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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

RICHARD NICOLELLO,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Monday, November 23, 2020
1:20 P.M.

1

2 A P P E A R A N C E S:3 RICHARD NICOLELLO,
4 Presiding Officer5 HOWARD KOPEL,
6 Alternate Deputy Presiding Officer7 DENISE FORD,
8 Alt. Deputy Presiding Officer

9 STEVEN RHOADS

10 DEBRA MULE

11 C. WILLIAM GAYLOR III

12 VINCENT MUSCARELLA

13 ELLEN BIRNBAUM

14 LAURA SCHAEFER

15 THOMAS MCKEVITT

16 KEVAN ABRAHAMS,
17 Minority Leader

18 ROSE MARIE WALKER

19 JOHN FERRETTI, JR.

20 JOSHUA LAFAZAN

21 ARNOLD DRUCKER

22 JAMES KENNEDY

23 DELIA DERIGGI-WHITTON

24 CARRIE SOLAGES

25 SIELA BYNOE

26 MICHAEL PULITZER,
27 Clerk of the Legislature

28

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2 CHAIRMAN NICOLELLO: Let's get
3 started. We have a lot to do today. We
4 will, start things off by having Legislator
5 Laura Schaefer lead us in the Pledge of
6 Allegiance.

7 (Whereupon the Pledge of
8 Allegiance was recited.)

9 CHAIRMAN NICOLELLO: Thank you.
10 Welcome to the Nassau County Legislature.
11 We are going to be doing a number of things
12 today.

13 First off we are going to have a
14 point of personal privilege, followed by a
15 public comment period for the Full
16 Legislature, and then going to break, go
17 into the Rules Committee just for several
18 minutes to tee up some items of legislation
19 that are on our Full Legislative calendar
20 and go back to the Legislature.

21 When we do so, we will be hearing
22 the emergency items first. So let's go to
23 point of personal privilege. Actually, why
24 don't we call the roll first?

25 Could you call the roll, please?

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2 CLERK PULITZER: Thank you,
3 Mr. Nicolello. Deputy Presiding Officer
4 Howard Kopel?

5 LEGISLATOR KOPEL: Here.

6 CLERK PULITZER: Alternate Deputy
7 Presiding Officer Denise Ford?

8 LEGISLATOR FORD: Here.

9 CLERK PULITZER: Legislator Siela
10 Bynoe?

11 LEGISLATOR BYNOE: Here.

12 CLERK PULITZER: Legislator
13 Carrie Solages?

14 LEGISLATOR SOLAGES: Here.

15 CLERK PULITZER: Legislator Debra
16 Mule?

17 LEGISLATOR MULE: Here.

18 CLERK PULITZER: Legislator C.
19 William Gaylor III?

20 LEGISLATOR GAYLOR: Present.

21 CLERK PULITZER: Legislator
22 Vincent Muscarella?

23 LEGISLATOR MUSCARELLA: Here.

24 CLERK PULITZER: Legislator Ellen
25 Birnbaum?

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2 LEGISLATOR BIRNBAUM: Here.

3 CLERK PULITZER: Legislator Delia

4 DeRiggi-Whitton?

5 LEGISLATOR DERIGGI-WHITTON:

6 Here.

7 CLERK PULITZER: Legislator James

8 Kennedy?

9 LEGISLATOR KENNEDY: Here.

10 CLERK PULITZER: Legislator

11 Thomas McKeivitt?

12 LEGISLATOR MCKEVITT: Here.

13 CLERK PULITZER: Legislator Laura

14 Schaefer?

15 LEGISLATOR SCHAEFER: Here.

16 CLERK PULITZER: Legislator John

17 Ferretti, Jr.?

18 LEGISLATOR FERRETTI: Here.

19 CLERK PULITZER: Legislator

20 Arnold Drucker?

21 LEGISLATOR DRUCKER: Here.

22 CLERK PULITZER: Legislator Rose

23 Marie Walker?

24 LEGISLATOR WALKER: Here.

25 CLERK PULITZER: Legislator

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2 Joshua Lafazan?

3 LEGISLATOR LAFAZAN: Here.

4 CLERK PULITZER: Legislator Steven
5 Rhoads?

6 LEGISLATOR RHOADS: Present.

7 CLERK PULITZER: Minority Leader
8 Kevan Abrahams?

9 LEGISLATOR ABRAHAMS: Here.

10 CLERK PULITZER: Presiding
11 Officer Richard Nicoletello?

12 CHAIRMAN NICOLELLO: Here.

13 CLERK PULITZER: We have a
14 quorum, sir.

15 CHAIRMAN NICOLELLO: Thank you.

16 Let's go to the point of personal
17 privilege and I would like to introduce
18 Legislator Rose Walker.

19 LEGISLATOR WALKER: Thank you,
20 Presiding Officer. This is always one of
21 the special parts of our meeting usually
22 every month. Unfortunately due to COVID we
23 have not had one. This is the first we have
24 had since back in March, actually February
25 was probably the last full meeting we had.

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2 But I'm very, very proud to be able to honor
3 these two individuals not only because of
4 their expertise and all they did on this day
5 but I've known both of these young men since
6 they were little boys and now they're grown
7 up and here they are fire fighters and hold
8 a rank in their departments. I can't thank
9 them enough. I will tell you a little bit
10 about what happened.

11 September 28th at 5:24 in the
12 morning, 911 received a call from a neighbor
13 of a fire at Sutherland Road in Hicksville.
14 First arriving Engine 3's crew, aware of the
15 upgraded situation, they did say too that
16 they thought people were trapped in the
17 home. So a signal ten was transmitted at
18 5:31 in the morning.

19 The first arriving crew was
20 Engine 3's crew, aware of the upgraded
21 situation. Once on scene, they started a
22 search. Forcing in a rear door, they were
23 met with moderate smoke as the fire
24 intensified.

25 Captain Chris Moskis, Jr. and

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2 Lieutenant Andrew Nimsick teams made entry
3 and split up. Moskis and Nimsick found the
4 occupant, a 90 year old female, in the
5 kitchen suffering from the now heavy smoke
6 and quickly removed her outside, quickly
7 evaluating her and handed her off to EMS
8 personnel.

9 The victim was transported by
10 County Medical Center by police ambulance.
11 And as far as we know the victim was stable
12 and hopefully she is to fully recover.

13 The two and a half old story wood
14 house sustained heavy damage. Fire
15 operations were under the command of chief
16 of the department, Gary Lewis.

17 Because there was a person
18 trapped, he did reach out to other
19 departments so we did have nearby Jericho
20 and Syosset departments and Bethpage as well
21 as Westbury and Plainview stood by for
22 Hicksville.

23 I just want to thank these two
24 young men, due to their bravery, all the
25 training they had, they were able to get

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2 into that home, save this woman, and,
3 hopefully, like I said, a 90 year old woman
4 has her own difficulties to begin with but
5 now adding this stress to it, they were able
6 to get her outside and bring her to safety
7 and take care of her and do all that is
8 needed to help her see a lot more birthdays
9 hopefully.

10 Again, I want to thank Andrew and
11 Chris, thank their families, thank our
12 entire department and, again, remind
13 everybody that these men and the women in
14 our department, they do this without any
15 paycheck. They run from their homes to help
16 others and help their residents, their
17 community. And, again, I can't thank Andrew
18 and Chris enough. So, Legislator Schaefer,
19 you want to say a few words.

20 LEGISLATOR SCHAEFER: Sure. I
21 similarly want to say thank you so much the
22 fact that it's volunteer, it's just amazing,
23 you do this, you run towards danger.

24 It's truly a calling for you as
25 fire fighters to want to do it, whether it's

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2 volunteered or paid, it truly is a calling.
3 Most people would not do that. So thank you
4 for your service.

5 LEGISLATOR WALKER: Legislator
6 Drucker, did you want to add anything?
7 Hicksville has three legislators
8 representing our community.

9 LEGISLATOR DRUCKER: Thank you.
10 I echo the sentiments of you and Legislator
11 Schaefer. The bravery and the dedication
12 that you exemplify each and every day is so
13 encouraging and inspiring, that we owe a
14 debt of gratitude to you that we could never
15 repay but we could show our support for you
16 and acknowledge you in every chance we get.
17 We are grateful, we are thankful, and we
18 wish you the best for the happy Thanksgiving
19 to you and your family. Thank you

20 LEGISLATOR WALKER: And both of
21 these young men, they followed tradition in
22 their family because their dads are both in
23 the fire department and Andrew's mom is in
24 the ladies auxiliary as well as I'm in the
25 ladies auxiliary. Many of the commissioners

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2 over there and our chief, members of their
3 families, their wives are also in the ladies
4 auxiliary.

5 So, again, I thank you so much
6 for being here and we are going to come down
7 and present these citations. I would like
8 to ask Arnie and Laura to come down for
9 that.

10 CHAIRMAN NICOLELLO: We are going
11 to proceed with the public comment portion
12 of the meeting. The first slip I have is
13 for Meta J. Mereday.

14 MS. MEREDAY: Good afternoon.
15 Meta J. Mereday, Nassau County resident. A
16 very distressed taxpayer with regard to just
17 the ongoing challenges that continue to be
18 unaddressed with the underserved communities
19 within the county.

20 I'm very concerned with regard to
21 distribution of resources. Whenever I read
22 about the utilization of community
23 development funds, when we are in
24 communities that still have very few
25 resources within them, and to know that

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2 those funds which we were told previously
3 were not available or not in the budget
4 somehow seem to arrive for other purposes.
5 That's very disconcerting for many of the
6 residents of Nassau County.

7 Earlier today or still going on
8 today the Thanksgiving distribution at
9 Nassau County Coliseum is much needed
10 because we have residents going through
11 severe challenges.

12 It's unfortunate again that this
13 county, which has such a large population of
14 seniors and those with disabilities and
15 inabilities to gather to these locations are
16 once again left out of these types of
17 distributions and processes when they have
18 the greatest need, and it doesn't matter how
19 many times we bring this up it doesn't seem
20 to change.

