NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO

PRESIDING OFFICER

LEGISLATIVE SESSION

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

Thursday, October 29, 2020

1:35 P.M.

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

LEGISLATOR RICHARD J. NICOLELLO
Presiding Officer
9th Legislative District

LEGISLATOR HOWARD KOPEL
Deputy Presiding Officer
7th Legislative District

LEGISLATOR DENISE FORD
Alternate Presiding Officer
4th Legislative District

LEGISLATOR KEVAN ABRAHAMS
Minority Leader
1st Legislative District

LEGISLATOR SIELA BYNOE
2nd Legislative District

LEGISLATOR CARRIE SOLAGES
3rd Legislative District

LEGISLATOR DEBRA MULE
5th Legislative District

LEGISLATOR C. WILLIAM GAYLOR III
6th Legislative District

LEGISLATOR VINCENT T. MUSCARELLA
8th Legislative District

LEGISLATOR ELLEN BIRNBAUM
10th Legislative District

LEGISLATOR DELIA DERIGGI-WHITTON
11th Legislative District

LEGISLATOR JAMES KENNEDY
12th Legislative District

LEGISLATOR THOMAS MCKEVITT
13th Legislative District

LEGISLATOR LAURA SCHAEFER
14th Legislative District

LEGISLATOR JOHN FERRETTI, JR.
15th Legislative District

LEGISLATOR ANDREW DRUCKER
16th Legislative District

LEGISLATOR ROSE WALKER
17th Legislative District

LEGISLATOR JOSHUA LAFAZAN
18th Legislative District

LEGISLATOR STEVEN RHOADS
19th Legislative District

MICHAEL PULITZER
Clerk of the Legislature

LEGISLATOR NICOLELLO: Let's call this meeting of the legislature to order and ask Legislator Tom McKevitt to lead us in the Pledge of Allegiance.

Mike, could you please call the roll.

MR. PULITZER: Thank you. Deputy Presiding Officer Howard Kopel.

LEGISLATOR KOPEL: Here.

MR. PULITZER: Alternate Deputy Presiding Officer Denise Ford.

LEGISLATOR FORD: Here.

MR. PULITZER: Legislator Siela Bynoe.

LEGISLATOR BYNOE: Here.

MR. PULITZER: Legislator Carrie Solages.

LEGISLATOR SOLAGES: Here.

MR. PULITZER: Legislator Debra Mule.

LEGISLATOR MULE: Here.

MR. PULITZER: Legislator C. William Gaylor III.

LEGISLATOR GAYLOR: Present.

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MR. PULITZER: Legislator Vincent Muscarella.

LEGISLATOR MUSCARELLA: Here.

MR. PULITZER: Legislator Ellen Birnbaum.

LEGISLATOR BIRNBAUM: Here.

MR. PULITZER: Legislator Delia DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON: Here.

MR. PULITZER: Legislator James Kennedy.

LEGISLATOR KENNEDY: Here.

MR. PULITZER: Legislator Thomas McKevitt.

LEGISLATOR MCKEVITT: Here.

MR. PULITZER: Legislator Laura Schaefer.

LEGISLATOR SCHAEFER: Here.

MR. PULITZER: Legislator John Ferretti.

LEGISLATOR FERRETTI: Here.

MR. PULITZER: Legislator Rose Marie Walker.

LEGISLATOR WALKER: Here.

MR. PULITZER: Legislator Joshua Lafazan.

LEGISLATOR LAFAZAN: Here.

MR. PULITZER: Legislator Steven Rhoads.

LEGISLATOR RHOADS: Present.

MR. PULITZER: Minority Leader Kevan Abrahams.

LEGISLATOR ABRAHAMS: Here.

MR. PULITZER: Presiding Officer Richard Nicolello.

LEGISLATOR NICOLELLO: Here.

MR. PULITZER: We have a quorum, sir.

LEGISLATOR NICOLELLO: Thank you. Today we have number of items relating to Nassau County budget and five-year plan. Also we are going to have an emergency item at the end dealing with a grant for the board of elections.

Before we get into the budget items, I wanted to note for the record and present to the clerk an opinion we have

received from Dr. Martin Cantor. So I would like to give that to the clerk. Both parties here have been provided with it ask that it be made part of the record.

We have five items on the calendar today excluding the item with respect to the board of elections. These five items relate to the proposed Nassau County budget for the fiscal year 2021. We are going to be jumping around the numbers because it makes more sense to do things this way.

So the first thing we will do is have the budget hearing, followed by the legislative budget, followed by the county budget, then the tax levy ordinance and finally the multiyear plan.

Calendar number one is a public hearing on Ordinance 100 of 2020. An ordinance to adopt a Nassau County budget for the 12 month 2021 fiscal year beginning January 1, 2021 and ending December 31, 2021.

Motion to open the hearing by Legislator Ford. Seconded by Legislator DeRiggi-Whitton. All in favor of opening the

hearing signify by saying aye. Those opposed?

MR. PULITZER: Presiding Officer, if I may, I did not call Mr. Drucker. My fault.

LEGISLATOR NICOLELLO: He is here too. So the hearing is now open.

First thing we will do is open it up to the public. We have one slip that's from Meta J. Mereday. Good to have you a back Meta. How are you?

MS. MEREDAY: Hanging in there. Good afternoon. The one slip to represent the many who are not able to be here for various reasons including those who have passed on due to COVID and the mishandling of the pandemic. I'm here to speak with regard to the residents of Nassau County. Many of our homeowners who want to protect their assets who are being overtaxed and receiving no services.

The budget continues to dismiss the many underserved communities, particularly communities of color, veterans, our seniors and even our young people who cannot live here

because of the high cost of taxes and the disparity in the services.

The transport for those without cars is something again that would require an emergency grant such as the one that's going to be probably be passed and is also much needed for the board of elections.

We are not looking forward thinking but we still have to count on you, our elected officials, who in many times have not acted as leaders for those of us who are underserved to take on a plan that has multiyear impact on residents who are basically struggling day to day.

We are concerned with regard to this still invisible, yet to be seen, disparity study that just on a cursory review of the 400 pages associated with the budget is supposed to be in place now. But we wonder how is that now going to be implemented when you have various departments, including a breakup in the diversity agencies, who represent their own well-intentioned, distinguished communities, but unfortunately

even when they were collectively under the Office of Minority Affairs they were underserved. Now you have broken up. It's about divide and conquer. Which is unfortunate because everyone deserves to have an equal share in the amount of money that they pay in taxes in Nassau County which is still estimated to be the second highest taxes in the country for the lack of resources and returns that we receive.

We have questions, many residents, with regard to the revenue streams that we feel is unrealistic in light of the pandemic and the number of people who are losing their jobs and losing their homes for people to assume that they're going to be the ones that are going to fortify businesses that unfortunately are operating, at best, at 25 percent.

So we have questions and we need the leadership particularly in these underserved communities who still lack the housing problems on affordable housing. We do not have resources to transportation. Nassau

County as well as the Town of Hempstead has continued to provide funding to our colleges and universities. Granted, they have been lacking as well. But guess what? The parents who are struggling to keep their kids in the schools safely on the collegiate level as well as elementary schools and junior high schools they need relief for support as well. And who is speaking for them?

Again, our veterans continue to suffer. I see that you've just pretty much giving a little bit more to veteran services and the hardworking representatives at the veteran agency. But Nassau County has an extremely large number of veterans, including widows, who are not getting services and not getting support from this auspicious body.

But we will continue to do what? I guess now, unfortunately because of the pandemic, you cannot attend all of the breakfasts and parades that you usually use as the celebratory events in support of our veterans. So right now you have to deal with the hard realities that our veterans are

suffering. Our seniors are suffering.

