiding Officer, I'm not telling you.
12 That's what the law has yielded.

13 LEGISLATOR NICOLELLO: You're
14 telling me the county law says that this
15 legislature does not have the ability to
16 remove a property tax increase by the county
17 executive?

18 MR. KASSCHAU: What I'm saying
19 is -- I also have with me Paul Hertzfeld,
20 deputy county attorney and also bureau chief
21 of legal counsel.

22 MR. HERTZFELD: The property tax
23 is fixed under Section 306 by virtue of the
24 amount that is appropriated in the budget less
25 what the other estimated revenues are. In

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2 other words, the amount of property tax that
3 has to be raised is determined by how much is
4 spent in the budget less the other sources of
5 revenue.

6 LEGISLATOR NICOLELLO: The
7 opinion says that we can't change revenue
8 estimates and the definition that was just
9 provided to us includes within the term of
10 revenue estimates property taxes. My
11 interpretation is -- what the county
12 attorney's opinion is is that the legislature
13 can't take out a property tax increase.

14 MR. HERTZFELD: Not without
15 lowering the amount that's appropriated in the
16 budget.

17 LEGISLATOR NICOLELLO: So if we
18 lower what's appropriated in the budget then
19 we can also change the sales tax estimate, is
20 that what you're saying?

21 MR. HERTZFELD: No. If you lower
22 the amount that's appropriated in the budget
23 the amount of property taxes that will be
24 collected automatically, as a matter of
25 calculation pursuant to Section 306 of the

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2 charter, will be lower.

3 LEGISLATOR NICOLELLO: Here's the
4 problem that we face with this opinion. We
5 think it has an extremely weak foundation. We
6 think if challenged it will be -- the court
7 will go in another direction. That's number
8 one.

9 Number two, the problem is that we
10 can't get to the courts because our colleagues
11 on the other side of the aisle are not going
12 to vote for this override. So, there will be
13 no issue for us to go to the courts. But we
14 will have this document sitting out there, the
15 memorandum of opinion, saying we can't
16 challenge revenue estimates.

17 Some of us have been here for 25
18 years and legislators, leaders, Democrats,
19 Republicans have fought against county
20 executives for years. Democrat county
21 executives, Republican county executives for
22 the prerogative of this legislature as a
23 separate body to have equal powers.

24 This opinion substantially guts
25 legislative powers. After fighting these

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2 battles for 25 years we have an opinion from
3 the county attorney that we can't challenge
4 because it won't be ripe for the courts. I
5 think this has done more damage to the
6 institution of the legislature if accepted
7 than anything that's happened since I've been
8 here. So again, we think it's weak.

9 You're relying on a Fourth
10 Department case involving a county charter, a
11 city charter, that's substantially different,
12 has different terminology from 1936. You're
13 relying on a supreme court opinion that
14 involved dicta on this issue wasn't even an
15 essential claim if you look at the legal
16 papers. It wasn't what was asked for in terms
17 of the people that brought the action. So to
18 tie our hands with that it's terrible.

19 We would love to be able to
20 challenge it but we can't. From a legal
21 standpoint it will not be ripe because we will
22 not have been bound by it in terms of the
23 actions we're taking because the minority is
24 going to vote for it. So if we can get the
25 votes for the override we can then bring it to

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2 the courts and challenge your interpretation.

3 But we can't until we vote for that.

4 Anyone else have any questions?

5 Legislator Rhoads and Ferretti.

6 LEGISLATOR RHOADS: Thank you Mr.

7 Presiding Officer. Just to follow-up on the

8 presiding officer's points, Mr. Kasschau.

9 This opinion, with all due respect, has to be
10 probably the single greatest work of fiction

11 that I've read this year and I read pretty

12 avidly. Because not only are you essentially

13 suggesting in your opinion that if the county

14 executive had proposed a 20 percent increase

15 in taxes we would have no power to be able to

16 repeal that tax increase, which is simply

17 opposite to common sense.

18 Let's say for example the county

19 executive made a determination -- sorry with

20 the plexiglass the lines of vision aren't

21 great -- but let's say with respect to

22 borrowing. Let's say in the county

23 executive's budget she relies on borrowing a

24 billion dollars and that's how she makes up

25 her revenue estimates. You're essentially

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2 saying that we have no ability to take out
3 that billion dollars in borrowing. That
4 simply doesn't make sense and it's simply not
5 how the separation of powers works and it
6 belies a complete misunderstanding of the
7 responsibility of this legislature.

8 To the presiding officer's point,
9 your justification for it and your reliance
10 upon the Abrahams-Mangano case is certainly
11 weak as the presiding officer said but it's
12 also not precedent. The basis for a decision
13 and in fact it sort of Abrahams-Mangano
14 undercuts your argument in a sense because the
15 Abrahams-Mangano case the situation was
16 exactly what is happening here. Where the
17 legislature actually vetoed a tax increase
18 that was imposed by the county executive.

19 And the question before the court
20 had nothing to do with whether the legislature
21 had the power to be able to veto that tax
22 increase and change revenue estimates in that
23 regard. It had to do with the county
24 executive power to be able to exercise the
25 line item veto of the budget that the

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2 legislature passed.

3 So the ruling in this case and the
4 dicta that was issued by I believe it was
5 Justice Bruno in that case is not controlling
6 legal authority because it's not directly on
7 point with the circumstances that we're
8 talking about here.

9 It also relies upon that Fourth
10 Department decision, which name escapes me at
11 this point, Robertson, where it's comparing --
12 where Judge Bruno in this particular instance
13 is trying to compare the charter in the city
14 of Buffalo, which does not contain the
15 catchall language that we have in Section 305
16 of the county charter and is trying to impose
17 that upon the county.