21 The coordination, I'll hand it to
22 the police officers and responders and the
23 troopers that were trying to assist. I'm
24 just hoping that all of those cars that are
25 parked either they don't run out of gas or

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2 cause any accidents with regard to how it
3 was coordinated. I know that our law
4 enforcement, they do the best they can with
5 the resources and the information they are
6 given.

7 So I'm also here with regard to
8 the Bay Park project. Many of the residents
9 in Baldwin or along that corridor will be
10 impacted and are still very much uninformed
11 about what is happening and will happen and
12 how it will impact their daily life-style.

13 And, again, we are requesting
14 that those on the South Shore of Nassau
15 County get the same information, resources
16 and due diligence that seems to occur on the
17 North Shore.

18 There is still the divisiveness
19 in terms of the information and resources,
20 and, again, as it's been stated so many
21 times, we are all supposed to be in this
22 together because we all pay the second
23 highest taxes in the country but the
24 representation continues to be lagging and
25 that is very sad for those who continue to

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2 come here and try to challenge these sources
3 and we often feel like we cannot speak out
4 even though freedom of speech is our first
5 amendment right.

6 I'm here again to get answers to
7 the lack of inclusion, the lack of diversity
8 and lack of investment into our projects,
9 into our roads, into our infrastructure and
10 the business development.

11 Lastly, I just want to discuss
12 once again the business development and
13 procurement activities that are going on in
14 this county with the billions of dollars in
15 projects that continue to lack inclusion of
16 veteran businesses, minority businesses and
17 women of color.

18 I don't know what has to happen
19 because, again, I see that there are
20 plaintiffs and lawsuits that once again the
21 county has to negotiate to pay settlements.
22 But I would hope that we would not have to
23 go to court to get a fair share particularly
24 for our veteran businesses.

25 I think the fact that once again

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2 we are in 2020 and the biggest thing that I
3 see on this agenda as it pertains to
4 veterans is that you are going to vote to
5 give them more county in parking spaces at
6 county facilities. Again, where is the
7 business development format for
8 service-disabled veteran businesses so they
9 can hire other veterans? So we can keep our
10 veterans here? So that people of color
11 minority and women business owners who have
12 been the bedrock of this county get an
13 opportunities not an occasional PPE
14 distribution. They need jobs too. They
15 need their homes secured. They need access
16 to transportation and resources.

17 And, lastly, our seniors, who we
18 are not doing enough for our seniors to
19 provide supportive services especially if
20 you're taking away the transports that they
21 count for their nurses aids and assistants
22 to come and help them.

23 I don't know how many ways, how
24 many times that the voices of the people are
25 not being heard. We're starting to be a one

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2 and done with some of these elected
3 positions here and if that's going to be the
4 case to have a revolving door then that's
5 what it's going to be what needs to be, but
6 our voices will be heard.

7 CHAIRMAN NICOLELLO: Thank you
8 Meta. Amy Marion.

9 MS. MARION: Thank you. Good
10 afternoon everybody.

11 Nassau County Executive Laura
12 Curran is asking you all for an emergency
13 approval of an eight and a half year
14 Superior Officer's Association contract.

15 We urge the Legislature, and I'm
16 here speaking on behalf of Long Island
17 Advocates for Police Accountability, as well
18 as on behalf of myself as a life-long Nassau
19 County resident and criminal defense and
20 civil rights attorney with over 33 years
21 experience.

22 This emergency authorization
23 requires a super majority as you all know.
24 We urge you to reject this attempt of
25 rushing the contract through for the

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2 following reasons:

3 The Governor issued executive
4 order 203 which requires adoption by the
5 Legislature of police reform measures by
6 April 1st.

7 Approval of a union contract
8 prior to these reforms will preemptively
9 nullify the possibility of reform issues,
10 preemptively nullify the possibility of
11 reform measures the people on the
12 Legislature deem necessary to make the
13 required changes to policing.

14 The county has not provided its
15 police reform task force, both packs and CCT
16 with the proper data required to determine
17 the impact of the police budget on the
18 county's finances.

19 I might also add that the data
20 that has been published is no short of a
21 joke. It is not data, and it conflicts with
22 what the Department of Justice and DCJS has
23 already published.

24 Like everything else associated
25 with policing in Nassau County, this

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2 indicates a further willingness to not
3 operate in the shadows and to not operate
4 with transparency.

5 While the County Executive
6 asserts that the police reform efforts are
7 moving forward, they are not. This attempt
8 to lock in a union contract which would
9 effectively lock out police reforms further
10 indicates the disingenuous nature of the
11 County Executive's perfunctory reform
12 maneuvers.

13 We have been involved with this
14 from the beginning. We are life long
15 individuals who have expertise in this area.
16 My group, Long Island Advocates For Police
17 Accountability has civil rights advocates,
18 as the regional director of the NAACP Night
19 Clue, strong youth and all of the relevant
20 stakeholders. The public defender's office,
21 everybody is involved in this group.

22 We urge the County Legislature to
23 vote no on this emergency approval. On
24 September 27th, on behalf of LIPA, I drafted
25 correspondence to the governor requesting

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2 that a convener, that's a term of art that's
3 used in the governor's guidance, the
4 executive order was issued on June 12th, and
5 we wrote on September 27th, because by that
6 date, Nassau County had done nothing, and in
7 the executive order it specifically said
8 within the executive order, not to wait for
9 the guidance that came out in mid August,
10 but it specifically said in this June 12th
11 executive order convene local stakeholders,
12 key stakeholders.

13 Nassau County did not even
14 convene the public defender that's written
15 in the executive order. This is a problem.
16 At Governor Cuomo's October 6th press
17 conference, he said in no uncertain terms,
18 and I'm quoting, many local governments have
19 started the conversation about police
20 reform. Not only do they have to have that
21 conversation, they have to reinvent their
22 police department, pass a law, he
23 emphasized, reinventing it, and they have to
24 do that by April, or, he said, they won't
25 get state funding, there's no option.

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2 He reinforced his commitment to
3 police reform to the executive order and to
4 the guidance. And Nassau County Executive
5 Laura Curran said in a letter to one of her
6 groups that she formed PAC that we plan to
7 focus these meetings on the executive order
8 and the substantive guidance, I'm quoting.
9 She wrote that letter in an October 1st
10 letter to Governor Cuomo responding to our
11 letter and yet she is not doing that,
12 because this effort here is absolutely
13 against reform.

14 I have to tell you, I have been
15 in these meetings. I'm the person who is
16 behind and gets told everything by members
17 of our group that are in those meetings.
18 I'm the one doing the correspondence and
19 ascribe, and, I have to tell you, the
20 commissioner, Commissioner Ryder is lovely
21 and he's there and he's partaking. His
22 hands are tied. He is tied by unions.

23 We cannot have re-imagination and
24 we cannot have reform which is a mandate
25 from the governor and the governor says its

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2 going to affect funding. This county cannot
3 afford to have that affect its funding. I
4 urge you all to vote no on this emergency
5 measure. Thank you.

6 CHAIRMAN NICOLELLO: Thank you,
7 Amy. I would like to note for the record
8 that we have received a number of emails
9 this morning with respect to this topic and
10 those emails, 20, 30, 40, whatever the
11 number is, will be made part of the record.
12 They were given to the clerk's office. They
13 will be part of the record.

14 Jonathan Gunther.

15 MR. GUNTHER: Hello. I'm
16 Jonathan Gunther. I'm the Nassau County
17 Libertarian party executive chairman.

18 I have a few demands from this
19 body. The first is the legislative meeting
20 times. Most people work during Mondays and
21 early at this time. I actually left my job
22 early today losing pay just to be here.

23 The Town of Hempstead has
24 meetings which I was at recently evening
25 times. I request or demand this body work

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2 on changing the times in which we can make
3 it available for all people who can make it
4 at night or the morning to be able to make
5 that.

6 Transparency is important. I
7 think this brings out more transparency in
8 this body so that is one of my demands.

9 The second demand is for the
10 Legislature to reach out to the local police
11 department and ask for them to not enforce
12 Governor Cuomo's unconstitutional
13 authoritarian orders are limiting people in
14 their own personal private homes.

15 Many sheriffs and police
16 departments across this state have defied
17 his orders in doing that and they will not
18 be enforcing it. So I would like to see
19 this body go up and talk to the local police
20 here and let them know not to enforce these
21 unconstitutional authoritarian orders.

22 Those are my two demands and I
23 hope this body can adhere to these two
24 demands. They are demands. They're not
25 just me saying this is what I want. These

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2 are constitutional problems that we are
3 having by the state governor. We need to
4 make sure that he is not clearly destroying
5 the Constitution here with those orders.
6 Those are my two demands. Thank you.

7 CHAIRMAN NICOLELLO: Just as to
8 the first issue with respect to night
9 meetings. Actually we had intended this
10 year to hold several night meetings in the
11 Legislature. Then the pandemic hit and we
12 had a meeting throughout but it limited
13 really what we would have liked to have
14 done.

15 So next year we will definitely
16 be having more night meetings. We
17 understand it's more convenient for many
18 people to attend night meetings so we will
19 be doing some of that.

20 MR. GUNTHER: Morning and night,
21 both times are good. Some people can make
22 it at night and some in the morning.

23 CHAIRMAN NICOLELLO: We are going
24 to do both. That's the last slip that I
25 have. What we are going to do is, we have

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2 items with respect to Bay Park conveyance
3 that are both on the Rules Committee and on
4 the Legislature. So what we are going to do
5 is break from the Legislature for a moment
6 and go into the Rules Committee, pass the
7 items so we can have a more full debate
8 later on in the Full Legislature.

9 So I'm going to put the
10 Legislature in recess.

11 (Whereupon, the Full Legislative
12 Committee recessed at 1:43 p.m. and
13 reconvened at 2:06 p.m.)

14 CHAIRMAN NICOLELLO: We are going
15 to go to the emergencies but first we have a
16 number of items that it has been agreed by
17 the Minority and Majority that they could be
18 called on the consent calendar.