Granted, you set up supports for them to get COVID testing in the rain in Baldwin Park when many of them had to stand outside to get those tests. But those who couldn't catch a bus there was bus to take them to that facility. There was no resources for those with disabilities. But I'm pretty sure on the north shore you had everything that was accessible. So again, there continues to be a divide in the resources.

Now all of a sudden Newsday wants to highlight the number of divisions that are in Nassau County that many of us have been up here expressing for years with no result and no resolve.

We ask, we beg and in some cases we demand what we are entitled to. Not the handouts, not just the free masks. We need the jobs. We need the resources. We need the contracts. Okay? We don't need as many workshops to start a minority and women-owned business. People of color have been entrepreneurs for decades. We want to get our

return on the investment. Thank you.

LEGISLATOR NICOLELLO: Any other member of the public would like to make any comments? Do any legislators want to say anything at this time or you want to hold your remarks until we get to the budget and amendments? Hearing none, we need a motion to close the hearing. Legislator Drucker moves to close to the hearing. Legislator Walker seconds that. All in favor of closing the hearing signify by saying aye. Those opposed? The hearing is closed.

Jumping into the calendar item number four, which is ordinance number 102 of 2020, which is an ordinance to adopt the budget for the county legislature for the county of Nassau for the 12 month 2021 fiscal year beginning January 1, 2021 and ending December 31, 2021 and to appropriate revenues for said budget.

Motion by Deputy Presiding Officer Kopel. Seconded by Minority Leader Abrahams. Any debate or discussion on the legislative budget? Hearing none, I'm going to call for a

vote. Again, this is the legislative budget. All in favor signify by saying aye. All opposed? Carries unanimously.

The calendar item number two Ordinance 100 of 2020 is an ordinance to adopt the county budget for the 12 month 2021 fiscal year beginning January 1, 2021 and ending December 31, 2021.

Motion to put that before us by Legislator Mule. Seconded by Legislator Lafazan. So the county budget is now before us.

I'm going to describe some of the amendments. The amendments that the majority is proposing. Before I do that I will note for the record that Legislator Schaefer has left the room and will not be participating in any debate or discussion with respect to the amendments to the 2021 budget that have been proposed by the majority.

Again, I'm going to describe the amendments that we have proposed.

Sales taxes. The administration projects that sales taxes in 2021 will be down

20 percent. Even with concerns about possible resurgence of COVID this projection has no basis in reality. As of the August sales tax check Nassau sales tax revenues in 2020 are down 8.8 percent. This eight-month period includes a three-month period during which the shutdown was in place in which there was minimal economic activity in Nassau.

As was pointed out by the OMB during the height of the pandemic, a major driver of the decrease in sales taxes was the fact that gasoline purchases had dropped substantially. We all saw it. There were no cars on the road. We all see it now, traffic is back. Newsday in fact reported it this week.

Shopping in brick and mortar stores continues to lag. However, internet shopping is up. As Dr. Marty Cantor indicates, Macy's, for example, reported a second quarter loss but also reported more than four million new online shoppers.

Home buying has seen explosive growth in our county and region and there is

economic activity that ripples from home purchases, major purchases that go with when you buy a new home and things that you put into that home.

Moody's projects a positive grows county product for 2021 of 2.7 percent growth. This morning it was reported that the United State's gross domestic product accelerated at 33.1 percent annual pace in the third quarter.

What about our friends to the east who are part of this economic region? Well, Suffolk County is projecting a 7.2 percent reduction in sales tax for 2021. Our amendment projects a very conservative 12 percent reduction next year.

Again, the administration has provided no explanation for its projection of 20 percent decrease. We cannot and should not be bound by an arbitrary projection not supported by any data. Even if the worst happens this year and there was a shutdown of economic activity similar to what happened last year, this year's experience does not

support a 20 percent reduction.

Debt restructuring. The county proposes to rely on restructuring of NIFA and county debt by NIFA in the amounts of $296 million in 2021 and $163 million in 2022. We propose that the county restructure its own debt including $115 million in the 2021 and $117 million in 2022. Over the course of 15 years this saves the county approximately $237 million.

Special reserve fund. Let's talk about the county's refund liability. County owes $587 million in tax refunds to all of the classes combined. As of 2019 the amount owed to homeowners was roughly the same as it was five years ago. It was $35 million in 2019, which is about $4 million less than it was in 2015. As of 2019 the amount owed to business owners is about 50 million more than it was five years ago. As of 2019 this county owed $275 million in tax refunds to businesses. The county is making no progress in reducing the backlog.

In 2020 the county paid $8 million

in tax refunds. That's $8 million in tax refunds. Again, on $275 million in tax refunds that are owed. Out of operating it was $150,000. The bottom line is the county owes hundreds of millions of dollars for tax refunds to businesses that are struggling because of the pandemic.

As Newsday reported, many of these businesses are having difficulty paying electric bills, rent. Thousands of workers have been laid off. Many businesses are now teetering on the brink of closing for good. If the county pays these businesses what we owe them it helps the economy. It may help some businesses survive. It means jobs. It is unconscionable that the administration proposes to do nothing about this backlog until 2023.

What the county executive's budget does is gather as much cash as possible while taking no action on the structural problems that has plagued the county for years. Once the county burns through these cash savings from restructuring we are still going to be

faced with the structural problems, tax refund liability, backloaded contracts.

Our amendments create a special revenue fund to begin addressing the backlog now. All tax revenues in excess of the adopted budget are deposited into the fund for purpose of paying down the backlog. Again, to the extent we receive excessive revenue from sales taxes it goes into this fund which is used to pay down the backlog to these residents and businesses.

Also, if there is a pandemic relief package from the federal government any budget line in the budget that becomes surplus as a result of receipt of federal aid gets deposited in the special revenue fund. Again, this goes to the businesses that are hurting. This goes to our residents. This is an innovative proposal to tackle a problem that has plagued this county for years.

Our other amendments include the following; $4.5 million for partial restoration for bus service. $50,000 for additional staffing each for the Minority

Affairs and for the Office of Asian-American Affairs. $450,000 for a countywide rodent extermination program. $100,000 restoration for the smart sprinkler program. This is a program whose idea was Legislative Bynoe. But the reason it's here and the reason it's under discussion is because Legislator Ford insisted that that money be restored.

$345,000 restoration of the district attorney's technology fund.

Elimination of the 3.5 percent tax increase in the sewer authority and .5 in the general fund.

Lastly, $168,000 for the Emergency Ambulance Bureau which adds four positions as recommended by the Nassau County Ambulance Committee.

So those are our amendments. Any debate or discussion? Legislator Ferretti.

LEGISLATOR FERRETTI: Thank you Presiding Officer. Just a quick word on the amendment for the rat extermination program. As I'm sure my colleagues on the legislature would agree, rats are an issue that we are all

facing in Nassau County. I'm sure I'm not the only one up here on the dais whose office is inundated with calls from residents who are experiencing these issues on their own property. This is a problem that Nassau County is not without fault.

We heard from Commissioner Arnold there is simply not enough staff at DPW to properly maintain county sumps. As a result, sumps are overgrown. We're not manicuring them routinely. And as we all know, this is a place where rats generally live. So, you know, it's not a coincident that the majority of the calls I receive are from residents who houses are in close proximity to sumps that are often not maintained adequately by the county.

As the county is part of the cause of this issue, I believe we need to take measures to rectify this issue. Certainly with the economic crisis we're facing as a result of the pandemic, residents simply don't have the extra money to go hire their own exterminators.

This amendment seeks to restore a program that previously existed in Nassau County and was cut under the Suozzi administration. No Nassau resident should be afraid to utilize their property. Right now people are literally terrorized by these rodents running across their feet as they sit in their backyard trying to have a family meal.