18 So even if the ruling was not dicta
19 and was controlling, the ruling is also off
20 point because unlike the city of Buffalo's
21 charter, which says that the counsel may
22 strike out or reduce items therein and may add
23 their two items of appropriation. That's all
24 it says.

25 Section 305 of the Nassau County

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2 charter says, after the conclusion of such
3 hearings the county legislature may strike out
4 or reduce any item of appropriation in the
5 county budget before, however, inserting any
6 additional item. Right? That's language that
7 our charter contains that Buffalo city charter
8 does not. So even if that was controlling
9 legal authority it's not on all fours with
10 what we're dealing with in Nassau County.

11 And, in fact, the courts have
12 addressed this in other litigation.
13 Specifically the Kessel versus D'Amato case.
14 Now in the your opinion you talk about the
15 Second Department and what the Second
16 Department found. But what you don't discuss
17 is what the findings in the lower court were
18 and the exhaustive discussion that was engaged
19 in by Judge Wilks where he goes through the
20 county charter and goes through each of the
21 definitions one of which what exactly is a
22 revenue source with the conclusion that the
23 county legislature, well, in that case it was
24 the board of supervisors, does have the
25 opportunity to be able to adjust revenue.

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2 Now, the Second Department never
3 reached that determination because it was an
4 accepted fact that the board of supervisors,
5 which was functioning as the equivalent of the
6 county legislature, does have the ability to
7 adjust revenue.

8 So, I don't understand, because
9 this actually is a case that is controlling, I
10 don't understand how it is that you reach the
11 conclusion that you reach and your opinion,
12 with all due respect, is incredibly dangerous
13 not just to the institution of the county
14 legislature but to the county as a whole.
15 Because you are essentially saying that
16 regardless of the source of revenue, a tax
17 increase that's imposed by the county
18 executive, borrowing as suggested by the
19 county executive, that this legislature has no
20 voice and that the people of the county of
21 Nassau has no voice through their elected
22 legislative representative to be able to
23 adjust or modify that whatsoever. Essentially
24 the county executive gets to do whatever they
25 want and that's not the state of the law.

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2 I wish we had the opportunity to be
3 able to challenge this issue and
4 unfortunately, as the presiding officer
5 mentioned, we won't in the context of this
6 because I doubt that we're going to receive
7 the votes, unless there's a change in their
8 position, I doubt that we're going to receive
9 the votes to be able to override the county
10 executive's veto which would then make that
11 issue ripe for consideration by the courts.

12 But I think you would face an
13 impossible battle of justifying the opinions
14 that you've rendered through not only your
15 first but more particularly through your
16 second opinion that you've registered. What
17 you've provided us is an opinion and with all
18 due respect I reject that opinion.

19 LEGISLATOR NICOLELLO: Legislator
20 Ferretti.

21 LEGISLATOR FERRETTI: Thank you.
22 Hello. Good afternoon gentlemen. I think
23 that the presiding officer and Legislator
24 Rhoads got pretty in depth in terms of the
25 opinion. I share their opinion that I was

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2 very disappointed, to say the least, to read
3 this opinion. Let me ask you, the first
4 opinion you rendered, Mr. Kasschau what day
5 was that? Was that October 26th?

6 MR. KASSCHAU: I believe it was
7 the 28th.

8 LEGISLATOR FERRETTI: Who
9 requested that opinion?

10 MR. KASSCHAU: Helena Williams.

11 LEGISLATOR FERRETTI: Were there
12 any drafts exchanged with the county executive
13 or the administration prior to rendering the
14 final opinion?

15 MR. KASSCHAU: I don't recall.

16 LEGISLATOR FERRETTI: Sorry?

17 MR. KASSCHAU: I don't recall
18 whether a draft was sent. Certainly there
19 were drafts exchanged between legal counsel
20 and myself in putting together this opinion.

21 LEGISLATOR FERRETTI: I'm not
22 asking that. I'm asking if there were any
23 drafts exchanged between your office and the
24 county executive's office?

25 MR. KASSCHAU: I don't believe

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2 so.

3 LEGISLATOR FERRETTI: Just to be
4 clear, I want to make sure I'm crystal clear
5 on this, a proposed property tax hike, like
6 the one we're seeing in the county executive's
7 current budget, that's considered revenue?

8 MR. KASSCHAU: By definition
9 under the county charter, yes.

10 LEGISLATOR FERRETTI: And it's
11 your premise that this body, the legislature,
12 they cannot amend a revenue estimate
13 projection in the budget, correct?

14 MR. KASSCHAU: Based on the case
15 law and our analysis of the case law and the
16 charter, that's correct.

17 LEGISLATOR FERRETTI: What you're
18 telling me is that I have to go back to my
19 constituents who are suffering in the middle
20 of this pandemic financially and otherwise and
21 tell them that the property tax increase that
22 County Executive Curran is proposing I am
23 completely powerless to do anything to stop
24 it? That's what you're telling me?

25 MR. KASSCHAU: I'm not telling

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2 you anything at all.

3 LEGISLATOR FERRETTI: You're
4 telling me something, right?

5 MR. KASSCHAU: I'm just
6 interpreting the charter and playing out what
7 we believe --

8 LEGISLATOR FERRETTI: You're
9 telling me that's what the charter says?

10 MR. KASSCHAU: That's what the
11 charter and the case law, interpreting the
12 charter says.

13 LEGISLATOR FERRETTI: How would
14 you suggest that this body go about
15 eliminating a property tax hike like the one
16 we see in County Executive Curran's budget?