19 They went through committees
20 several weeks ago and it's been determined
21 that no further debate or discussion is
22 needed on these items at this time.

23 I'm going to read the items now.
24 Again, this is the consent calendar,
25 Number 1, Ordinance 103; Number

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2 2, Ordinance 104; Number 3, Ordinance 105;
3 Number 4, Ordinance 106; Number 5, Ordinance
4 107; Number 6, Ordinance 108; Number 7,
5 Ordinance 109; Number 8, Ordinance 110;
6 Number 9, Ordinance 111; Number 10,
7 Ordinance 112; Number 11, Ordinance 113;
8 Number 12, Ordinance 114; Number 13,
9 Ordinance 115; Number 14, Ordinance 116;
10 Number 15, Ordinance 117; Number 16,
11 Ordinance 118; Number 17, Ordinance 119;
12 Number 18, Ordinance 120; Number 19,
13 Ordinance 121; Number 20, Ordinance 122;
14 Number 21, Ordinance 123; Number 22,
15 Resolution 147; Number 23, Resolution 148;
16 Number 24, Resolution 149; Number 25,
17 Resolution 150; Number 26, Resolution 151;
18 Number 27, Resolution 152; Number 28,
19 Resolution 153; Number 30, Resolution 155;
20 Number 31, Resolution 156; Number 32,
21 Resolution 157; Number 33, Resolution 158;
22 Number 34, Resolution 159; Number 35,
23 Resolution 160; Number 36, Resolution 161;
24 Number 37, Resolution 162; Number 38,
25 Resolution 163; Number 39, Resolution 164.

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2 That's it.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR ABRAHAMS: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Deputy Presiding Officer Kopel, seconded by
7 Minority Leader Abrahams. All those items
8 are before us. Any further debate or
9 discussion?

10 (No verbal response.)

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

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 The consent items carry
17 unanimously.

18 Now we are going to the first
19 emergency agenda. I'll call it. Clerk Item
20 356, a resolutions ratifying a memorandum of
21 agreement making certain amendments to the
22 collective bargaining agreement between the
23 county and the Superior Officer's
24 Association of the police department of
25 Nassau, Inc. I need a motion to establish

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2 the emergency.

3 LEGISLATOR FORD: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Ford, seconded by Legislator
7 Walker. We have a motion to establish the
8 emergency. I would invite up somebody from
9 the administration to explain the nature of
10 the emergency.

11 MS. FOX: Good afternoon. Tatum
12 Fox, deputy County Executive for public
13 safety. Good afternoon, Presiding Officer
14 Nicolello, Minority Leader Abrahams and
15 fellow legislators.

16 The nature of this emergency is
17 in regard to the contract between the county
18 and the Superior Officer's Association.

19 The agreement was signed and
20 executed in September and the reason it
21 wasn't filed right away is we were waiting
22 for the Aetna and NYSHIP health care rates
23 to come out which did come out and not until
24 November. Once those came out this was
25 filed.

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2 The reason we are asking for the
3 emergency is because the contract still
4 needs to be approved by NIFA and then the
5 Comptroller needs time to implement the
6 health care contribution savings which kick
7 in on January 1.

8 It's my understanding NIFA is
9 meeting tomorrow and also December 7th. So
10 if we waited until the December leg calendar
11 of the 7th and 14th, that pushes us past the
12 NIFA meetings and lands us right in the
13 holiday season. So rather than chance and
14 lose savings, significant savings from the
15 health care contributions, we ask that this
16 be heard today.

17 CHAIRMAN NICOLELLO: It's our
18 understanding that this was agreed to, the
19 contract was agreed to by the administration
20 in early September and in fact ratified by
21 the SOA on September 22nd. It is now two
22 months later and is being presented to us as
23 an emergency.

24 You gave us part of the reason
25 for that that it was waiting for NYSHIP and

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2 Aetna?

3 MS. FOX: Their health care rates
4 of what we pay per employee.

5 CHAIRMAN NICOLELLO: Why would
6 the contract itself wait for that; can not
7 the contract be presented to us with terms
8 and conditions without these rates?

9 MS. FOX: So the 2014 agreement
10 that succeeds this provides for employees
11 hired after 2014, they can pay 15 percent
12 contributions for Aetna or -- I'm sorry, for
13 Empire, 15 percent, or no contribution for
14 the Aetna plan.

15 So it impacts that population of
16 people. That's why we had to wait.

17 CHAIRMAN NICOLELLO: I understand
18 that it would impact the calculations for
19 the -- depending whether they were taking
20 Aetna or NYSHIP, why would it delay
21 consideration of the contract by the
22 Legislature?

23 We had the entire month, the full
24 cycle in October. We could have gotten it
25 in committees in October and have considered

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2 it at our full meeting of the Legislature.

3 MS. FOX: Well, the union and the
4 county were still negotiating the impact of
5 the union's position is that they still want
6 to have available to employees a non
7 contributory plan. So if the Aetna rates
8 went up above 85 percent of NYSHIP, there
9 would no longer be a noncontributory plan.
10 And that was very important for them to have
11 that to offer.

12 CHAIRMAN NICOLELLO: I understand
13 a little bit more now. So in fact there was
14 an open part of this agreement that could
15 not be closed until the rates came out from
16 NYSHIP and Aetna?

17 MS. FOX: We were working on a
18 side letter, yes, between the parties to
19 discuss the health care contributions that
20 were tied to the waiting for the rates, yes,
21 sir.

22 CHAIRMAN NICOLELLO: Just in the
23 second part of that, the implementation of
24 the contract. Obviously it has to be
25 approved by NIFA; and if NIFA considers this

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2 on December 7th or tomorrow night for that
3 matter, what's the reason for the emergency?
4 What has to be in place by January 1st?

5 MS. FOX: The contract. So this
6 body approves, then NIFA needs to approve
7 after you, not before you. So your next
8 committee is the same day as their December
9 meeting.

10 CHAIRMAN NICOLELLO: I understand
11 that but why -- could not these, the
12 savings, be calculated retroactively?

13 MS. FOX: It would be burdensome
14 for the comptroller and IT, to be honest, to
15 prorate and go back, it's very cumbersome.

16 CHAIRMAN NICOLELLO: Anyone else
17 have questions? Legislator Ferretti.

18 LEGISLATOR FERRETTI: Thank you.
19 Hi Tatum. I'm not totally understanding
20 your explanation as it relates to the health
21 insurance rates.

22 I understand that we didn't know
23 the health insurance rates but, first off,
24 what are the rates; have they increased
25 since last year, stayed the same?

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2 MS. FOX: They did increase, for
3 both Aetna and Empire. I don't have those
4 rates. That would be HR. I could get you
5 them but I don't have them as I stand here.

6 LEGISLATOR FERRETTI: When the
7 union voted on this proposed contract back
8 in September, were these rates available?

9 MS. FOX: No.

10 LEGISLATOR FERRETTI: So they
11 voted without knowing the rates, right?

12 MS. FOX: That's why we waited to
13 file it because we waited to do a side
14 letter.

15 LEGISLATOR FERRETTI: But the
16 side letter is not what we are voting on
17 here today, correct?

18 MS. FOX: It's not what you are
19 voting on today but it impacts what you are
20 voting on today. The language stayed the
21 same but if Aetna went to, which it did, it
22 went up, it will cause contributions. So
23 the side letter says that the parties will
24 agree to find a non-contributory plan.

25 Had the rates stayed flat, we

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2 wouldn't have needed that side letter.

3 LEGISLATOR FERRETTI: So Aetna,
4 under this contract, Aetna is not offered as
5 a free alternative to NYSHIP?

6 MS. FOX: The side letter says
7 that it's a status quo until we find a
8 non-contributory rate. That I'm going to
9 defer to Chris Nicolino on the side letter.

10 LEGISLATOR FERRETTI: So then, I
11 wanted to understand, we found out the new
12 rates but it hasn't changed anything in
13 terms of what we are voting on, correct?

14 MS. FOX: Because of the side
15 letter, right.

16 LEGISLATOR FERRETTI: What
17 happens if in year's forward the rates
18 continue to increase or change?

19 MS. FOX: We will have to do the
20 same thing.

21 LEGISLATOR FERRETTI: A side
22 letter?

23 MS. FOX: Yes.

24 LEGISLATOR FERRETTI: Again,
25 though, this contract is going to be voted

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2 on now for eight years, right?

3 MS. FOX: Right.

4 LEGISLATOR FERRETTI: So these
5 side letters are somewhat independent of
6 what we're voting on, right?

7 MS. FOX: They shouldn't be
8 because this year was a strange year with
9 COVID. Normally the rates come out and we
10 thought they would come when they normally
11 come out which I believe August, and they
12 didn't. So normally that comes out and then
13 there is open enrollment for employees and
14 they know, they have full disclosure what
15 plan to pick based on what the rates are.
16 That didn't happen this year. Everything
17 got pushed back.

18 LEGISLATOR FERRETTI: I
19 understand what you're saying and maybe you
20 can explain it to me or maybe somebody else
21 can. I don't see why that held up the
22 submission of that contract to the
23 Legislature. I'm not connecting the dots.

24 MS. FOX: Sure. Chris from the
25 Office of Labor Relations. He can talk

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2 about that.

3 MR. NICOLINO: It's Christopher
4 Nicolino. The problem is that the Aetna non
5 contributory plan that we used to have, it
6 raised their rates to the point where now
7 it's going to cause us seek contributions
8 bigger than 85 percent of the NYSHIP Empire
9 plan.

10 So now we have to look for
11 another, a new non contributory plan.
12 That's the side letter. That's what we have
13 agreed to with the SOA. It was influx and
14 we didn't have those rates.

15 LEGISLATOR FERRETTI: I
16 understand that. Over the next seven and
17 half years I'm assuming they will be influx
18 as well.

19 MR. NICOLINO: Well, hopefully,
20 we're going to find a non contributory plan
21 that satisfies the county and its employees.