This amendment is a good start. Not sitting here saying it's the be all end all but it's certainly a good start to tackling this very important quality of life issue that our residents are facing, and I would ask my colleagues on the legislature to support it. Thank you.

LEGISLATOR NICOLELLO: Legislator Rhoads.

LEGISLATOR RHOADS: Thank you Mr. Presiding Officer. I will make comments with regard to the overall budget when we take the vote. But with respect to amendments I want to particularly address the initial funding for the Office of Minority Affairs.

As the Minority Affairs chair we have had a series of hearings where we have at great length gone through the responsibilities of the Office of Minority Affairs and what they're charged to do under the charter. It has been clear to me that that office is understaffed, overworked and does not have the personnel that it needs to be able to fulfill its responsibilities under the charter.

And I find it disturbing that the administration continues to pay lip service to these issues while taking actions that compromise that office's ability to function appropriately.

The executive director of the Office of Minority Affairs was the last out of every appointment that was made, executive appointment that was made, by the administration when it came into office the executive director of minority affairs was the last appointment to be made.

We can take a look at the budget for this year, for last year and this year. The approved budget had ten full-time

personnel and four part-time personnel. So a total of 14. What's actually on staff is seven. So the money that we've appropriated in previous years has not been used by the administration. It's not the case that there isn't sufficient funds. It's not the case that the legislature hasn't provided the office with the resources that it needs to be able to meet the needs of an important constituency in our county and important contributors to our county.

Instead the executive branch has not made it a priority. And, in fact, in this year's budget we actually see a cut in staff. Our amendments are to restore one of those individual staff people along with urging the administration to allow that office to hire, to allow that office to be able to function.

So, I again urge my colleagues and particularly my colleagues on the Minority Affairs Committee who have born witness to the testimony both from office staff and from members of our community, our constituents, who feel that office is not reaching its

potential, to support all of the amendments, but particularly the amendment with respect to the Office of Minority Affairs and Office of Asian-American Affairs to allow us to fulfill the important missions of those two agencies.

LEGISLATOR NICOLELLO: We have Legislator Ford, then Minority Leader Abrahams.

LEGISLATOR FORD: Thank you Presiding Officer. Also in regard to the amendments, I whole heartily support the increase of the head count for our medics, police medics. This is an agency that really went above and beyond during the pandemic handling numerous calls. Those that were sick. Those in great need. They work 24 hours a day seven days a week every single day of the year.

This report, this committee that was put together, spent a lot of time on investigating the current system, coming up with recommendations how to improve the system. I believe the report really says -- has a lot of great ideas that I look forward

to having this all come to fruition.

But I believe that the first step in advancing the recommendations made by this report would be to bring -- to definitely increase the head count of the number of medics. This is why I will be supporting these amendments because I think it's one way of saying to all of the medics that have been working so hard for all of us that we do appreciate the work that you do and we're going to finally give you the relief that you need. Thank you.

LEGISLATOR NICOLELLO: Thank you. Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you Presiding Officer.

LEGISLATOR NICOLELLO: Kevan, it's kind of difficult to hear right now. We can hear you but it's going in and out.

LEGISLATOR ABRAHAMS: Thank you Legislator DeRiggi-Whitton for doing this. I don't know what's going on with my internet connection but I guess with the storm it's probably creating some problems in terms of

internet connectivity.

But first and foremost, I want to demonstrate my thank you to the county executive for leading the county through a very difficult time. And also I want to thank my colleagues in government, even though we may have different perspectives in this point of view, I think we all try to serve the best interests of each of our residents of Nassau County.

That being said, I can't say more clearly and more emphatically that the amendments that are before us are illegal. I know this because of the case in regards to Abrahams versus Mangano or Mangano versus Abrahams. It was demonstrated at that time that the legislature did not have the authority to increase revenues.

That is why we felt it was prudent as well as more responsible to try to work out our amendments or our particular proposals that we wanted to see the county executive pursue. We wanted to work them out in a manner where we were able to actually get them

done.

Not having the true wherewithal of the budget as the county executive sees it and understanding that this is her budget and the legislature obviously can make amendments to change it, we never felt that we had the authority, which we feel that the majority does not have the authority, to increase revenue.

That being said, as I said before, we feel that these amendments are illegal. And that being said, there are no grounds for us to move forward with these amendments unless there's a county attorney opinion that is to the contrary. Which the county attorney's opinion clearly states from our perspective that they are illegal. As well as our understanding from the previous case of this happening several years ago.

That being said, though the amendments are well and good and under normal circumstances they would probably receive greater consideration, we are going forward with not supporting the amendments. But at

the same time, as I said before, we reached out to the county executive because we felt that some of the ideas that were percolating were warranted and deserve merit.

Obviously we would love to be able to try do all of them, but during this very difficult time it was imperative, at least for us, the smart sprinkler and the police medics for the ambulance bureau were definitely on our highest agenda of making sure we go forward to be able to accomplish those. Those are things that we all agree on.

Our legislators have worked on the issue with the police medics, which is not new, for several months, as well as the bus and the smart sprinkler initiative.

So I just want to urge the legislature to continue, well, not continue but review the particular matter as it pertains to Mangano versus Abrahams as well as the county attorney's opinion which indicates that the legislature by these amendments by increasing the projections of sales tax is pursuing an avenue that is illegal. Thank

you.

LEGISLATOR NICOLELLO: Thank you Kevan. We obviously saw the county attorney's opinion. Now, county attorney's rendering an opinion that we cannot change the projection, county executive's projection, as to sales taxes. He's determined this based on dicta in a supreme court level case. Base dicta is when a court gives an opinion about an issue that's not before the court. It is absolutely not binding.

He is also relying on a 1936 opinion from the Fourth Department which covers Western New York. It is also not binding on courts in where we live, which is the Second Department. So it's a particularly weak argument.

More importantly, there's a Second Department case, we live in the Second Department, by the name of Kessel versus D'Amato which holds clearly that we do have the ability to make this change in the budget. So the county executive, through the county attorney, has presented us with an

opinion of case law that's nonbinding. They had ignored a case that is binding here that says we can do exactly what we are doing.

I am reminded of two years ago when the administration attempted to block legislative actions based on a technicality. They brought a lawsuit which they had to withdraw because they had no merit. Wasting our time and taxpayers' money. Apparently they want to go down that road again and it looks like they're trying to do this a different way.

Again, they are relying on an opinion based on nonbinding case law that does not apply to these facts and ignoring binding case law from the appellate courts in this department for their opinion. So, there's no merit to that. It's a pretext to avoid voting on these. But there is absolutely no merit in what is being suggested by the county executive and the county attorney.

Anyone else want to comment? I know Legislator Bynoe had a question and then we can go to responses.

LEGISLATOR DERIGGI-WHITTON: I just want to say one thing. We're in a very difficult time to say the least as we are more than aware of. I think we have to be as fiscally conservative as possible. I happened to watch Mr. Cantor on Channel 12 and I watched him this morning. He was discussing how once January comes and people have to pay their back rent and they may be evicted. There's so many things. Thirty percent of the restaurants might not come back. The theater is also affecting even Nassau County. Our tourism is down.

I don't know, I want to be optimistic, but I know our own comptroller mentioned that there could be anywhere from a 17 to 32 percent decrease in sales tax for 2020 and a 33 to 42 percent decrease. So maybe, I'm hoping his numbers are wrong like you're saying and I would like to think things will be get better. We won't have in a second way even though right now it looks like we're surrounded by a second wave at least. Or their first wave our possible second wave.

I just think we have to be financially smart and conservative and error on being as careful as possible. I do think that there are different ways to go forward. I think we're going to have to do something with declaring some type of an emergency for debt refinance.