17 MR. KASSCHAU: I don't profess to
18 have an answer to that question.

19 LEGISLATOR FERRETTI: Is there a
20 way?

21 MR. KASSCHAU: Again, I leave
22 that to this honorable body.

23 LEGISLATOR FERRETTI: Do you know
24 if it's ever been done in the past? Has there
25 ever been an amendment in Nassau County made

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2 by the legislature to a county executive's
3 budget that changed the property tax
4 proposal?

5 MR. KASSCHAU: As I stand here
6 now I don't have that answer.

7 LEGISLATOR FERRETTI: You didn't
8 look into that before rendering this opinion?

9 MR. KASSCHAU: No. We were asked
10 to render an opinion with respect to what
11 Section 305 of the charter means.

12 LEGISLATOR FERRETTI: Thank you.

13 LEGISLATOR NICOLELLO: Legislator
14 McKevitt.

15 LEGISLATOR MCKEVITT: I think
16 everyone already probably had a full appetite
17 of legal arguments back and forth at this
18 point. I just want go and read an excerpt
19 actually from the Kessel versus D'Amato case
20 which is actually the Second Department of the
21 appellate division of the state of New York
22 which was rendered on November 19, 1979.

23 What that case specifically dealt
24 with was the 1979 Nassau County budget where
25 the then board of supervisors, which was the

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2 legal predecessor of this body, the county
3 legislature, had indeed increased the
4 budgetary estimate of revenue over the budget
5 that had come from the county executive. And
6 a Mr. Kessel, yes, the same Mr. Kessel we all
7 do know, brought an action against
8 Mr. D'Amato, who at that time was the Town of
9 Hempstead supervisor and was the vice chair of
10 the board of supervisors, and again, the
11 decision went back and forth. I'm just going
12 to read to you a couple of excerpts from the
13 decision. But if anyone want to reads any
14 further it is located at 79 appellate division
15 second 790.

16 What it states is, what was argued
17 is, although petitioners argue persuasively
18 that once the legislative budget hearing on
19 the adoption of a budget has been held public
20 interest militates against allowing any
21 increase in the budgetary estimates of revenue
22 without a further hearing. We find no
23 statutory support for that position.

24 The Nassau County government law
25 requires a new public hearing only if the

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2 legislative body proposes to change the budget
3 by increasing existing amount of appropriation
4 or inserting a new one.

5 An appropriation, as the word is
6 used by the law of municipal corporations
7 relating to the appropriations of monies, is a
8 setting apart of a designated sum for a
9 particular purpose or purposes.

10 The word has also been defined as a
11 designation of money raised by taxation to be
12 withdrawn from the public treasury for a
13 specifically designated purpose. The word
14 appropriation does not include estimates of
15 revenues and we cannot find any support for
16 petitioner's theory that does include in the
17 language or the history of the Nassau County
18 government law.

19 Since the issue we must decide
20 relates to the mien of that law and not the
21 desirability of changing it, we must uphold
22 the validity of the budget.

23 So what the court in that decision
24 was it specifically upheld the 1978 budget
25 which did increase estimates of revenue that

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2 the board of supervisors did over the county
3 executive.

4 So, again, it is clear to me that
5 we do indeed have the power to do it and I
6 just respectfully disagree with the opinion to
7 the contrary. Thank you.

8 LEGISLATOR NICOLELLO: Thank
9 you. Anyone else? Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: I
12 just want to clarify one thing that was
13 mentioned with the tax increase. There is no
14 tax increase in the county executive's
15 budget. What it is is it's an increase in the
16 sewer line. This happened because we have
17 additional properties on the roll. This also
18 happened last year and everyone voted for
19 that. It's not a tax hike. It's an increase
20 in people using the sewer.

21 LEGISLATOR NICOLELLO: We
22 respectfully disagree. There is a tax
23 increase in the sewer fund and there is a tax
24 increase in the general fund. They are both
25 present. You can categorize it any way that

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2 you want. When you fail to override this veto
3 those tax increases stay.

4 LEGISLATOR DERIGGI-WHITTON: But
5 it's not as if -- it's not as a property tax.
6 Basically there's just more people signing up
7 for the sewer line. Including like what's
8 happening in Sea Cliff. It's just new
9 customers basically rather than across the
10 board tax hike which is sort of in my opinion
11 I felt was applied.

12 LEGISLATOR NICOLELLO: People are
13 going to be paying more in taxes. Might not
14 be the greatest amount but people are going to
15 be paying more in taxes. And what should have
16 been done and what we believe they should have
17 done with, the administration, with both the
18 general fund and the sewer fund was simply
19 fold those new customers, new ratepayers, new
20 taxpayers in and keep the budget line flat.
21 That's what our position is. But they have
22 chosen not to do that. They've chosen to
23 increase the tax rate.

24 LEGISLATOR DERIGGI-WHITTON:
25 Again, because it's more people signed up for

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2 the roll. Of course with that also there's
3 more expenses as we all know also. So, I
4 don't know if it would stay flat if you have
5 more people signed up.

6 LEGISLATOR NICOLELLO: We would
7 take it out with our amendments.

8 LEGISLATOR DERIGGI-WHITTON: You
9 don't know if the expenses go up because
10 there's more customers. Regardless, it's not
11 across the board tax increase as I thought was
12 implied. I just wanted to clarify that. It's
13 specific to the sewer roll increase. Which is
14 exactly what we did last year and there wasn't
15 any issue with that.