22 LEGISLATOR FERRETTI: So we have
23 this issue where Aetna is no longer a non
24 contributory plan, and we have this contract
25 that the union vote on two months ago prior

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2 to knowing the rates and, my question is,
3 why is one dependent upon the other? Why
4 could we not voted on this contract a month
5 ago and this side agreement goes into affect
6 now?

7 MR. NICOLINO: We didn't know a
8 month ago that it was going to be a non --

9 LEGISLATOR FERRETTI: Right, and
10 we don't know a year from now what's going
11 to happen with whatever other health
12 insurance you come to an agreement on. We
13 don't know. We're not going to come back.
14 The contract is still going to be in affect.

15 Again, I'm not connecting the
16 two. I understand that you are telling us
17 that's why it was submitted in October, but
18 just in my brain it's not making sense why
19 one is dependent on the other.

20 MR. NICOLINO: We had to reach
21 some agreement as to what we were going to
22 do. Now that we know we don't have a non
23 contributory plan. Is the county obligated
24 to go out and find one, how is that going to
25 work? What would they agree to? That's

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2 that side letter that you see Ms. Fox was
3 speaking of.

4 LEGISLATOR FERRETTI: So, since
5 September, when this was voted on by the
6 SOA, that's been an ongoing negotiation
7 between the administration and the SOA?

8 MR. NICOLINO: Correct.

9 LEGISLATOR FERRETTI: Thank you.

10 MR. NICOLINO: Hope that answered
11 the question.

12 CHAIRMAN NICOLELLO: Legislator
13 Schaefer.

14 LEGISLATOR SCHAEFER: I have a
15 question for whomever. In the two months
16 that we have been waiting, or the SOA has
17 been waiting, September to now, weren't
18 there conversations about what's going on,
19 what's holding it up? Was any of that
20 discussed between the county and the SOA?

21 MR. NICOLINO: There were a lot
22 of conversations but we were waiting to see
23 what Aetna was going to charge us.

24 LEGISLATOR SCHAEFER: Did they
25 know that? Did you tell them that that what

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2 we're waiting for?

3 MR. NICOLINO: Yes, and there
4 were continued discussions back and forth as
5 to what our obligations were, how vested
6 they were in trying to seek a non
7 contributory plan, etcetera, and that was
8 the subject of negotiations, continued
9 negotiations.

10 LEGISLATOR SCHAEFER: Thank you.

11 CHAIRMAN NICOLELLO: We have
12 several other legislators. First Steve
13 Rhoads, then Legislator DeRiggi-Whitton, and
14 then Legislator Ford.

15 LEGISLATOR RHOADS: Just to
16 follow up on the line of questions from my
17 colleagues here, I'm still having difficulty
18 why it was necessary for us to -- we don't
19 have the signed agreement before us today,
20 correct?

21 MR. NICOLINO: It's appended to
22 your package.

23 LEGISLATOR RHOADS: It's appended
24 to the package but it's not actually part of
25 the agreement we're voting on, correct?

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2 MR. NICOLINO: It's referenced in
3 that and it is a side letter agreed to by
4 the parties, so it is part of that, part of
5 the contract.

6 LEGISLATOR RHOADS: Side letters
7 that are agreed to by the parties, these
8 side agreements that you are referring to
9 are agreements that occur throughout the
10 course of the contract, there are issues
11 that come up over the course of time that
12 have to be the subject of negotiation
13 outside of the scope of the contract that's
14 existing at the time. This isn't a novel
15 thing. This is something that happens on a
16 routine basis, correct?

17 MR. NICOLINO: In Nassau more
18 routine than other places, yes.

19 LEGISLATOR RHOADS: Right. So
20 the notion that we had to wait for this side
21 agreement in order to be able to present the
22 initial contract to us, that's really a
23 departure from what is the normal way we
24 would handle these contracts, correct?

25 MR. NICOLINO: Well, usually MOAs

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2 or side letters or other substantive
3 agreements that modify, amend an existing
4 collective bargaining agreement take place
5 after the agreement is done and signed off
6 on.

7 LEGISLATOR RHOADS: And in this
8 case it could have been handled exactly the
9 same way if the contract was presented to us
10 a month ago when we voted on it, correct?

11 MR. NICOLINO: I don't know. I
12 would have to address that to my colleague
13 from the SOA as to whether or not they were
14 willing to go forward with this agreement
15 not knowing that a big piece of health care
16 was unsettled to the point that it was.
17 That was the issue. I'm glad that we came
18 to an agreement as to how we were going to
19 handle that going forward.

20 LEGISLATOR RHOADS: So what you
21 are representing today is that this piece of
22 information that you were waiting for could
23 have blown up the entire agreement?

24 MR. NICOLINO: I'm not willing to
25 say blown up the entire agreement but I'm

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2 saying it was part of the party's meeting of
3 the minds.

4 LEGISLATOR RHOADS: But this part
5 of the meeting of the minds occurred after
6 the SOA had already ratified the contract so
7 they voted on it.

8 The administration obviously
9 agreed to it because they're coming to the
10 Legislature for the ability to sign off on
11 the agreement, correct?

12 MS. FOX: And they did vote on
13 it, yes, sir. However, with the assumption
14 that Aetna rates weren't going up, so when
15 we discussed the rates might go up, it was
16 like, wait a minute. What happens to the
17 non contributory, and that's when the
18 conversations began.

19 LEGISLATOR RHOADS: And once
20 negotiated between the parties with respect
21 to this side agreement isn't necessarily the
22 issue that I have.

23 The issue that I have is the
24 timing. Because now we've received
25 correspondence from a number of individuals

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2 concerned about the fact that we are
3 accelerating through the emergency process,
4 we are accelerating the consideration of the
5 contract. Normally it would go through
6 committees. Normally the Legislature would
7 have the opportunity to consider it because
8 it's going through the emergency process,
9 the process is kind of rushed. Now we are
10 in a situation where we really don't have a
11 choice.

12 The contract has to be approved
13 so it can be considered by NIFA based on
14 NIFA's timing and based on the timing of the
15 calendar of the Legislature. So if we don't
16 approve the contract today, or if we don't
17 take action with respect to the contract
18 today and delayed it, NIFA now wouldn't be
19 able to factor that into its considerations
20 for the 2021 budget.

21 My concern is, is there a way or
22 why wasn't it the case if we were able to
23 consider this in the normal course of
24 business and why are we again forcing an
25 emergency upon us that we have no choice but

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2 to accept?

3 This is separate and apart from
4 what the actual terms of the contract are.
5 I'm not talking about that. I'm talking
6 about the administration leaving us no
7 alternative but to do this by emergency
8 because there didn't seem to be proper
9 planning or in this case because you're
10 saying that there had to be some sort of
11 side agreement that had to be considered
12 first which is routinely considered after
13 agreements are already in place. That's my
14 concern.

15 MR. NICOLINO: I understand that
16 it was a question of not having all the data
17 or the data changing after we had come to a
18 meeting of the minds.

19 LEGISLATOR RHOADS: When did we
20 know those rates were changing?

21 MS. FOX: The only thing, again,
22 I'm not from HR, but this is what I can tell
23 you, is that the Aetna rep said, yes, the
24 rates are going to go up, and Empire said
25 yes, the rates are going up but they were

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2 not able to commit, so we were waiting and
3 waiting for them to say what that would be.

4 Again, if it went up but still
5 stayed within at 85 percent of NYSHIP, it
6 was not going to be an issue because we
7 would have a non contributory plan.

8 As it turned out, it did go up
9 above the 85 percent so that's why we have
10 to go back to find a non contributory plan.

11 LEGISLATOR RHOADS: So all I'm
12 looking for is an explanation to my
13 constituents and I'm sure the other
14 legislators are doing the same as to why it
15 is that we have to circumvent the normal
16 process to consider this by emergency, and
17 that's the reason the administration is
18 giving because you were waiting on something
19 that could have been considered as a side
20 agreement after it was already in play?

21 MS. FOX: Well, I don't think and
22 I don't want to speak for the SOA, but I
23 don't think the union and President
24 Frassetto if you want to add in was
25 comfortable not having that certainty.

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2 So, yes, the timing, I'm not
3 purporting it's ideal but it's where we
4 landed and it's so close to the end of the
5 year. We were waiting for the rates.

6 LEGISLATOR RHOADS: But the fact
7 of the matter is, it still is at this point
8 in time with what's before us, in order to
9 have this properly considered by NIFA we
10 have to take action with respect to the
11 contract today, that's why it's on by
12 emergency?

13 MS. FOX: Yes.

14 CHAIRMAN NICOLELLO: Any other
15 questions? Legislator DeRiggi-Whitton.

16 LEGISLATOR DERIGGI-WHITTON: Hi.
17 I want to thank you for your updates. They
18 have been very helpful.

19 I have a hypothetical question.
20 What if the declaration of need is not
21 passed by this body? Have you been advised
22 what NIFA might do?

23 MS. FOX: I have not. I don't
24 know if budget office has, but I have not
25 personally, no.

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2 LEGISLATOR DERIGGI-WHITTON:

3 Well, we've heard that there's a very good
4 possibility that if the declaration of need
5 is not passed and not on the calendar today
6 as far as I have seen, that NIFA has said
7 that they will not approve of this contract.
8 So I really feel like we're doing an
9 injustice to the SOA in the sense that we
10 are -- if we do support this contract we
11 don't have the okay from NIFA that it will
12 go anywhere.

13 It's almost like -- I said today
14 it's like giving them a check that we don't
15 have the funds for. We really in my opinion
16 really need to get this declaration of need
17 going.

18 If it's not going to happen we
19 need to hear about that because it sounds
20 like it's something that we need to do first
21 or at least in conjunction with these
22 agreements.

23 Otherwise I don't know how we're
24 going to get the money to pay for it. The
25 governor is talking about possibly closing

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2 down parts of Nassau County if a hotspot
3 arises. We may be facing another economic
4 turn in the wrong direction.

5 So I really think we will to pass
6 that declaration of need. We do need to do
7 it. It does not extend NIFA as a control
8 period.