I know next year's a political year. I get it. I know. I know what we want to do and what people want to accomplish. But the pandemic is something that is both -- we don't have any room for partisanship. We have to do what's right for our constituents. Many are suffering, and I think the best way to do it is to give them a realistic budget so we don't run into problems where we have a major deficit. Whether for the debt refinance or spending money that we just don't -- I honestly don't think sales tax is going to be that high. If I did I'd feel better. But listening to everybody, including Mr. Cantor, it just doesn't sound like it.

So I would rather stay within the realm of what we can -- even our budget we're

hoping for the best. At least I feel more comfortable that we can come through with it.

As much as I'd like to spend money in all different areas, I'm also going to be staying with Laura Curran's budget and we have, as Kevan said, I just hope everyone could hear him, we've discussed things with Laura Curran and she is going to be helping in different areas including the police medics and other immediate concerns.

So again, as much as I would like to be as optimistic as you guys are being we're erroring on the conservative side. I hope you're right but right now I just don't feel it.

LEGISLATOR NICOLELLO: Before we move on, when you're referring to us as being optimistic, what we are projecting is a negative 12 percent result in 2021. In other words, we are projecting that the sales taxes are going to go down 12 percent, which is 3.2 percent more than they've gone down this year. So, there's nothing optimistic about what we are projecting. That is as

conservative an estimate as you're going to get. It's more than four percent over what Suffolk is projecting. We can discuss this but there is no -- you can provide us no data, other than anecdotal statements, no data whatsoever that would support a 20 percent decrease. We've asked the administration. They have produced nothing.

LEGISLATOR DERIGGI-WHITTON: If you look at the office of the comptroller's fact sheet that they gave us when he came to testify and again, you're being negative but we're being more negative. Maybe less negative.

So, they say that the range is anywhere from 17.7 percent to 32.6 percent less in 2020. So your less negativity is less negative by about $150 million from what I'm understanding. That's a lot. It's just a lot.

I think that we hit all the bases and, you know, it is backed up if you look at the report. I kind of feel that -- I have a copy of it if you want it again -- but the

targets and the sources are shown here and I do think there is a risk.

So again, we're a little more negative than you are and I know you're negative but I think that the numbers we have are based on what the comptroller's report says and there is a lot of data to back it up. I feel more comfortable promising less and maybe delivering more if we're wrong.

LEGISLATOR NICOLELLO: I mean, again, I was asking for data. We do have data that we can discuss. On our side, do we have any faith whatsoever in this comptroller's prognostication? No, for obviously reasons.

Again, the data is this for the eight months we recorded information.

LEGISLATOR MUSCARELLA: If I might say something.

LEGISLATOR NICOLELLO: Hold on a second Vinnie. For the eight months we have recorded information, real hard data for 2020, including three months in which this county was virtually completely locked down, we have an 8.8 percent reduction.

When someone says we're going to have a 30 percent reduction they must believe that there's going to be a pandemic that will shut the county down for an entire year with no economic activity. There is no basis in reality for those types of projection. We are projecting a 12 percent decrease next year which is very conservative and which is more than what experience shows has already happened. Legislator Muscarella.

LEGISLATOR MUSCARELLA: While I certainly respect the opinion of the county attorney and understand the position of the minority leader, it would seem to me that the county attorney's opinion is nothing more than that, just an opinion. It seems to have lack the citing of the case that we put forth of Kessel versus D'Amato.

There are certainly distinguished attorneys on the other side of the aisle and I would reach out to them and just say they have the ability to take a look at the case that was cited, to review and see whether in fact we do have the authority to do what we are

doing today. I would suggest to them that their legal training would certainly allow them to come to the understanding and the belief that the actions that we take here today are not in fact ultra vires but they are in fact certainly within our powers to do so and would urge them with their own intelligence to take a look at the cases and make that determination. Thank you.

LEGISLATOR NICOLELLO: Legislator Bynoe.

LEGISLATOR BYNOE: Thank you Presiding Officer. The legalities, the issue of legality regarding the opinion is I think something that we could banter back and forth about. You're stating that you have a recent opinion in our jurisdiction. I don't have that but I have the county attorney's decision and I'm going to settle with that decision.

But I think that we are being a bit optimistic and I think we're not taking into consideration what effect the balloon payments will have come December 31, 2020 when folks that have mortgages, the commercial leases,

the rental payments that have to then be paid in a balloon fashion. When that issue comes to bear I believe that sales tax will definitely be impacted by that.

So, unless you have some data that shows that that was considered I think that the data would be faulty.

To the point of Minority Leader Kevan Abrahams, I'd like to also thank the county executive for working with us to make sure that number one, the oversight for the smart sprinklers was rectified or will be rectified in an administrative fashion. That was brought to her attention when I spoke here during the consumer affairs hearing that there was in fact an error. So, there was an immediate response that it was an error and it would be rectified and I thank her for standing publicly yesterday for making that very clear.

She also stated yesterday that the ambulances, the EMTs, they would get their just deserves with an additional four hires. She made a statement on the record, I don't

think it was covered by Newsday or even by News 12, so I would ask that Katy Horst from the administration come forward and state on the record what the county executive agreed to.

MS. HORST: Good afternoon. Katy Horst from the administration. County Executive Curran committed to funding four positions in the Emergency Ambulance Bureau for next year.

LEGISLATOR BYNOE: In addition to the five that are already there?

MS. HORST: Additional, correct.

LEGISLATOR BYNOE: So that would bring us to a total of nine.

MS. HORST: Yes.

LEGISLATOR BYNOE: Which would bring us to the total that was included in the report that was compiled related to the needs of that department, correct?

MS. HORST: I have not seen the report so I'll trust you. Yes. I believe so.

LEGISLATOR BYNOE: Thank you Katy. So I have no further comment other than

to thank Legislator Ford for trying to assist in making sure that that program was funded.

LEGISLATOR FORD: We are in it together.

LEGISLATOR BYNOE: That's it. I appreciate it.

LEGISLATOR NICOLELLO: Legislator Ferretti and Legislator Rhoads.

LEGISLATOR FERRETTI: Thank you Presiding Officer. Just in response to the minority's citing of the comptroller's projection as to sales tax and maybe Legislator DeRiggi-Whitton can confirm this. I believe you're going off of the comptroller's midyear report, right?

LEGISLATOR DERIGGI-WHITTON: It's the report that he gave us including a hypothetical for a second wave is also included. This was just handed out at the last when he presented.

LEGISLATOR FERRETTI: Is that off actual numbers or was it a hypothetical?

LEGISLATOR DERIGGI-WHITTON: There are actual numbers here. They're saying

the baseline revenues. I have all of that. If you want a copy I can give it to you.

LEGISLATOR FERRETTI: At this juncture, I mean we don't need hypotheticals. We actually have the numbers and we see that we're negative 8.8 percent. While I understand the hesitancy from the minority to agree to the 12 percent, if you think that that's not conservative enough I'm just curious as to what your thoughts are on the Suffolk County projection because you must think they're spending like drunken sailors.

LEGISLATOR DERIGGI-WHITTON: If I can answer Presiding Officer. I think it's sort of what Legislator Bynoe just indicated. We've been keeping afloat partially by different changes in the law or different mandates from the state, plus finances that has come through the CARES Act and other acts. Those are going to come -- hopefully we will get some more CARES Act money but we're going to hit a cliff I'm afraid. I don't want to be pessimistic but that's what all the analysts are saying. Cantor said it this

morning. We're going to see it.

A good thing is a lot of people are starting to save too. They don't know what's going to happen with the holidays savings but the indications are that people will not be spending as much.

Look, this is projected. 2020, 2021 is projected for sure. It's just a question of how risky we want to be. I understand what you're saying with, you know, we don't have the exact -- there are a lot of variables. We are in unchartered waters. But it's all the more reason, in my opinion, to be as careful as possible.