16 LEGISLATOR NICOLELLO: Before we
17 get into comments on this, does anyone else
18 have any questions for Mr. Kasschau?
19 Legislator Rhoads.

20 LEGISLATOR RHOADS: Sorry. Just
21 one last question. You said it was Helena
22 Williams that actually came to you to request
23 this particular opinion?

24 MR. MILES: That's who the
25 opinion was addressed to, yes.

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2 LEGISLATOR RHOADS: Were you
3 presented a question or conclusion?

4 MR. KASSCHAU: I was presented a
5 question.

6 LEGISLATOR RHOADS: Were you told
7 what the conclusion was supposed to be?

8 MR. KASSCHAU: Absolutely not.

9 LEGISLATOR RHOADS: Just to
10 follow-up on Legislator Ferretti's question,
11 were there any exchanges between Helena
12 Williams and anyone within the county
13 attorney's office discussing the conclusions
14 that were reached by the county attorney?

15 MR. KASSCHAU: No. But I'm also
16 going to object on the grounds of privilege.

17 LEGISLATOR RHOADS: You're the
18 legislature's attorney, aren't you?

19 MR. KASSCHAU: I wear multiple
20 hats. Sometimes with the legislature and
21 times --

22 LEGISLATOR NICOLELLO: We're not
23 going to put you in that position. Ask your
24 question but if you feel that something
25 touches on privileged communication then we're

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2 not going to ask you that.

3 Any other questions? All right.

4 Thank you Jared. Appreciate it.

5 Legislator Ferretti.

6 LEGISLATOR FERRETTI: Thank you
7 Presiding Officer. I just want to make clear
8 because I think Legislator DeRiggi-Whitton was
9 referring to my comments about the property
10 tax height. Just to be clear, I'm not
11 implying it I'm saying it flat out. This is a
12 property tax increase during a pandemic that
13 the county executive is levying on every
14 Nassau County resident. It's approximately \$9
15 million in total. \$5,266,643 to the sewer tax
16 line and \$3,854,541 to the general fund line.

17 As the presiding officer said, if
18 her justification for her property tax hike or
19 your justification for supporting it is that
20 this is just more customers, you can certainly
21 do, as our amendment did, and lower the
22 amounts that every resident would have to
23 pay. The county executive and apparently the
24 Minority is deciding not to do that and
25 instead raising property taxes on every Nassau

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2 resident during a pandemic. It's
3 unconscionable and I will not support that.
4 Thank you.

5 LEGISLATOR NICOLELLO: Anyone
6 else like to be heard just in general? I know
7 the minority leader had some comments.

8 LEGISLATOR ABRAHAMS: Yes, I do.
9 Thank you Presiding Officer. Just to recap
10 where we are today. We heard from the county
11 attorney and from that standpoint as we had
12 indicated at the time of the budget vote we
13 still believe that this vote today by
14 inflating the sales tax projections is
15 illegal.

16 Now, I have heard a lot from the
17 Majority in regards to whether or not
18 questioning that opinion. Calling that
19 opinion potentially fictional. But ultimately
20 that is his opinion. The county attorney did
21 not draft the charter, did not draft any
22 amendments to the charter, did not proceed as
23 the county attorney during any of these cases
24 whether it was Abrahams versus Mangano or any
25 of these other issues. He is giving his

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2 interpretation. His interpretation today
3 states that this -- if we proceed this way we
4 are proceeding in a illegal fashion. You can
5 take that for what it is.

6 The bottom line is, I agree with
7 you from the standpoint that yes, this
8 curtails the powers of the legislature. And I
9 would have loved for the Majority to join me
10 when Abrahams-Mangano came up because our
11 counsel, Pete Clines, specified the separation
12 of powers in our argument. So, I would have
13 loved to have heard a large amount of voices
14 during that particular time.

15 That being said, we are where we
16 are and if we are going to look to make
17 changes so that we can crystallize the
18 legislature's position so that future county
19 executives, if they do propose, which this
20 budget does not have, property tax increases
21 that the legislature has the power to amend
22 that. I would love to join with you on that.
23 But today, at the 11th hour, is not the time.

24 The county attorney has specified
25 very clearly that if we choose to go forward

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2 we are proceeding in an illegal fashion. We
3 can take that for what it is. That's my two
4 cents on the actual legal point.

5 As it pertains to the fiscal part,
6 in every single segment of this country we are
7 seeing COVID cases go up. Not just here in
8 New York but across the country. From that
9 standpoint alone we have to exercise some
10 level of caution that it could potentially
11 resurface here in New York.

12 I want to commend the governor, I
13 want to commend the county executive, our
14 Department of Health officials. They have
15 done an excellent job in making sure that this
16 county, this state is one of the safest places
17 to be in this country.

18 That being said, we have to
19 exercise some caution. I hope to God we do
20 not see what we saw earlier this year in terms
21 of the shutdown, in terms of the amount of
22 cases and the amount of deaths that have
23 happened to Nassau County residents. I hope
24 that does not happen.

25 But to criticize and say the county

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2 executive's budget because it fiscally has a
3 sales tax projection of negative 20 percent to
4 lower it to negative 12 percent to me is
5 unconscionable. We are going in the wrong
6 direction. We're not out of this pandemic
7 despite what many say throughout our levels of
8 government. We are not turning the corner and
9 we are not out of this pandemic. It is very
10 possible that we may see a second wave. If we
11 don't, and I hope to God we don't, then from
12 that standpoint we can always adjust.