9 It will extend NIFA as far as the
10 bond goes, but it doesn't not extend our
11 control period. I think that that confusion
12 has really caused a lot of problems for us
13 and I just can't understand the controller
14 calls it a no brainer. Everything I have
15 read supports the idea of this re-fi and we
16 really need that before we can promise.

17 The SOA spent so many hours
18 negotiating. It's arduous and difficult.
19 It's a very uncomfortable situation for them
20 to be in and I feel before we can do that,
21 before anyone can vote on this, you can't
22 vote on this without the declaration of need
23 in my opinion in an honest, otherwise I
24 don't know how we are going to pay for it.

25 To think the sales tax is going

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2 to increase, I can't -- not be as bad as
3 predicted, I think that in the last two
4 weeks since we have discussed that it made a
5 turn for the worst.

6 So I understand politics, I know
7 what the whole game plan is, I get it.

8 But we are in the middle of a
9 pandemic. We are dealing with first
10 responders that helped so many people during
11 the pandemic. To play with their emotions
12 right now is not something that I want to be
13 part of. I think the two have to go
14 together. The declaration of need and any
15 contract we approve. Are you okay? Can we
16 have you come up?

17 I understand that we all are
18 taking the idea of police reform very
19 seriously especially the police officers
20 that I speak with. There's no one who has a
21 bigger problem with a police officer not
22 following the rules. I really believe that
23 in Nassau County we are really blessed
24 because I honestly think that whether it's
25 the education, whether it's the training,

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2 combination of all, we're ranked the safest
3 county in the nation for a reason.

4 I think that your professionalism
5 has been a big part of that and I know
6 during COVID, I know the risks, I know the
7 supervisors have really dealt with quite a
8 lot.

9 Again, we discussed briefly that
10 if we did come up with reforms you would be
11 open to meet with us and discuss them.

12 Can you just give us your opinion
13 on that?

14 CHAIRMAN NICOLELLO: Can I just
15 say one thing, before you go, what we are
16 considering right now is the emergency, so
17 we really haven't gotten into the substance
18 of the contract. I think you can bring it
19 up and have the answer to the same question,
20 but I rather just focus on the emergency
21 until we actually pass it.

22 LEGISLATOR DERIGGI-WHITTON: But
23 this is part of that emergency. We have to
24 feel that the opportunity to embrace and
25 enact these reforms are there and once we

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2 give the emergency you don't need super
3 majority.

4 So I just want to make sure we're
5 on the same page as far as the
6 recommendations we get that we are going to
7 be able to still work with you on that.

8 MR. FRASSETTI: Rick Frassetto
9 for the Superior Officer's Association of
10 Nassau County. I just told all of you
11 before, I think we're in the forefront of
12 police reform. We're the first large police
13 organization in this county to have police
14 reform in our contracts, example, body
15 cameras. We wanted body cameras.

16 We are a transparent
17 organization. We embrace body cameras and
18 we show that by signing on the dotted line.

19 We are definitely open to
20 discussions on other police reforms and
21 always have been and always will be.

22 LEGISLATOR DERIGGI-WHITTON: We
23 were discussing this earlier and we run the
24 risks of losing funding again if we don't
25 abide by the recommendations.

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2 Again, we need your word and I
3 trust you on your word to work with us
4 regarding whatever ideas that -- the problem
5 is, we don't know all of the ideas and I
6 understand that. I really am very happy
7 with the body cameras. I know it's a major
8 step in the right direction and, as we
9 discussed, I think it's a deterrent for
10 people to see a body camera, it's going to
11 show even more all of what happens in
12 situations, and I think it will help the
13 police as well. I'm glad that you look at
14 it that way also. It's really something
15 that can protect the police department as
16 well.

17 Again, I appreciate the
18 importance of the body camera but I do
19 understand the hesitation of boxing us in
20 for any future reforms but I appreciate your
21 word that you will come back to work with us
22 as you have in past experiences.

23 MR. FRASSETTI: You have my word
24 on that. I can't give you a blanket
25 statement because I can't speak on something

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2 that's not in front of me right now. Body
3 cameras is separate. I don't think we can
4 be any more transparent than body cameras.
5 We're on camera, on film.

6 I'm total for body cameras where
7 it shows, vindicates my members, 99.9
8 percent of the time and also de-escalate the
9 situation.

10 Speaking on other police reforms,
11 we don't make policy. The police
12 commissioner makes policy, and I can't speak
13 on that, we just follow the orders, we just
14 follow the policy.

15 LEGISLATOR DERIGGI-WHITTON: Thank
16 you.

17 CHAIRMAN NICOLELLO: Legislator
18 Ford and then a number of other legislators.

19 LEGISLATOR FORD: Good afternoon.
20 Thank you very much, President Frassetto,
21 for laying out your feelings with regard to
22 police reform and I think that is something
23 that is very key to moving forward with
24 policing here in Nassau County.

25 I thank the commissioner for

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2 always having an open door and open mind in
3 regard to the public and the police response
4 to their needs. I thank you very much and I
5 think there has been frustration in regard
6 to as if it's not as transparent as it would
7 be but I do believe that once it's presented
8 to us and to the public it might be
9 something that can be acceptable for
10 everybody, especially Governor Cuomo.

11 But even with the political
12 influences that we have, I just want to get
13 off the other topic and let's stick to this
14 item, the one we are voting on right now
15 which is the emergency in regard to the
16 passage of the SOA contract.

17 I guess we're here to vote on
18 this but we don't even know if NIFA is going
19 to pass this contract if we vote in favor of
20 it, correct?

21 MR. FRASSETTI: That's correct.
22 I would just point out that it was the same
23 situation with the earlier contract
24 regarding the detectives.

25 LEGISLATOR FORD: But I don't

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2 think that came by emergency, and this is
3 where the concern is. We are trying to look
4 for transparency in everything that we do.
5 Obviously policing is a hot topic everywhere
6 throughout the United States, so it's not
7 just Nassau County. We are blessed with a
8 very good police department but we have to
9 share the ills of everywhere.

10 I guess it was commented that the
11 reason why we're doing this at this point is
12 for the Comptroller's sake and everybody
13 else with regard to the medical, whether or
14 not, I don't know if I'm going to say this
15 right or wrong, the Comptroller needed to
16 know how much the medical costs and
17 everything were going to be moving forward,
18 right; am I correct?

19 MR. FRASSETTI: Well, it's a
20 little different than that.

21 One of the pieces of this
22 contract, and we addressed at length, if you
23 decide to get to that today, but there are
24 health care contributions that are built
25 into this contract. The county would like

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2 to start realizing them come 1-1-21. If
3 there is not a contract in place it won't be
4 able to. That's the crux of this emergency.

5 LEGISLATOR FORD: But in
6 considering Aetna, like you were saying it's
7 now within 15 percent of the NYSHIP --

8 MR. FRASSETTI: It's less than.

9 LEGISLATOR FORD: Less than 15
10 percent. During the course of this
11 negotiation waiting on Aetna, did you at
12 least look to see if there were any other
13 medical providers that may fall above the 15
14 percent?

15 MR. FRASSETTI: My understanding
16 is that in anticipation of this the human
17 resources department within the county has
18 been looking for months for the better part
19 of 2020 for a no-cost alternative but it's
20 not easy to find.

21 LEGISLATOR FORD: So hopefully it
22 can be easily resolved. I'm not going to
23 put you on the spot because I know it's all
24 negotiations and whatever, so you've
25 actually looked outside just to see just in

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2 case there's a back up, correct?

3 MR. FRASSETTI: Yes.

4 LEGISLATOR FORD: Thank you very
5 much.

6 CHAIRMAN NICOLELLO: Legislator
7 Legislator Bynoe.

8 LEGISLATOR BYNOE: Thank you,
9 Presiding Officer. Good day.

10 MR. FRASSETTI: Good day.

11 LEGISLATOR BYNOE: So I have
12 significant concerns regarding this item
13 being offered as an emergency. And the
14 item, actually, the timing of the item is of
15 significant concern as well.

16 So, as an emergency, this is
17 being presented to us without even having a
18 full report from OLBR. That's one of my
19 concerns.

20 But my primary concern is that
21 this is being offered as an emergency
22 without the reform process being completed.
23 So, I know that Rick just made some
24 assertions and commitments on the record
25 that his unit would be open to discussing

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2 any additional reforms that would come by
3 way of the community collaborative efforts
4 and I appreciate that.

5 But, I got to tell you, I've
6 lived through an experience here, since 2014
7 which this -- well, several of the members
8 of this body put in a piece of legislation
9 requesting body cameras back in 2014, and
10 the administration at that time, the police
11 commissioner, along with the County
12 Executive said we'll pilot a program for
13 body cameras, and it was met with opposition
14 from the union.

15 So, here we are six years later
16 and we finally have body cameras in a
17 contract. But I would argue that while
18 that's great, listen, I would like to take
19 the wins when we see them. This is
20 wonderful that body cameras is actually in
21 this contract, but my concern is that we are
22 silencing the voices of the community
23 stakeholders who are hard at work working
24 with this county administration along with
25 the police commissioner to effect some

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2 further reforms.

3 I feel as though, and I'll speak
4 on the issue later because the Presiding
5 Officer has made it very clear that he would
6 like us to stay on topic the emergency.

7 I think that it's ill-advised
8 that we would be presented something like
9 this, and I think that based on the reforms
10 not being in place and I think while I
11 support the men and women of law
12 enforcement, I work with them not only here
13 in my capacity as a legislator but in my
14 other capacity and I have respect for law
15 enforcement, and, in fact, even considered a
16 career in law enforcement, but I can't --
17 I'm tasked with two things here. I'm tasked
18 with making sure our employees of the
19 county, their needs are met, and I'm tasked
20 with making sure that my community's needs
21 are met.

22 We've heard a very loud
23 resounding call for reform and I don't know
24 exactly what those reforms will look like
25 because the process has not been fully

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2 completed because the process has not been
3 fully completed.