Look, he's our comptroller. We've had a lot of different comptrollers. He doesn't work by himself. He has a whole department as well as he gets input from other departments. They're claiming anywhere from 17.7 percent to 32.6 percent loss, decrease in 2020 and 33 percent to 45 percent. Now, again, maybe he's thinking that there might be a second wave. I don't think we'll have it as bad as we did last time as Dr. Eisenstein

said. I don't think we'd have a full shutdown. It's something. It's real. We deal with it every day and I feel more comfortable taking a more negative view.

LEGISLATOR FERRETTI: I understand your point. I would just say I feel that the projection of 12 percent decrease is actually quite conservative.

If you look at Mr. Cantor's memo that we circulated earlier, not only does he support our projection but he also knows that the New York State comptroller projects a 9.5 percent decrease. So once again that's even less of a decrease than what we are projecting.

If you look at what Mr. Cantor says in his memo, if you look at what the New York State comptroller says, if you look at reality which is that to date 8.8 percent with the worst of the pandemic already behind us I think that if anything our 12 percent reduction is overly conservative. But I respect your opinion.

LEGISLATOR DERIGGI-WHITTON:

We're not going to know who's right and who's wrong right now. The bottom line is there's also a question if you look at our charter we're really supposed to not be the ones to determine what we anticipate for revenue. I really believe that.

So, I just had a quick chance to look at Mr. Cantor's report and I saw that through September 11, 2020 there was a decline of 21.8 percent. And now it's coming down to 8.8 percent. But we're going into the flu season, the winter months. We all know that there was hopefully a break during the summer but now that we're coming back to an area where people are in closer, proximate to each other and indoors it's a question.

Again, we're not going to know who's right at this point but I trust the way that they looked at it with the comptroller's office. As legislators we're not supposed to be the ones who determine revenue. If you look at the charter that's not our job. We're supposed to go by the recommendations of the various financial offices.

LEGISLATOR FERRETTI: Legislature DeRiggi-Whitton, I would respectfully disagree with your interpretation of the charter. I would certainly disagree with the opinion of the county attorney. I think it's absolutely our role if the sales tax projection is way out of whack. Which, quite frankly, I think it is. I think it is our role to bring in realistic projection into the budget and that's what we are looking to do. It is completely legal. And quite frankly, I was shocked to read the opinion of by county attorney which after five minutes of legal research we were able to find an appellate division case that actually is binding in this district which completely thwarted that opinion.

LEGISLATOR DERIGGI-WHITTON: We will agree to disagree right now.

LEGISLATOR NICOLELLO: Legislator Rhoads.

LEGISLATOR RHOADS: Thank you Presiding Officer. The great thing about this is that we don't have to agree to disagree. I

would suggest that perhaps the county attorney come down here to explain why the case of Kessel v. D'Amato 72 appellate division second set of 90 Second Department case from 1979 does not apply here.

The cases that are cited or case that is cited relies upon, by the county attorney, relies upon the Fourth Department decision clearly stemming out of the city of Buffalo. The city of Buffalo's authorizing charter does not contain the same language that Section 305 of our charter does. Specifically the language in the city of Buffalo's charter does not include the language inserting any additional item. It simply talks about increasing items of appropriation.

So based upon that language within the city of Buffalo's statute, the Fourth Department made the determination that the city of Buffalo, the legislature of the city of Buffalo did not have the power to be able to change the budget to increase or revisit any item of revenue coming into the county.

Our charter, Section 305, indicates that we have the ability to insert any additional item. And the case Kessel v. D'Amato, which we've alluded to from the Second Department which is controlling in our jurisdiction, in this case the Nassau County Board of Supervisors, this is from 1979 which predated the legislature and, as you know, we sort of stepped into the shoes of the board of supervisors, amended the proposed county budget to increase estimates of revenue. The petitioner, Richard Kessel in this case, challenged the action on the basis that amending the budget in such a manner required a separate hearing.

The court, the Second Department, held that the board of supervisors pursuant to the plain language of Section 305 of the charter, the Nassau County charter, was fully empowered to amend the proposed budget to increase an estimate of revenue under the language, insert and additional item without further public hearings subject to some conditions which obviously have been met.

The case law is clear. And if the county attorney's opinion is the reason that the Minority won't consider the amendments that are being brought forth, in particular the change in projection of sales tax revenue, if that's the reason that the Minority is not considering that, I would suggest that the county attorney come down here, having read Kessel v. D'Amato, because I would suggest that common sense and the training of any lawyer would require the county attorney to change his opinion in light of that controlling legal authority which is directly on point in this case.

So, I don't have the ability to invite the county attorney down here and perhaps the presiding officer will, but I would love to see if the county attorney sticks by his opinion in light of this case, especially since it's directly relevant to what we are discussing today.

Neither the state comptroller, Suffolk County or any of our neighboring jurisdictions are projecting a 20 percent

decrease in sales tax revenue. We've made the case clearly that common sense simply dictates that with us having dealt with an 8.8 percent decrease in sales tax revenue in 2020 at the height of the pandemic there is no justification to project a decrease in revenue of 20.5 percent. It simply doesn't make sense. It's simply not an accurate reflection of reality.

In fact, our neighbors, we are lumped in with Suffolk County as a region as you well know. That's because in Suffolk County they're dealing with similar numbers of COVID, they have a similar population, the effects upon their economy have been virtually the same as the effects on our economy. Yet, County Executive Bellone in his 2021 budget projects a decrease in sales tax revenue of only 7.2 percent. So, in effect, if County Executive Bellone is listening, in effect, what our county executive is suggesting and what the Minority is apparently suggesting in going with a 20.5 number is that County Executive Bellone is reckless and

irresponsible in his projections of revenue.

What we're asking our Minority colleagues to do and asking the county executive to do is to accept the 12 percent number which is vastly more conservative than Suffolk County's numbers but will reflect what we believe the reality is going to be.

As Legislator DeRiggi-Whitton had mentioned, our budget is about choices and our budget is about doing the right thing by the taxpayers of Nassau County. And doing the right thing by the taxpayers of Nassau County is not well served by having inaccurate estimates of revenue for the benefit of padding next year's budget in an election.

So, the bottom line is we want to be as accurate as possible. We want to have realistic estimates and we don't want to have to rely upon borrowing to be able to fund county expenses. And the reality is -- go ahead presiding officer.

LEGISLATOR NICOLELLO: I wanted to tell Legislator DeRiggi-Whitton that there are two other legislators who want to go. So

you can speak after that.

LEGISLATOR DERIGGI-WHITTON: If I could be real quick.

LEGISLATOR NICOLELLO: He hasn't called you by name so basically I'd like these other people who are waiting patiently.

LEGISLATOR RHOADS: The reality is the county executive has presented us a budget that borrows more than we need at rates that are substantially higher than we need to pay. So the question becomes why? We have an additional $285 million in debt that the county is incurring that the county does not have to incur. And because we have an election to go through NIFA as opposed to financing the money on our own, through the county's own auspices, we are actually paying a higher rate in order to be able to do that when you factor in the cost of NIFA.

As it stands right now, NIFA is set to sunset in 2025 and this 15 year borrowing of $285 more than we need to borrow is actually going to have NIFA be around until at least 2035. So it's adding another ten years

to that factor.

If you take a look at the cost of NIFA restructuring versus the cost of county restructuring, by going with our plan and doing this through the county and borrowing less we are actually saving taxpayers almost $240 million over the course of the next 15 years.

If we're talking about having a budget that is in the best interest of our constituents, the best interest of our constituents is having less debt, less expense, putting 237, almost $238 million into the pockets of the county taxpayers as opposed to paying it in debt service and expenses for NIFA.