13 Think about what we're doing
14 today. We are saying to Nassau residents that
15 we are prepared to spend more. In what level
16 of government are they saying let's spend
17 more? Everybody is belt tightening. And my
18 kids would probably refute this, but I'm not
19 spending more during this holiday season than
20 I have in the past. There's no way. Everyone
21 is going to be belt tightening. And I think
22 they're expecting Nassau County elected
23 officials to be belt tightening as well.

24 And if the county executive
25 presented a budget with a negative 20 percent

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2 sales tax and she feels she can manage the
3 budget without a property tax increase we
4 should be applauding that during this tough
5 fiscal time. Instead we're trying to inflate
6 that. I think that's just reckless and
7 irresponsible.

8 I'm making this plea to Presiding
9 Officer. Rich, if there's an issue with
10 regard to the bonding let's come together. We
11 still have time. Let's come together between
12 now and early part of next year and hammer it
13 out. That's the time for us to try to figure
14 out what's best for the Nassau County
15 residents. The county executive has developed
16 her position. The Majority has developed --
17 drew a line to assign their position. Let's
18 figure out where we can meet in the middle.
19 Let's try to get together and figure it how we
20 can meet in the middle.

21 We understand your position and we
22 understand her position. But now we need to
23 figure out how we can come and meet in the
24 middle. Because it's just really just going
25 to hurt Nassau County residents at the end of

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2 the day.

3 Because ultimately our job is to
4 make sure that services are not hindered. We
5 have to continue to make sure property taxes
6 are not increased and Nassau County residents
7 have the best ability to be able to live their
8 lives here in the county healthy as well as
9 safe.

10 From that standpoint I am making
11 that plea to you. I understand where we are
12 today. I understand that this override vote's
13 going to happen. I understand that it's going
14 to probably go an 11 to eight vote. I totally
15 understand that. But I'm making this plea to
16 you from a standpoint because we still have
17 time going into the early part of next year
18 and let's figure out how each side can come
19 off their position and somehow meet in the
20 middle.

21 As it pertains today, as I said
22 before, this budget -- this override of the
23 budget amendments we stand by our position
24 that they are proceeding in an illegal
25 fashion. And from that standpoint I'm urging

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2 my side of the legislature minority to not
3 engage and vote no to the override. Thank
4 you.

5 LEGISLATOR NICOLELLO: Thank you
6 Kevan and certainly regardless of what happens
7 today obviously our side will stay engaged in
8 the process and we'll continue that to meet or
9 to discuss or whatever needs to take place as
10 we go forward.

11 Before we get to the vote on this I
12 wanted to offer the Minority the opportunity,
13 there are a whole bunch of different
14 amendments within our overall amendments and I
15 will offer the Minority the opportunity -- I
16 will break out any individual amendments if
17 they want to, are willing to vote for those
18 specific amendments. You guys have any
19 specific amendments that you can vote for that
20 I can break out?

21 LEGISLATOR ABRAHAMS: Presiding
22 Officer, I think from the standpoint that
23 obviously those amendments would be funded
24 with the sales tax percentage being lessened
25 from 20 percent to 12 percent, which we

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2 believe as well as the county attorney has
3 already substantiated would be illegal, we
4 don't feel it's best to proceed. That is the
5 reason why we proceeding with making an
6 agreement with the county executive to make
7 sure that the things that we thought were most
8 crucial -- we would love to have done them
9 all -- but the things that we thought were
10 most crucial such as the bus, making sure the
11 bus subsidy was addressed. The smart
12 sprinklers as well as the EMTs from that
13 standpoint we felt that we needed to carve out
14 those things. We truly believe that the
15 county executive will honor that agreement
16 that those things will be protected.

17 Unfortunately, respectfully, we
18 will not be able to vote for anything that you
19 parse out. We feel that the agreement we have
20 with the county executive is sufficient and
21 from that standpoint because the sales tax and
22 because of what the county attorney has said
23 in regards to the nature of the sales tax,
24 from those two avenues, we cannot proceed with
25 any of the override votes whether they are

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2 parsed out or they're put together in any
3 type.

4 LEGISLATOR NICOLELLO: I
5 understand what you're saying as well. You've
6 gotten commitments from the county executive.
7 What we're saying is, regardless of
8 commitments we can make an affirmative vote
9 now on those items and it will be required
10 going forward. Rather than relying on the
11 good faith of the county executive, we think
12 we should be voting on these individuals
13 items.

14 I would also note that one of the
15 items does not even alter or amend the
16 budget. In fact, we have created a special
17 revenue fund, which is a good government
18 initiative which will take additional revenues
19 beyond the sales tax projections and
20 additional revenues should they come in in
21 terms of stimulus monies and deposit that into
22 a special revenue fund so that we can begin to
23 pay down the massive refund liability that
24 this county faces.

25 That in and of itself, even if you

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2 use the pretext of something's illegal about
3 what we're doing about the sales tax estimates
4 that is not relying on the sales taxes. So
5 the Minority can vote for that without coming
6 into conflict with the county attorney's
7 opinion.

8 So, I will offer that again. If
9 I'm going to get some votes from the other
10 side I would encourage them to vote for that.
11 Is there any interest on the other side in
12 voting for the amendment establishing the
13 special revenue fund?

14 LEGISLATOR ABRAHAMS: As I said
15 before presiding officer, we stand firm in our
16 understanding with the county executive. I
17 would have loved to hear from you in regard to
18 this proposal where we could have digested it
19 a little bit more prior to this vote. But we
20 are standing firm with our position that we
21 plan to vote against the override. Obviously
22 if there is a proposal that we can look at for
23 future budgets we will be happy to look at
24 that as well.