4 I think today if we consider this
5 by emergency we are silencing the voices of
6 those who are working, silencing the voices
7 of those who are committed to working with
8 the police department to bring some level of
9 reform so that policing feels a little
10 different here in this county.

11 I think it's a disservice for us
12 to consider this at this time. I have
13 plenty of questions about the reform process
14 but I will reserve it for the item but I
15 will tell you that today I cannot vote in
16 favor of an emergency. I think it's wrong
17 that it's even presented to this body in
18 this fashion for a host of other different
19 reasons; the declaration of need is not in
20 place, OLBR, but most importantly the
21 reforms are not in place so for that reason
22 I will be voting no on the emergency.

23 CHAIRMAN NICOLELLO: Legislator
24 Drucker.

25 LEGISLATOR DRUCKER: Thank you,

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2 Presiding Officer. Most of my questions
3 have been asked and answered thankfully.

4 I just want to be clear on some
5 the financials. Basically the emergency
6 here has been predicated as you diligently
7 explained based on the insurance, the health
8 care contributions, and it's important to
9 get it started by January 1st.

10 But, hypothetically, what would
11 be the impact if by pushing it until
12 December for the health care contributions
13 to start being made, let's say in the middle
14 of January, is that a significant affect?
15 Can someone just answer that?

16 MR. PERSICH: Andy Persich.
17 Office of Management and Budget. It will
18 have impact on the budget if we don't
19 realize the savings from January 1st.

20 LEGISLATOR DRUCKER: Do you know
21 how much of an impact?

22 MR. PERSICH: For the back years
23 of '19 and '20, it's going to cost us
24 approximately a million dollars this year.

25 When we make the lump sum payment

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2 that's what it will cost us.

3 Then we have the built in savings
4 for the health insurance and everything else
5 in the 2021 budget. It will have an impact,
6 financial impact. If it's not ratified 1-1
7 or 1-15, are we going to backdate it to 1-1?
8 You know what I mean? The agreement is in
9 place to start effective with all these
10 contributions on January 1st.

11 LEGISLATOR DRUCKER: What happens
12 when you backdate it to January 1st?

13 MR. PERSICH: The terms and
14 conditions are at that point. That's a
15 legal question. My point is, retroactively,
16 we go back and collect health insurance from
17 January 1st or January 15th or February 15th
18 or whatever we decide.

19 So it's a question of when we do
20 the collections of certain pieces of the
21 health insurance.

22 LEGISLATOR DRUCKER: So there's
23 real dollars of an impact on the county
24 budget by not starting it on January 1st.

25 MR. PERSICH: And the budget was

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2 built around patters that were set initially
3 by the DAI contract and then follow the --
4 it's pretty similar, not to the dollar or
5 penny or anything else, but the pattern was
6 built around that contract and this contract
7 follows suit. So does the budget.

8 LEGISLATOR DRUCKER: So it's a
9 financial necessity right now?

10 MR. PERSICH: It stabilizes the
11 county for eight years though too, the short
12 term. The long term effect is that we have
13 a stable labor agreement for eight years.
14 So it's easier for me from a budget
15 perspective to know what I have as opposed
16 to the unknown.

17 LEGISLATOR DRUCKER: Thank you,
18 Andy.

19 CHAIRMAN NICOLELLO: I just want
20 to follow-up with Andy, stay there for a
21 moment, on Legislator Drucker's question.

22 If I heard you correctly there
23 are costs that will be associated with the
24 contract and right now they would be in
25 2020. So if we delay this, you mentioned a

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2 figure of a million dollars. That million
3 dollars then hits the 2021 budget; is that
4 what you are testifying?

5 MR. PERSICH: Theoretically if we
6 delay it, the retro piece of this, for lack
7 of a better thing, would have to be paid in
8 one of the years, so -- we have, the million
9 dollars I can cover this year. The next
10 year has it built into the budget. That's
11 what the unknown is in the years forward.

12 Again, from a planning
13 perspective, how making a deal from a
14 budgeting perspective makes life easier in
15 the financial planning world so we can see
16 what it looks like.

17 CHAIRMAN NICOLELLO: This has
18 been questioned extensively but just going
19 back to Tatum, with respect to the Aetna
20 rates going up, when did we learn that the
21 Aetna rates were going up to an extent that
22 it would no longer be non contributory?

23 MS. FOX: The exact date I'm not
24 sure but it was soon after signing that we
25 asked for the rates thinking they would

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2 would normally have come out already and
3 they didn't. Again, I'm sorry, I don't have
4 someone from HR here. They were the office
5 who was speaking with the health care
6 representatives not myself.

7 CHAIRMAN NICOLELLO: When was
8 this side agreement signed, do you know?
9 May be Chris can tell us. He's right there.

10 MR. NICOLINO: November 12, 2020.

11 CHAIRMAN NICOLELLO: We have a
12 couple of more legislators but I really
13 question whether or not you can put this on,
14 you could have given this to us in time for
15 committees on November 9th, whether or not
16 the letter was in existence or not. I think
17 you had the information that you needed with
18 the rates going up. It could have gone
19 through the regular process instead of us
20 considering this by emergency.

21 None of the legislators are happy
22 that we have to look at this contract via
23 emergency.

24 Is the County Executive
25 recommending this emergency?

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2 MS. FOX: Yes.

3 CHAIRMAN NICOLELLO: Just one
4 other point before I turn it over to
5 Legislators Rhoads and Ferretti.

6 Whether or not we pass the
7 emergency we still would be able to take
8 this up in the course of the usual process
9 of the Legislature in December. So whether
10 or not we pass this by emergency today, we
11 would not be delaying this contract past
12 April anyway. The argument is being made we
13 have this packet and other groups studying
14 reforms, but whether or not we pass it by
15 emergency, we would be still considering
16 this in December and I would not think it
17 would be a good option for this Legislature
18 to postpone this contract into April, May,
19 June of next year because quite frankly with
20 vaccines on the horizon, things of that
21 nature, the economics may change.

22 So right now the county is in a
23 position where maybe they get a better
24 contract for the county but if they wait six
25 months, you may be looking at a vastly

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2 different contract.

3 MS. FOX: That's 100 percent
4 correct.

5 CHAIRMAN NICOLELLO: Legislator
6 Rhoads waiting patiently and then Legislator
7 Ferretti.

8 LEGISLATOR RHOADS: I just wanted
9 to briefly address a couple of the points
10 and I know we are speaking about the
11 emergency.

12 Two things. One, this
13 Legislature passed a balanced budget that
14 saved the taxpayers from borrowing that was
15 proposed by the County Executive hundreds of
16 millions of dollars. It did not extend
17 NIFA's existence beyond 2025 which is
18 currently forecasted. The County
19 Executive's plan would have extended NIFA's
20 existence through 2035 at a minimum, and the
21 budget plan saved the taxpayers \$237 million
22 by borrowing only what the county needed to
23 be able to meet its budget.

24 That budget was balanced, that
25 budget would have accommodated this

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2 contract, and the reason that a declaration
3 of need even becomes part of the
4 conversation is because the County Executive
5 vetoed that budget plan and the minority
6 caucus failed to override the County
7 Executive's veto.

8 So, before we talk about whether
9 a declaration of need is necessary, let's
10 talk about why a declaration of need may be
11 necessary, simply saying that we don't know
12 what we would do with the alternative, we
13 provided an alternative and it was rejected
14 by the County Executive and the Minority.

15 But with respect to this
16 particular contract and the timing, I just
17 want to make sure I'm correct in my
18 understanding, Rick, with what you were
19 speaking about.

20 Obviously police reform is an
21 important conversation. I've had some
22 concerns about the way that discussions have
23 been held specifically by the
24 administration. We've asked for a list of
25 who even the members are of PAC. We haven't

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2 been provided with that information. I was
3 essentially told it was none of my business.

4 We haven't had an indication
5 other than what we've heard through the
6 commissioner's community council meeting.
7 It's not even its briefings as legislators
8 but through the commissioner's community
9 council we've only gotten some tidbits of
10 some of what the police reform that the
11 administration was discussing. So I
12 understand the concerns.

13 However, I just want to make sure
14 if this agreement is passed today, and I
15 believe, Rick, you had indicated that
16 there's a difference between changes in
17 policy and I believe you used the term
18 impact. So most of the reforms that
19 theoretically could be implemented if they
20 are simply matters of policy do not even
21 have to be subject to a further side
22 agreement or memorandum of understanding; is
23 that correct?

24 MS. FOX: That's correct.

25 LEGISLATOR RHOADS: It's only

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2 those issues which the union believe may be
3 impact issues which require there to be some
4 sort of side negotiation just like the
5 memorandum of understanding that you reached
6 with respect to Aetna, it would be
7 negotiated as part of the side agreement?

8 MS. FOX: Correct.

9 LEGISLATOR RHOADS: So by passing
10 this today, this does not foreclose the
11 implementation of any police reforms that
12 may come as a result of whatever process the
13 administration is engaged in compliance with
14 the governor's order?

15 MS. FOX: It would not at all.

16 LEGISLATOR RHOADS: There's still
17 a process to implement whatever changes may
18 come?

19 MS. FOX: Absolutely. At any
20 point in time.

21 LEGISLATOR RHOADS: Thank you.

22 CHAIRMAN NICOLELLO: Legislator
23 Ferretti.

24 LEGISLATOR FERRETTI: Just
25 explain to me, at some point over the last

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2 five or six years, the Aetna health
3 insurance became an option for all the
4 unions, right?

5 MS. FOX: For people hired after
6 2014 for all unions.

7 LEGISLATOR FERRETTI: And that
8 was a non contributory plan?

9 MS. FOX: Yes.

10 LEGISLATOR FERRETTI: What was
11 the basis for that, was there a memorandum
12 of understanding?

13 MS. FOX: Yes, the basis for that
14 was the 2014 memorandum of agreement did
15 have language in there that the county would
16 work with the union to find a
17 non-contributory plan and, until one was
18 discovered, people would not contribute.