Let's say NIFA what NIFA is. NIFA is supposed to be the fiscal watchdog. But how careful the watchdog is in guarding our finances seems to be based upon the party affiliation of the county executive that happens to be in power.

This borrowing and this budget does nothing to protect county taxpayers. What it

does is protect jobs at NIFA. It protects and it pads the budget so that the numbers next year will look better. And in the process it's saddling taxpayers with almost $240 million of additional debt and additional expense that it does not have to incur.

The adjustments in sales tax revenue we have spoken about already. But the 12 percent figure certainly is realistic and is more reflective of reality. But equally important to that is something that the presiding officer mentioned in creating a special revenue fund. Nassau County owes I believe it's almost $580 million to residents and to commercial property owners and to utilities in Nassau County. That's over half a billion dollars that we're paying nine percent interest on. Not we. The taxpayers of Nassau County are paying interest on. That really is their own money. There's been nothing laid out in this budget that even approaches a plan as to how we're going to put that money back into the pockets of our taxpayers.

The bottom line is, we are dealing with a pandemic. But instead of using the pandemic as an excuse we should be using the pandemic as an opportunity for us to take steps towards putting money back into their pockets to help stimulate our local economy. And the creation of the special revenue fund does exactly that.

If the projected sales tax revenue comes in greater than we've expected put that into the special fund. If we actually receive additional -- well, there are limits on what we can spend on CARES Act, but if we receive additional federal assistance, put that into the special revenue fund and at least create a path to be able to put some of the money back into the taxpayers' pockets so that they can use to support their own businesses, they can use it to support their own households and they can use it to support our local economy which will help us survive whatever may come. I think it's a smart plan that is truly what serves our taxpayers well.

The other thing I think that -- and

this is some of what I was going to mention on the actual budget vote, what we presented and while the administration has apparently agreed to some of the changes and I already spoke about the Office of Minority Affairs, Legislator Ford has already spoken about the importance of having additional personnel in our ambulance bureau. Legislator Ferretti has already spoken about the county's really obligation that it's been negligent on in addressing the rodent problem we have in some areas of the county.

We passed a budget or will pass today a budget with our amendments that is in balance. So when the county executive vetoes that budget, which she has promised to do, there's being to be a problem. There's going to be a $285 million hole that as soon as that veto is signed that's going to be blown in this budget. That $285 million hole that's blown the budget there's only a handful of ways to fill it. Either you're going to have to increase taxes by roughly ten percent to make up the hole. You're going to have to

engage in half a billion dollars of borrowing to plug that hole. Or you're going to have rely upon massive cuts.

So while it's easy to say you're going to veto something and it's easy for colleagues on the other side to say that they think they're going to back up the county executive on that veto, there are consequences to that decision. Consequences that the county executive is going to have to face and consequences that this legislature is going to have to face.

When we're passing a balanced budget that is responsible, that addresses the needs of taxpayers now, I would think long and hard before we disturb that in favor of a budget that actually borrows more than we have to and causes taxpayers to pay in the long term and the short term more than they need. Thank you Mr. Presiding Officer.

LEGISLATOR NICOLELLO: We have several legislators that we will go in this order. Deputy Presiding Officer Kopel, Legislator Ford, Legislator DeRiggi-Whitton

and Minority Leader Abrahams.

LEGISLATOR KOPEL: Thank you Presiding Officer. I'm not going to go over ground that's already been covered on both sides. In other words, the reasonableness of the projection of 12 percent versus 20 percent versus what the actual experience has been. I think everybody's beaten that one to death.

Nor do I think it's going to be productive for me to talk about the merits of the legal opinion on either side. We here are not going to figure that one out. We're not going to make any decisions on that. That will have to be worked out one way or another by other people.

What I would to simply do is perhaps advance a few observations. The first one is that if this legislature cannot go ahead and render its opinion as to the validity of the budget and the projections upon which it's based what are we doing here all together? We have no role. At that point we're simply cut off from the entire process. We have no reason to be sitting here now.

We're just a debating society if that's the case.

The second thing that I would like to point out is that, just as a matter of fact, the economy is doing well. The reason I mention that is we had a report just this morning I think that we advanced a 33 percent rate on an annual basis in the third quarter. I don't think that there is a reason for pessimism. And the reason I mention that is that borrowing a large amount now through NIFA might be irresponsible if we don't need it. We can always borrow more in 2021 should it prove to be necessary. Should we borrow too little now we can always borrow more later instead of taking this giant slug of money now that we may not need.

I think we can all agree that we might not need it. We all hope that we might not need it. The federal reserve has promised rates at rock bottom for an extended period. Certainly through 2021 and we should know what's going on by then.

So I think, as I said, borrowing

that much now would be irresponsible on several grounds. First of all, we're going to be paying interest on funds that we may not need.

Second of all, what we've been doing as proposed by the county executive's budget is we would be potentially extending the life of NIFA for a long time. I would remind everyone that we here were elected to run the county with the county executive. NIFA was not. That's kind of abdicating a large part of our job. We would like to, I think all of us probably should like to get rid of NIFA just at the earliest possible date. This would be going along with the proposal by the county executive would run counter to that desire and that imperative which as I said I think we all agree.

LEGISLATOR NICOLELLO: Legislator Ford.

LEGISLATOR FORD: Thank you very much. I just want to clarify I guess the comment that Legislature DeRiggi-Whitton she referenced Dr. Cantor in his opinion on the

sales tax revenue. She just gave a little blip and I just want to make sure that his full opinion of this will be read into the record.

He indicated because she had indicated that he said that we would have a shortfall of 21.8 percent and left it at that. But in the sentence it says the Nassau County Office of Legislative Budget Review in its review of the fiscal year 2021 budget quantified the financial damaged from the COVID-19 reporting that the average sales tax remitted to Nassau County during the pandemic through September 11, 2020 declined by 21.8 percent.

However, as the economy opened up and people and businesses went back to work, sales tax revenues have increased. As of the October 9, 2020 sales tax check covering sales tax revenues between June 1, 2020 to August 31, 2020 year to date sales tax revenues, inclusive of the sales tax collected during the pandemic, improved to being down by 8.8 percent year to date. Improving sales tax

revenues is a trend that can continue as Long Islanders shop online, a growing component of retail industry sales.

Dr. Cantor further says, With sales taxes increasing and with expectations for gradual growth, a 2021 Nassau County sales tax base that is budgeted at 12 percent less than the 2020 budget as projected by OLBR, combined with a projected 1.5 percent growth rate for fiscal year 2021 as proposed by the Nassau County Office of Management and Budget is reasonable.

Just to let you know that I think I agree with my friends here on the Majority side that I think that we are being conservative with our projected sales tax decline by 12 percent during 2021. I think when he wrote these decisions he didn't do it in a bubble. I know that we referenced his comments today in regard to the end of this year in regard to like people whose mortgage payments may be coming due, rents and whatever I think that this was based as he looked at all of the economics that were occurring here

in the county and elsewhere.

And I just want to say too that I know we have concerns and I do, I like to try to remain conservative in our spending and I agree with Legislator Kopel that we shouldn't be borrowing if we don't have to. Anybody who runs a household knows that when you have to like really trim you really should take a look at what you are really bringing in as debt and what you're going to have to pay back in the future.

When we also look at the home sales that have been occurring in Nassau and Suffolk County we have seen an unprecedented growth in the number of house sales. The actual cost of the houses, the sales prices of the houses that are being sold, we have a lot more people moving into this county from New York City and I also believe that they will increase our sales tax base because they're going to have to buy furniture, do a lot of renovations.