25 LEGISLATOR NICOLELLO: Thank

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2 you. What I will do now is we'll offer up any
3 legislator who wants to make a comment at this
4 point then we will have a roll call vote. So
5 legislators, who wants to comment on this?
6 Legislator Rhoads.

7 LEGISLATOR RHOADS: Thanks. It's
8 disappointing to hear the Minority refuse to
9 take a stand and refuse to backup what our
10 numerous good government proposals that were
11 part of the budget amendments that were made
12 by the Majority. I'm particularly concerned
13 about the Minority rolling over in a sense to
14 the opinion of the county executive and to the
15 opinion of the county attorney, which is
16 simply an opinion with respect to the powers
17 of this legislature.

18 Understand that by your vote today
19 if you choose that you are not going to
20 override you're essentially assenting to what
21 is a power grab by the county executive. That
22 any time there is an increase in taxes, like
23 there is in this budget, any time there is an
24 increase in borrowing that's part of a budget
25 proposal regardless of what the amount, any

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2 time that there is a revenue source forecast
3 that we would choose to oppose we have now
4 lost our ability to amend.

5 The choice that's going to be
6 offered to us is to vote the budget down in
7 its entirety and we can't make any changes to
8 the revenue portion of that budget. We've
9 lost our power to reject tax increases. Lost
10 our power to reject borrowing. You will be
11 turning over enormous power to county
12 executive, and I urge caution on the part of
13 the Minority because at some point in time the
14 shoe may very well be on the other foot and
15 you may have a different county executive that
16 is proposing things that you may not like and
17 you're leaving yourself without any power to
18 be able to stop it.

19 And so before we simply accept what
20 is nothing more than an opinion, no ruling,
21 there's no precedent, we've been through the
22 case law and I think effectively debunked the
23 county attorney's opinion, it is simply an
24 opinion and this legislature has the power to
25 do whatever it is that you want. And by not

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2 voting to override the veto we are losing the
3 opportunity to have that issue litigated to
4 its ultimate conclusion because there really
5 should be an answer to that.

6 But I'm also disappointed with
7 respect to a number of the items. It's just
8 as poor in the sense of supporting the
9 taxpayers of Nassau County to have a budget
10 that underestimates revenue as badly as it is
11 one that overestimates revenue. Our job as a
12 county is to be net zero to the extent that we
13 can. To as accurately as we can forecast our
14 revenues. To be as accurate as we can to
15 spend those revenues in a way that supports
16 the taxpayers of this county and fulfills the
17 functions of the county.

18 The county executive is
19 underestimating what our sales tax revenues
20 are going to be to the tune of \$100 million.
21 And in order to fill the gap that she's
22 created by that underestimated revenue we are
23 actually saddling Nassau County taxpayers with
24 half a billion dollars of debt. That change
25 in revenue forecast is going to result in

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2 taxpayers paying over the Majority's
3 amendments an additional \$238 million over the
4 15 years of the loan. And we will be
5 extending NIFA by at least ten years to 2035.

6 That is tremendously unfair to the
7 taxpayers of Nassau County simply because the
8 county executive has decided that she's going
9 to accept an estimate with respect to sales
10 tax revenue that has not been justified by the
11 comptroller. He issued a letter. Nowhere in
12 that letter does it actually explain how he
13 reaches the conclusions that he reaches. He
14 didn't come down here to describe to us how it
15 was that he actually reached those conclusions
16 and providing justification for the estimate
17 that the county executive uses. Yet that's
18 the estimate that we are being asked to
19 accept.

20 It doesn't reflect the reality of
21 what we dealt with this year when we actually
22 had the pandemic and have only sustained an
23 8.6 percent decline in revenue. Instead, the
24 county executive insists that next year is
25 going to have a 20 percent decline based on

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2 nothing.

3 Suffolk County Executive Steve
4 Bellone in Suffolk County's budget, which is
5 in the same region as us, has forecasted a
6 decline in sales tax revenue of only 7.2
7 percent. Is Steve Bellone reckless and
8 irresponsible? Which is the terminology which
9 was used with respect to the 12 percent, which
10 is vastly more conservative than what Suffolk
11 County is estimating.

12 Is the county executive prepared to
13 say that to her colleague in Suffolk County?
14 Because effectively she is. And effectively
15 the Minority in this legislature is doing the
16 same by accepting that figure. And by
17 accepting that figure you are condemning
18 future taxpayers to an additional half a
19 billion dollars in debt which will cost the
20 county and its taxpayers \$238 million in debt
21 service payments and payments for the
22 extension of NIFA over the cost of the next 15
23 years.

24 The special revenue fund. Nassau
25 County owes to our residential and commercial

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2 property taxpayers and to utilities over half
3 a billion dollars that we are paying nine
4 percent statutory interest on. We being the
5 taxpayers of Nassau County.

6 Let's review for a second what the
7 county executive's plan is to actually pay off
8 the over half a billion dollars that we owe to
9 those individuals and companies. That's it.
10 There is no plan.

11 The creation of a special revenue
12 fund actually creates a path forward so that
13 we can put the money that the county owes back
14 into the pockets of the taxpayers who actually
15 paying the bills around here. We are in the
16 middle of a pandemic. Businesses and
17 individuals are suffering. Why it is that we
18 are not committing to a revenue fund that will
19 put money back into their pockets when it is
20 cost neutral to the county is beyond me. And
21 why it's being tied to this ridiculous opinion
22 from the county attorney's office makes
23 absolutely no sense.

24 This has nothing to do with
25 revenue. What it has to do with is if we

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2 receive additional sales tax money, if we
3 receive additional aid from the federal
4 government it will take that money, put back
5 into a special revenue fund which will then be
6 used to pay the money that we owe to the
7 taxpayers of Nassau County.