19 LEGISLATOR FERRETTI: In this
20 current contract that this Legislature is
21 considering, doesn't it account for all
22 memorandums of understanding from the
23 previous contract that they will continue
24 forward?

25 MS. FOX: Yes. So whatever

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2 people contributed, okay --

3 LEGISLATOR FERRETTI: I'm not
4 asking that. As it relates to health care,
5 isn't any understanding from the previous
6 contract continue forward into this
7 contract?

8 MS. FOX: Yes, except the
9 language said as 85 percent -- it didn't use
10 the word Aetna, it said a plan that is 85
11 percent of NYSHIP.

12 LEGISLATOR FERRETTI: Right. So
13 the previous MOA from the previous contract
14 carries forward this year in as much as the
15 county will have to work with the SOA to
16 find a non contributory option, correct?

17 MS. FOX: No. The healthcare --
18 that was only for 2014 employees. This
19 applies to all employees who have never
20 contributed yet. So it doesn't carry
21 through for the majority of the population.
22 That health care provision was only for 2014
23 forward. This applies to everybody.

24 LEGISLATOR FERRETTI: So, in
25 other words, let me make sure I understand.

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2 Under the memorandum of agreement that was
3 signed back in what year?

4 MS. FOX: '14.

5 LEGISLATOR FERRETTI: So anyone
6 hired from '14 forward would have a non
7 contributory option?

8 MS. FOX: Correct.

9 LEGISLATOR FERRETTI: Now, every
10 member will have a non contributory option,
11 correct?

12 MS. FOX: No. Just the 2014
13 people.

14 LEGISLATOR FERRETTI: Okay, so
15 then the previous memorandum of
16 understanding from 2014 carries forward,
17 right?

18 MS. FOX: Well, I was pointing,
19 yes, it does carry forward for that
20 population.

21 LEGISLATOR FERRETTI: So if that
22 carries forward, why was this rate increase
23 such an issue? Either way, the county was
24 going to be under that memorandum which
25 would require them to work with the SOA to

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2 have a non contributory option.

3 MS. FOX: Because there would be
4 a length of time that the people not
5 contributing were going to have to
6 contribute and that's what in '14 was
7 avoided and that's what's avoided now. They
8 didn't want a window of seven months where
9 someone would have to contribute where they
10 wouldn't have had to under the prior
11 agreement because the rates went up.

12 LEGISLATOR FERRETTI: We don't
13 have a new health insurance company picked
14 out yet, right, that has a non contributory?

15 MS. FOX: They are exploring.

16 LEGISLATOR FERRETTI: So what
17 happens if you can't find one in the next
18 six or seven months?

19 MS. FOX: As it's explained, it's
20 not a matter of not finding one, it's just
21 finding the best one. There out there but
22 they have, let's say, a higher deductible or
23 higher copay.

24 LEGISLATOR FERRETTI: I guess
25 what I'm not understanding is, you had this

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2 memorandum from 2014. Now you have a new
3 memorandum which you're saying is the reason
4 that we had to wait to entertain this
5 contract.

6 I don't see the difference
7 between the two. What's the difference
8 between that 2014 memorandum and this one?

9 MS. FOX: This memorandum now
10 requires all employees to contribute.
11 That's the difference between the two.

12 If you're saying what's the
13 difference between the 2014 and now, the
14 difference is now the plan will require them
15 to contribute which was not the intention.
16 So we waited for the rates and this is where
17 as I said time-wise how it landed with the
18 information from Aetna and NYSHIP.

19 LEGISLATOR FERRETTI: I know that
20 you indicated earlier that this was a major
21 concern of the SOA.

22 MS. FOX: It was both parties had
23 the intention when we sat to have a non
24 contributory plan. So when that wasn't
25 going to be based on the plan, we were both

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2 concerned it wasn't just one sided.

3 LEGISLATOR FERRETTI: But the SOA
4 did vote on this, correct?

5 MS. FOX: With, again, with the
6 assumption that there was a non contributory
7 plan that was going to be going forward. No
8 one at that time knew that Aetna was going
9 to go up.

10 LEGISLATOR FERRETTI: That's
11 still the assumption, right?

12 MS. FOX: Yes.

13 LEGISLATOR FERRETTI: I agree
14 with the line of questioning with Legislator
15 Drucker, I think he made a solid point.

16 At this point this is an
17 emergency because of the NIFA issue and the
18 financial issue. But in my opinion this is
19 a self created emergency by the
20 administration, and I certainly hope that
21 going forward as other contracts with the
22 other unions going forward that this is not
23 the course that the administration takes
24 because I think I'm not alone up here to
25 think that we could have entertained this in

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2 October through the process that it should
3 have been given. It's a shame that we're
4 not going to.

5 But I do support the emergency
6 because unfortunately we have no choice.
7 Thank you.

8 CHAIRMAN NICOLELLO: Legislator
9 Bynoe.

10 LEGISLATOR BYNOE: Thank you,
11 Presiding Officer. So there was comments
12 made and actually the Presiding Officer was
13 trying to lay out a timeline and so he
14 stated that April of '21 will be a long
15 period of time to wait for this contract to
16 be ratified by this Legislature.

17 Tatum, for my clarification, how
18 do you understand the process? Is it that
19 you can't enact until April 21, or is it
20 that it has to be on or before? I think you
21 need to clarify that for the record.

22 MS. FOX: So, for the reform, it
23 has to go out -- the draft plan for reform
24 has to be published to the public at large,
25 the entire county has to have access to the

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2 plan to see it and read it, digest it.

3 LEGISLATOR BYNOE: I understand
4 that. I already know the answer to the
5 question I asked but I'll be more specific.

6 It's not that we can't enact or
7 we can't put a plan before this body until
8 April '21, it's on or before, is that
9 accurate?

10 MS. FOX: Yes.

11 LEGISLATOR BYNOE: So it wouldn't
12 be if we didn't call this by emergency today
13 that we would have to wait until April '21?

14 MS. FOX: Because of the time,
15 that's not -- the process is going to
16 require us to probably make it as close to
17 that date.

18 LEGISLATOR BYNOE: So I'm going
19 to read, just as it is in the executive
20 order, is that "we certify adoption of the
21 plan to the state budget director on or
22 before April 1, 2021." So on or before.

23 MS. FOX: There is too much that
24 needs to occur in my opinion based upon all
25 the meetings we were having.

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2 LEGISLATOR BYNOE: Excellent.

3 I'm happy you said that because if there is
4 too much that needs to occur.

5 MS. FOX: I mean procedurally.
6 It has to go out to the public, it has to
7 come before this Legislature.

8 LEGISLATOR BYNOE: Right. But
9 before it goes to the public, there's work
10 that has to be done by that body; am I
11 correct?

12 MS. FOX: It's being done.

13 LEGISLATOR BYNOE: It's still
14 underway.

15 MS. FOX: I'm not talking about
16 substance, I'm talking about process.

17 LEGISLATOR BYNOE: It's still
18 underway though? The plan is still
19 underway?

20 MS. FOX: It will be can be still
21 underway after at public gets to comment on
22 it. It's a fluid draft.

23 LEGISLATOR BYNOE: So in the
24 event that between now -- since you stated
25 on the record that there is still so much to

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2 be done --

3 MS. FOX: Procedurally.

4 LEGISLATOR BYNOE: And even
5 conceptually because there's still thoughts,
6 concepts, in theory right now that are being
7 evaluated for potential implementation,
8 correct?

9 MS. FOX: What I would say is, we
10 support law enforcement we support police
11 reform, but they're not mutually exclusive.
12 So you can put the contract forward. There
13 is no reason to delay it based on police
14 reform.

15 LEGISLATOR BYNOE: But I disagree
16 wholeheartedly and I'm going to tell you why
17 I do. I already used the body cameras as an
18 example, that, we should have been able to
19 implement body cameras back in 2014 met by
20 opposition from the union.

21 So, what happens now, if someone
22 in the PAC, the CCT, or even in the general
23 public when you go out for public hearing on
24 this document comes up with a concept for
25 consideration, but we've already locked

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2 ourselves into an 8 and a half year contract
3 that would restrict us from being able to
4 implement or not do it without it being very
5 costly to the county because we would be
6 negotiating really against ourselves because
7 there really and truthfully is -- we're
8 locked into an 8 and a half year contract
9 and we would be at the mercy of the unions
10 to open those contracts.

11 MS. FOX: I respectfully disagree
12 and that at any time in the 8 and a half
13 year term of any contract you can
14 renegotiate if it needs to be negotiated, as
15 President Frassetto said, the majority of
16 reform will be based in policies and
17 procedures which is managerial prerogative
18 of the police department.

19 LEGISLATOR BYNOE: There is
20 impact. That's why there is impact
21 negotiations. It's because the impact of
22 the policy or the procedure then requires
23 negotiation. Just like the body cameras.
24 In theory, we could have implemented body
25 cameras but there was an impact that was

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2 tied to that deployment and the impact of
3 that deployment was what stopped this county
4 from being able to deploy body cameras.

5 So, just in theory if you look
6 through the executive order, some of the
7 things they tell us to look at and consider,
8 how complaints will be reviewed and how
9 disciplinary action will actually be
10 implemented or disbursed.

11 That being said, I know that that
12 would have to have an impact on
13 negotiations.

14 MS. FOX: You do have to have
15 impact negotiations on certain items, but
16 you can still implement while you are having
17 impact negotiations.

18 LEGISLATOR BYNOE: Why didn't we
19 implement the body cameras?

20 MS. FOX: Because the county
21 administration at the time, the unions
22 wanted the policy changed.

23 LEGISLATOR BYNOE: So they can't
24 be separate from each other as far as I
25 understand, we couldn't deploy body cameras

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2 and in the same breathe say that the
3 policies -- there were to policies tied to
4 is it?