We've also seen Long Island Railroad has indicated that ridership is down dramatically, and I think that is attributed

to the fact that so many more people are staying at home. They're working from their homes. I think that that also could be a contributor to sales tax revenue. If you're working from home you're buying your lunch at your local deli. You're going to your own local supermarket. You're spending your money here within your hometowns in Nassau County rather than spending it in Manhattan, Queens, Brooklyn where ever else you may be working because you're not going there to work.

I think that our amendments in the budget that we are proposing, the amendments that we are proposing, does fulfill a conservative estimate and nothing rather optimistic at all but just something that's very realistic. Thank you.

LEGISLATOR NICOLELLO: Legislator DeRiggi-Whitton and then Minority Leader Abrahams and that's the end.

LEGISLATOR DERIGGI-WHITTON: And Arnie.

LEGISLATOR NICOLELLO: And then Legislator Drucker.

LEGISLATOR DERIGGI-WHITTON: Again, I think I'm getting the feeling that we all want to do the right thing and that's a nice feeling. For the first time I'm actually really hoping that you guys are right with these numbers. I just don't feel as optimistic. But I hope you're right.

From what I understand with NIFA, we're not borrowing we're refinancing basically, which we already have that debt. But by refinancing, if we use the NIFA loan we would get lower interest rates but NIFA would not stay over longer necessarily as an oversight committee. It's not connected to this refinancing them be staying on.

Right now yes, they're an oversight board. I get that. I know we want to be on our own. I have mixed feelings. Sometimes I think it's good to have other eyes look at it. But it shouldn't interfere with them being complete hopefully in 2025. The refinance does not demand that they come in as an oversite board. Just make sure about that. If you guys want to research that that

would be fine.

The other thing that Legislator Bynoe and I both wanted to mention we have reached out to both the Minority Affairs Office as well as the Asian-American Affairs. They actually said it on the record at the last meeting that they have enough right now to do what they have to do. They're operating -- of course everyone would love more money. I'm not here to say that they wouldn't take more money and they deserve more money but they're saying that they have enough.

What is the best way to go about this? I personally think as just somebody who does their own budget, we're better off listening to the financial experts and using the county experts who have done this for years somewhere around their number. And if we're wrong and the number is coming down and there's no second wave and this whole thing of January 1st isn't a major impact that will be wonderful and we can go ahead and adjust our spending at that point.

The last point, I personally am more weighing my decision on that of the financial people that I trust. More so than even the question as to whether or not we have the ability to determine what sales tax will be as a legislator.

LEGISLATOR NICOLELLO: Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you Presiding Officer. Just to get to respond to two things that came up as it pertains to the legal case and then I would ask that we call for a vote and move on if we can.

Just two things. One, as it pertains to the Mangano versus Abrahams, all the merits that have been described and mentioned before today were the same things that were brought up during that case. And it was our legal impression and understanding that we did not have the legal authority to raise revenue as pertains to the county budget. But I will leave that as it may. Strong minds may disagree.

Second, as it pertains to the

Kessel versus D'Amato case, it was our understanding that that case was really strictly tied to whether or not the board of supervisors had to call a hearing in order to be able to raise revenue. It really wasn't tied to the actual increasing of revenue. And from our understanding that's what the case was about, whether or not they had to hold a public hearing to be able to increase the estimate on revenue.

I just want to make sure we're going forward with all the information that is clear so that we do not think that we are under any other misunderstanding.

That being said, as I said before I started out, I would think that we should just call the vote. Us going back on forth on legal opinions I'm sure you have your attorneys. We have ours. Our's have advised us that this particular matter as well as the county attorney's opinion is proceeding in an illegal matter. You can choose to accept that or not accept it. But at this point it sounds like you're not going to accept it. So let's

just move on. We are ready to call the vote. We debated this a lot. We're going to debate it and continue it going into next year. COVID is not going anywhere from that standpoint. So let's just move on.

LEGISLATOR NICOLELLO: Just one brief point in that Kessel versus D'Amato case, yes, the question of a hearing was an issue. But the holding was that you needed to have a hearing or whether or not you needed to have a hearing before the legislative body raised revenue. Then it presupposes that you have the ability to raise revenue. Otherwise there's no case. There's no question whether you have hearing or not.

But again, if whether or not you need to have a hearing is an issue as to whether you can raise revenue then you have to have the ability to raise revenue. Therefore, the case clearly stands on all fours on what we're doing today. Legislator Drucker.

LEGISLATOR DRUCKER: Thank you very much Presiding Officer. Like the Minority Leader said, there's no point in

going back and forth on this. I think one thing that we've learned from this hearing that both sides can agree upon is that we are both basing our conclusions on projections and projections can be skewed in either way.

One thing that we can all agree upon I think with regard to COVID is that it's unpredictable. That's one lesson we have seen since the outset. It is unpredictable. I think what is rather telling and important to note quite recently in Legislator Kopel's district the Village of Lawrence has shut down again. They shutdown. That's what I read. I had heard they shut down their businesses; isn't that correct Legislator Kopel?

LEGISLATOR KOPEL: Actually that was about a couple of weeks ago, and I think the county executive has just I think yesterday or the day before declared that there's been remarkable I think was the word she used progress over there and things are looking up.

LEGISLATOR DRUCKER: My point is --

LEGISLATOR KOPEL: And that is, by the way, and what you've done now is you've tried to make a generalization in a place that is by far has been the worst in the county.

LEGISLATOR DRUCKER: My point is that the COVID-19 is unpredictable. There's no one that can say as a matter of fact or certainty through science or otherwise that the surges that we're seeing and the infection rate all over could not possibly result in a major spike necessitating the shutdown of businesses again. God forbid that happens. None of us want to see that but it could. And if that happens then all of these projections about sales tax revenue go out the window.

So I think it is a rather slippery slope, dangerous to project sales tax revenue above and beyond what is considered a conservative approach which is what the county executive has taken.

I think that is the prudent course of action that we are doing and what we are pursuing here. And that has to be very much on everyone's mind. We don't want to be able

to have to be in a situation next spring or whatever because of a possible shutdown where now we have this huge deficit and now we have to make drastic emergency cuts and perhaps even layoffs. Nobody wants to see that. So why not take a conservative approach now and go forward in that respect? That's the prudent course of action. Thank you very much.

LEGISLATOR NICOLELLO: All right. We've had all the debate and discussion we need at this point. In terms of the amendments we need a motion and second. Moved by Legislator Gaylor. Seconded by Legislator Rhoads. Any debate or discussion as to the amendments? Mr. Pulitzer please call the roll.

MR. PULITZER: Thank you Presiding Officer. Deputy Presiding Officer Howard Kopel.

LEGISLATOR KOPEL: Yes.

MR. PULITZER: Alternate Deputy Presiding Officer Denise Ford.

LEGISLATOR FORD: Yes.

MR. PULITZER: Legislator Siela Bynoe.

LEGISLATOR BYNOE: No.

MR. PULITZER: Legislator Carrie Solages.

LEGISLATOR SOLAGES: No.

MR. PULITZER: Legislator Debra Mule.

LEGISLATOR MULE: No.

MR. PULITZER: Legislator C. William Gaylor III.

LEGISLATOR GAYLOR: Yes.

MR. PULITZER: Legislator Vincent Muscarella.

LEGISLATOR MUSCARELLA: Yes.

MR. PULITZER: Legislator Ellen Birnbaum.

LEGISLATOR BIRNBAUM: No.

MR. PULITZER: Legislator Delia DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON: No.

MR. PULITZER: Legislator James Kennedy.

LEGISLATOR KENNEDY: Yes.

MR. PULITZER: Legislator Thomas McKevitt.

LEGISLATOR MCKEVITT: Yes.

MR. PULITZER: Legislator Laura Schaefer.

LEGISLATOR NICOLELLO: She's recused herself.

MR. PULITZER: Legislator John Ferretti.

LEGISLATOR FERRETTI: Yes.