8 It creates -- it doesn't solve the
9 problem but at least creates a path forward in
10 a fiscally responsible way. Yet that is what
11 the Minority will be voting against if they
12 fail to override the county executive's veto.

13 And yes, they've negotiated a side
14 deal with the county executive to restore
15 funding to NICE bus, which was one of the
16 Majority's amendments, but they have left in
17 the lurch the Office of Minority Affairs.
18 They have left in the lurch the Office of
19 Asian-American Affairs.

20 In case anybody's noticed, over the
21 summer we've had a lot of issues nationally
22 and locally with respect to the way government
23 is responding to and is incorporating our
24 minority populations into the promise of
25 Nassau County. The Office of Minority Affairs

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2 is that bridge to making sure we fulfill the
3 promises that we've made to all of the
4 citizens of Nassau County to ensure equal
5 access to the opportunities that we provide.

6 And the Office of Minority Affairs
7 has historically now, during the course of
8 this administration, been underserved. An
9 executive director to the Office of Minority
10 Affairs was the last executive appointment
11 made by the Curran administration. Over a
12 year and a half into the Curran administration
13 that office did not have a permanent executive
14 director.

15 That office is staffed at just over
16 half of the number of personnel that it's
17 budgeted for, compromising that office's
18 ability to properly function.

19 Now today, we are going to make it
20 worse by rejecting a Majority amendment trying
21 to add even more staff to that office so that
22 it can fulfill its important obligations.

23 And the same as the case with the
24 Office of Asian-American Affairs which was
25 created by act of this legislature and we have

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2 an obligation to support it.

3 I know that some of my colleagues
4 will speak about some of the other provisions,
5 most specifically rat extermination program
6 that was offered as an amendment by my
7 colleague Legislator Ferretti, which is
8 critically important to the safety of our
9 residents, which is also left by the wayside
10 in a side deal that was reached by the
11 Minority.

12 But ultimately the county executive
13 has presented a budget that borrows more than
14 we need to at rates that are substantially
15 higher than what we need to pay. She is
16 raising taxes on the residents of this county
17 and she is further obligating future
18 residents, our kids, to having to pay \$238
19 million more in debt. That is not fiscal
20 responsibility. And the Majority amendments
21 that were offered presented a balanced budget
22 and a more responsible plan to go forward.

23 And the position of the Minority
24 that we should borrow first and then ask
25 questions later and reevaluate our position

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2 makes absolutely no sense. The more fiscally
3 responsible thing to do is have realistic
4 revenue estimates, which are the 12 percent
5 figure in our budget, and if it turns out
6 those estimates are not correct then
7 investigate whether we need to borrow. When
8 rates, if the pandemic gets worse, when rates,
9 as testified to by Maurice Chalmers, may in
10 fact be lower than they are today. And we
11 should be doing that financing through the
12 county as opposed to doing that financing
13 through NIFA. Which is also an important
14 element to the Majority amendments.

15 Because we have the capacity if we
16 borrow only what we need to do that on our own
17 at lower rates and not at the same time saddle
18 our taxpayers with unelected bureaucracy that
19 NIFA continues to provide at taxpayers'
20 expense.

21 So, I would urge the Minority to
22 reevaluate their position and I hope that
23 that's not falling on deaf ears. But failing
24 to override today you have blown a \$285
25 million hole in this budget that needs to be

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2 filled either by a ten percent tax increase,
3 massive cuts or by an additional \$500 million,
4 half a billion dollars, in borrowing.

5 So please think about that when
6 you're casting your votes and act responsibly
7 for Nassau County's taxpayers in overriding
8 this veto and approving the Majority's
9 amendments. Thank you Mr. Presiding officer.

10 LEGISLATOR NICOLELLO: Anyone
11 else? Legislator Ferretti.

12 LEGISLATOR FERRETTI: Thank you
13 Presiding Officer. The county executive's
14 2021 proposed budget imposes a property tax
15 hike of \$9 million on Nassau residents.
16 Despite the administration and the county
17 executive herself continuously calling her
18 proposed budget a no property tax hike budget
19 the numbers tell a different story.

20 Raising property taxes during a
21 pandemic is unconscionable and the Majority's
22 amendments eliminate the county executive's
23 2021 proposed property tax hike.

24 Since OMB presented the sales tax
25 projection of a 20 percent decrease back at

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2 the height of the pandemic the administration
3 seems hell-bent on two things.

4 Number one, extending the life of
5 NIFA. At first for 30 years now it seems to
6 be down to 15 years. And two, borrowing much
7 more money than the situation calls for.

8 If you look at the constraints the
9 previous administration was under and compare
10 it to the lack of constraints the current
11 administration has been held to it's easy to
12 guess why they want NIFA to continue in
13 perpetuity.

14 In terms of borrowing over \$100
15 million more than needed, saddling our
16 children and grandchildren with unmanageable
17 debt, the only possible reason could be to
18 have a ton of unnecessary extra cash borrowed
19 on hand in an election year.

20 The estimated 20 percent reduction
21 in sales tax for the 2021 budget is clearly
22 not supported by data. The Majority amendment
23 reducing that number to 12 percent is still
24 drastically more conservative than the actual
25 numbers we are seeing in 2020 and drastically

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2 more conservative than the Suffolk County 2021
3 projection.

4 Now it's true that the COVID
5 positive cases are on the rise. However, it's
6 also true that so is sales tax. Just recently
7 the county executive had a press conference
8 announcing that movie theaters are reopening
9 in Nassau County even as COVID numbers are
10 increasing. Let's talk about the COVID
11 numbers increasing.

12 Currently in New York the seven day
13 average of positive cases is 2163 per day. We
14 haven't had a seven day average that high
15 since the first week of May when we were
16 locked down. Yet still sales tax revenue is
17 increasing.

18 Just recently Newsday published a
19 story saying traffic is back to pre-COVID
20 numbers.

21 The facts are clear. To say
22 nothing of possible federal assistance which
23 is not considered in the budget.

24 The Majority amendments take into
25 consideration quality of life issues as well.

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2 I implore all legislators to support my
3 amendment to fund the restoration of the
4 county rat extermination program. We should
5 not have rats running rampant in our
6 communities.

7 In closing, we have amended the
8 budget addressing quality of life concerns,
9 eliminating the county executive's property
10 tax hike and relieving our children and
11 grandchildren of the debt the county executive
12 is trying to bestow upon them while putting
13 forth a balanced budget.

14 You know, over the last couple of
15 meetings I have heard members of the Minority
16 talk about how they're taking a conservative
17 look at this budget. Putting forward
18 conservative numbers. I don't know how we
19 have redefine the word conservative to
20 including borrowing hundreds of millions of
21 dollars more than we need and asking our
22 children and grandchildren to pay for it.
23 It's irresponsible, it's unconscionable and
24 it's nothing more then political trickery to
25 reserve a stockpile of cash in an election

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2 year and I will not support it and I ask my
3 colleagues to not to support it as well.
4 Thank you.

5 LEGISLATOR NICOLELLO: Anyone
6 else? I'm just going to say a few words and
7 we're going to have a roll call vote. Much of
8 this has been said already so I'm not going to
9 belabor it but this budget raises taxes,
10 borrows hundreds of millions of dollars more
11 than it has to pushing costs onto our children
12 and grandchildren.

13 This budget does nothing to address
14 the county's structural problems including, as
15 Legislator Rhoads mentioned, one half billion
16 dollars in tax refund liability. When the
17 money is spent from this massive borrowing
18 those structural problems are still going to
19 be there. This budget is bad for our
20 taxpayers. It's bad for our businesses. It's
21 bad for future generations in this county.

22 The budget is good for the county
23 executive however. She will have plenty of
24 cash to play with in an election year and
25 that's what this all comes back to, building a

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2 stockpile of cash.

3 I urge all of my colleagues to
4 support the amendments and to override the
5 county executive's veto. Mr. Pulitzer please
6 call the roll.

7 MR. PULITZER: Thank you
8 presiding officer. Deputy Presiding Officer
9 Howard Kopel.

10 LEGISLATOR KOPEL: Yes.

11 MR. PULITZER: Alternate Deputy
12 Presiding Officer Denise Ford.

13 LEGISLATOR FORD: Yes.

14 MR. PULITZER: Legislator Siela
15 Bynoe.

16 LEGISLATOR BYNOE: No.

17 MR. PULITZER: Legislator Carrie
18 Solages.

19 LEGISLATOR SOLAGES: No.

20 MR. PULITZER: Legislator Debra
21 Mule.

22 LEGISLATOR MULE: No.

23 MR. PULITZER: Legislator C.
24 William Gaylor the third.

25 LEGISLATOR GAYLOR: Yes.

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2 MR. PULITZER: Legislator Vincent

3 Muscarella.

4 LEGISLATOR MUSCARELLA: Yes.

5 MR. PULITZER: Legislator Ellen

6 Birnbaum.

7 LEGISLATOR BIRNBAUM: No.

8 MR. PULITZER: Legislator Delia

9 DeRiggi-Whitton.

10 LEGISLATOR DERIGGI-WHITTON: No.

11 MR. PULITZER: Legislator James

12 Kennedy.

13 LEGISLATOR KENNEDY: Yes.

14 MR. PULITZER: Legislator Thomas

15 McKevitt.

16 LEGISLATOR MCKEVITT: Yes.

17 MR. PULITZER: Legislator Laura

18 Schaefer.

19 LEGISLATOR SCHAEFER: Yes.

20 MR. PULITZER: Legislator John

21 Ferretti.

22 LEGISLATOR FERRETTI: Yes.

23 MR. PULITZER: Legislator Arnold

24 Drucker.

25 LEGISLATOR DRUCKER: No.

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2 MR. PULITZER: Legislator Rose
3 Marie Walker.

4 LEGISLATOR WALKER: Yes.

5 MR. PULITZER: Legislator Joshua
6 Lafazan.

7 MR. LAFAZAN: No.

8 MR. PULITZER: Legislator Steven
9 Rhoads.

10 LEGISLATOR RHOADS: Yes.

11 MR. PULITZER: Minority Leader
12 Kevan Abrahams.

13 LEGISLATOR ABRAHAMS: No.

14 MR. PULITZER: Presiding Officer
15 Richard Nicolello.

16 LEGISLATOR NICOLELLO: Yes.

17 MR. PULITZER: There is a vote of
18 11 yes's and eight no's.

19 LEGISLATOR NICOLELLO: So that
20 means the veto override fails. We need to
21 have a super majority.

22 Motion by Legislator Rhoads to
23 adjourn. Seconded by Legislator Ford. All in
24 favor of adjourning signify by saying aye.
25 Those opposed? We are adjourned.

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2 (Meeting was adjourned at 1:53
3 p.m.)
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4 CERTIFICATION

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

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

14 IN WITNESS WHEREOF, I have
15 hereunto set my hand this 8th day of
16 November 2020

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19 -----
20 FRANK GRAY
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