MR. PULITZER: Legislator Arnold Drucker.

LEGISLATOR DRUCKER: No.

MR. PULITZER: Legislator Rose Marie Walker.

LEGISLATOR WALKER: Yes.

MR. PULITZER: Legislator Joshua Lafazan.

LEGISLATOR LAFAZAN: No.

MR. PULITZER: Legislator Steven Rhoads.

LEGISLATOR RHOADS: I reached the same conclusions as Dr. Cantor, the director of the Long Island Center for Socio-Economic

Policy, who says that in my opinion, after reviewing the Declaration of Need Ordinance pursuant to the Nassau County Interim Finance Authority Act the filed ordinances to adopt the 2021 Nassau County Budget and fixing the 2021 tax rates and levying taxes; and documents provided by the Nassau County Legislature Office of Budget Review, Nassau County's financial advisor PFM Financial Advisors L.L.C. and the Nassau Interim Finance Authority; the adjustments of the legislative majority delegation for the 2021 Nassau County budget ordinance saves Nassau County taxpayers millions of dollars in debt service payment and NIFA costs, changes the structure of how certiorari payments and judgements are paid and begins the ending of NIFA's involvement in Nassau County finances.

I vote in favor of the amendments.

MR. PULITZER: Minority Leader Kevan Abrahams.

LEGISLATOR ABRAHAMS: No.

MR. PULITZER: Presiding Officer Richard Nicolello.

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LEGISLATOR NICOLELLO: Yes.

MR. PULITZER: I believe we have a vote of ten to eight yes versus nos; is that correct?

LEGISLATOR NICOLELLO: That's correct. So the budget amendments pass. We move on to -- now that the budget has been amended we have to vote on the budget itself as amended. So, I don't believe we need a separate roll call for that. All those in favor of the budget as amended signify by saying aye. Based on what I heard we have ten votes in the affirmative. All those opposed to the budget as amended signify by saying nay. So the amended budget passes by a vote of ten to eight.

Please invite Legislator Schaefer back into the room.

Calendar number three is Ordinance 101 of 2020 is an ordinance fixing the tax rates and levying taxes for the 12 month 2021 fiscal year beginning January 1, 2021 and ending December 31, 2021. Need a motion and second. That would be Legislator McKevitt

moves that item. Legislator Walker seconds it.

So the item is before us. Any debate or discussion on the ordinance fixing tax rates? We have to amend it. We're going to make a motion to amend the ordinance I guess in compliance with the amendments that were recently passed, just passed by the Majority. So Legislator Gaylor makes a motion to amend the ordinance. Seconded by Legislator McKevitt. Any debate or discussion on the amendments to the ordinance? Again, this is not the ordinance itself. We are voting on the amendments.

Hearing none, all in favor of the amendments signify by saying aye. Those opposed? The amendments pass. So now you have the amended ordinance fixing tax rates and levying taxes. That item is before us. The amended ordinance is before us. Let's vote on that. All in favor signify by saying aye. Those opposed? That ordinance as amended also passes by a vote of ten to eight. That was 11 to eight.

Last item is calendar number five Resolution 145 of 2020. It's a resolution to adopt the multiyear financial plan for fiscal year 2021 to 2024.

Need a motion on the five-year plan. Moved by Legislator Drucker. Seconded by Legislator Kennedy. Any debate or discussion on the five-year plan? Hearing none, all in favor of the five year plan signify by saying aye. That passes unanimously.

Now I need a motion to adjourn. Not yet. We're not going to adjourn yet. We have one emergency item. I will call the emergency. 332 of 2020 is the clerk item. It's an ordinance supplemental to the annual appropriation ordinance in connection with the board of elections.

Need a motion to establish the emergency. Moved by Legislator McKevitt. Seconded by Legislator Drucker. In terms of establishing the emergency all those in favor signify by saying aye. Those opposed? The emergency is established. And actually we

will call the item as well at this point.

332 of 2020 an ordinance supplemental to annual appropriation ordinance in connection with the board of elections.

Moved by Ellen Birnbaum. Seconded by Legislator Muscarella. So the item is now before us.

MR. PERSICH: Good afternoon legislators. This item is approximately $2.2 million received from Center Tech and Civic Life. It's to offset some of the growing election costs that are as a result of this year's election and the money will be received within two days from the passage of this. They can spend it rather quickly. In light of a lot of expenses being incurred over there currently this will help us immensely.

LEGISLATOR NICOLELLO: Any discussion, debate or discussion? Any public comments?

MS. MEREDAY: Meta Mereday, Baldwin resident. I agree that in light of the developments and the increased outreach efforts much needed for this upcoming election

I would be in support of this emergency. I'm just hoping that there is going to be an audit process and review of how exactly these funds are going to be spent. When again, we have communities that have been impacted and they continue to not receive the resources and support as well as the people power to insure that this election process is going to be held with all of the standards and protocols that it deserves.

Also just wanted to address the fact that we can create these emergencies and find money for these types of endeavors but we continue to once again in the passage of this budget and the revenues that still seem to escape many of the taxpayers and residents who are fighting on a day-to-day basis where these funds are going to come from. I'm just concerned about where we are getting these funds from. If it's going to be removed from vital services for the limited vital services that the underserved communities are receiving.

It makes it more conscious of the

fact that we are looking for our elected officials to represent our interests and unfortunately that does not seem to be the case.

So, it is hopeful for those of us who are not able to be here because they're either working two or three jobs or just trying to find another job or they're trying to provide caregiving services for their loved ones or they're trying to find transportation because of budget cuts or reassignment of funds in other areas. Or they're also just trying to survive in general with regard to this pandemic that we are making sure that the election and all representatives involved with the process make it as safe and accessible for all involved. Particularly those with disabilities because, again, we are all aware of the long lines that the news is featuring on a regular basis.

But it just seems that the communities of color continue to be underserved in the resources and accessibility to polling and to elections and this is

definitely a disservice to all of them in these communities where many of our seniors, many of our underserved veterans do exist and they're not being heard. Again, their voices are not being heard in this county and that to me in this era, in this time period that we are living in, continues to be a challenge and it's something that I am hoping that we don't have to continue to do one and dones with these elections that you all can work together, become more bipartisan and address the fact that too many of us are dying unnecessarily, too many of us are becoming unemployed, too many of us are fighting foreclosures and we continue to hear the same things going back and forth in this local body.

We need to come together and the fact that we cannot bring these things to a positive and proactive resolution is very, very disconcerting for those of us that continue to work out here on these front lines as best that we can in this economy with very few resources. Many of us don't have the

political connections to get the jobs and to get all of the amenities that many of these grants and emergency resources can supplement.

So, I'm just hoping that you are hearing the voices of your constituents because many of you are not responding to the many calls that you claim in your testimonies that you are receiving. I for one can attest to that. So, if you're talking about all these people who are reaching out to you I think you might want to respond to them to actually hear what they are saying and understand that they are suffering and that they need to be addressed.

Because if we're all in this together then we all need to roll up our sleeves, dig a little deeper, suffer maybe a little more so that everybody, all ships can possibly rise.

So again, I am in support of this amendment but I'm concerned because of the number of potentially politically connected individuals with the board of elections how

they are benefiting while other departments and agencies that also could use emergencies, as I said, like transportation and our veteran supports and our emergency preparedness continue to be without. Thank you.

LEGISLATOR NICOLELLO: Thank you. Call for a vote. All in favor signify by saying aye? Those opposed? That passes.

Now we need a motion to adjourn. Legislator Bynoe moves to adjourn. Second by Legislator Rhoads. All in favor of adjourning signify by saying aye. Those opposed? We are now adjourned.

(Legislature adjourned at 3:11 p.m.)

CERTIFICATION

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November 2020

FRANK GRAY