5 MS. FOX: They could have.

6 LEGISLATOR BYNOE: But we didn't
7 negotiate those.

8 MS. FOX: They could have but
9 made a decision not to.

10 LEGISLATOR BYNOE: Because we
11 knew we were in a contract and it's my
12 understanding that we knew we were in a
13 contract, it's going to be harder to
14 negotiate things into a closed contract as
15 opposed to a contract that the county would
16 be seeking to extend.

17 I mean, that's just common sense
18 to me. You can't tell me it's as easy to
19 implement change to a contract that's
20 signed, that's inked, or a contract that's
21 still being negotiated. It applies logic
22 for us to even sit here and even say that
23 that is the case.

24 MS. FOX: It's actually, from a
25 labor negotiation standpoint, it's easier

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2 when you just have a limited scope to
3 negotiate rather than the entire contract
4 like we did now. I have, again, I
5 respectfully disagree.

6 LEGISLATOR BYNOE: Okay. That's
7 great that you say the overarching full
8 contract. At this point you've ironed out
9 most of your contract. The only things we
10 would be talking about are the final points
11 of reform. That would be the only thing we
12 would be ironing out at this point.

13 Listen, I want to the men and
14 women to have the benefits and I want the
15 county to have the benefit of some of the
16 advantages they have negotiated into the
17 contract, but I also want the community,
18 people marched in the middle of COVID in the
19 hot sun because they wanted reforms. How do
20 we close the door on that? How do we do
21 that at this point in time?

22 MS. FOX: We are not. We're not
23 at all.

24 LEGISLATOR BYNOE: We are. I
25 have experienced that. I've experienced it

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2 here and I've experienced it my other
3 capacities where we tried to later bring in
4 or change policy, as simple as people
5 swiping, doing a swipe pass saying they were
6 for attendance at work, was a big situation.

7 MS. FOX: That's a mandatory
8 subject of negotiation. You must, policy
9 and procedures you cannot negotiations,
10 don't necessarily land in a contract.

11 LEGISLATOR BYNOE: I totally
12 disagree and I know that you'll make your
13 assertions and I will make mine.

14 But at the end of the day, common
15 sense is common sense to me. You have your
16 contract laid out, you need some final
17 points. Spend some time to identify the
18 issues that the community wants to see and
19 then negotiate it and then present the
20 contract.

21 This is something that should be
22 done that way. I feel like we are again
23 putting, again, the cart before the horse.
24 I see it way too often, we undertake these
25 things without full consideration of the

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2 impact to the community that we're here to
3 serve.

4 I'm going to close by saying that
5 we can hold this up, just for the members on
6 this body, for clarification, we can hold
7 this up and it doesn't have to take until
8 April 2021, but it should take as long as it
9 takes to make sure the reforms are baked
10 into the contract. Thank you.

11 CHAIRMAN NICOLELLO: Legislator
12 Ford.

13 LEGISLATOR FORD: I guess to a
14 certain degree I also share your
15 frustration, Legislator Bynoe, in regard to
16 this process but my take is a little bit
17 different.

18 I know that you've been meeting
19 in regard to the police reforms with these
20 committees and I think Legislator Rhoads had
21 indicated that we had asked for information.
22 We don't know who's sitting on these
23 committees, we don't know all the people
24 involved.

25 We had asked in the past to be

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2 included in this and that we have an
3 understanding of what is being discussed.

4 Now, here we are, left in the
5 dark on that. All of a sudden now despite
6 the fact that perhaps this SOA contract
7 could have come before us in October, much
8 earlier than this, now it is the 12th hour
9 so to speak.

10 It really is unfair to all of us
11 who sit up here and as well as to all the
12 residents of Nassau County when we're trying
13 to be as open as possible to let the people
14 know what is going on, what we're voting on
15 and to find this here at the last minute, I
16 think that I would have been more
17 comfortable voting on this had I had a
18 glimpse of what some of the recommendations
19 for police reform of what these committees
20 are suggesting to see if they will have any
21 impact in regard to the contract we are
22 voting on today or to know that it's just
23 going to be policy or something that would
24 not have to be basically baked into the
25 contract but maybe it will have to be.

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2 I really think that this really
3 is a disservice. I, though, consider voting
4 for the emergency to let it go through.

5 I understand in regard to this
6 but I have to say that it is an
7 uncomfortable feeling. I believe in our
8 police and I think that they too also
9 deserve more respect in having everything
10 being open to the people that are going to
11 help decide their contract and their future.
12 Thank you.

13 CHAIRMAN NICOLELLO: I think
14 we've had a full and fair debate and
15 discussion.

16 I'm going to call for a vote.
17 Are all legislators in our seats? I know
18 some of us are at home.

19 All in favor of establishing the
20 emergency signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (Nay.)

24 I've got three nays, one by
25 Legislator Bynoe, Minority Leader Abrahams,

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2 one by legislator Solages; is that accurate?

3 LEGISLATOR ABRAHAMS: Yes.

4 CHAIRMAN NICOLELLO: So the
5 emergency passes by a vote of 16 to 3.

6 Now that we have had a lengthy
7 discussion, now it's time to go to the
8 merits of the contract. The floor is yours.

9 MS. FOX: Okay. Thank you for
10 your continued and ongoing support and thank
11 you for hearing this by emergency though I
12 respect all of your frustration and I
13 understand it.

14 So jumping right in. The
15 agreement between the county and SOA has
16 similar scenes as the DAI. My plan was to
17 give a very general overview and answer your
18 specific questions if that's acceptable.

19 The term is the same, 8 and a
20 half years, January 1 of '18 to June 30 of
21 '26.

22 General wage increases. Same as
23 the DAI, a total compounded rate of 15
24 point, I think it's 9-6 percent throughout
25 the term.

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2 Additional appearances. All
3 members below the rank of deputy inspector.
4 That's sergeant, lieutenant and captain.
5 They will work five additional appearances a
6 year.

7 Employee health care
8 contributions, two percent of base earnings
9 and then that's in 2021, January 1 of 2021.
10 Then that rates increases the following two
11 years, 2.25 in '22, and 2.5 in 2023.

12 Termination pay cap. No change
13 to termination pay cap for incumbents, but
14 going forward those that promote after
15 December 31, 2025 will have a 1.75 cap and
16 those with initial higher dates after 2025
17 will have a 1.5 cap.

18 What's different, but, again,
19 it's the same valuation as the DAI is a
20 senior supervisor stipend. So members with
21 at least six years of supervisor will
22 receive a stipend effective January 1st and
23 then July 1. January 1 and then July 1
24 thereafter.

25 Performance pay. Any member with

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2 at least ten years as a supervisor and upon
3 successful completion of supervisor training
4 program will receive a performance pay
5 stipend of \$1,500.

6 Body worn camera program. This
7 is now just background. The county issued a
8 request for expression of interest in June.
9 They got the most up to date information,
10 with any technology with body cameras, it's
11 ever evolving. That's the most up to date.

12 11 responses were received from
13 vendors. They were invited in to give a
14 presentation in September. Members of the
15 three police unions as well as the District
16 Attorney's Office, police department,
17 information technology, budget office,
18 Office of Minority Affairs and Shared
19 Services were all included in those
20 presentations. Eight vendors, eight
21 presentations.

22 Of the 11 vendors, four happened
23 to be on state contract. So the plan is to
24 have the bid out early January of 2021. We
25 are in the process of hiring a body camera

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2 consultant to help manage all of this to
3 keep us on track to get this implemented by
4 the date in the contract which is September
5 and that contract I believe was filed and
6 will be presented to this body.

7 So that's a general overview.
8 Now I'm happy to answer any specifics.

9 CHAIRMAN NICOLELLO: Do you in
10 general have the amount of the budgetary
11 impact of the contract on an annual basis?

12 MR. PERSICH: Andy Persich,
13 Office of Management and Budget. For the
14 back years, which is '19 and '20, it equates
15 to about a million dollars. For '21 it's
16 about \$700,000. In '22 it's about \$7
17 million. In '23 it's \$15 million, and in
18 '24 it's \$26 million. '25 it's 40. And at
19 the end the total cumulative cost is \$55
20 million.

21 CHAIRMAN NICOLELLO: Can you go
22 through those numbers again?

23 MR. PERSICH: I was reading the
24 cumulative effect which was incorrect.

25 The first two years are a million

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2 dollars. '21 is a small savings but not a
3 lot. In '22 it's about 6.2. In '23 it's
4 8.4. In '24 it's 11 million. In '25 it's
5 14 million. In '25 it's \$14 million. And
6 in '26 it's \$15 million. The cumulative
7 effect over the eight years is approximately
8 \$55 million dollars.

9 CHAIRMAN NICOLELLO: For the
10 budget years '19 and '20 then, it will cost
11 a million dollars. '19 is close. How do
12 you go about paying that?

13 MR. PERSICH: We will pay it out
14 of '20 money.

15 CHAIRMAN NICOLELLO: 2020.

16 MR. PERSICH: 2021.

17 CHAIRMAN NICOLELLO: In 2021 in
18 fact there's savings?

19 MR. PERSICH: Correct.

20 CHAIRMAN NICOLELLO: Go ahead.

21 MR. PERSICH: But we did build
22 some budget numbers in there as a result of
23 that.

24 CHAIRMAN NICOLELLO: What does
25 that mean?

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2 MR. PERSICH: It means that
3 imbedded in the 2021 budget we built in a
4 pattern of union contracts within inside the
5 budget, so --

6 CHAIRMAN NICOLELLO: That would
7 be important if there was cost?

8 MR. PERSICH: Pickup
9 theoretically. We cost it out to be a
10 little bit more.

11 CHAIRMAN NICOLELLO: It's
12 probably not for you, Andy, but will this
13 contract reopen the detective's contract, do
14 they have a reopen clause in there?

15 MR. NICOLINO: Chris Nicolino.
16 No, it will not following the pattern
17 established in the detective's contract,
18 evaluation is the same.

19 CHAIRMAN NICOLELLO: This
20 contract provides for additional days to be
21 served by superior officers, correct?

22 MS. FOX: Yes. Five a year.

23 CHAIRMAN NICOLELLO: My
24 understanding through speaking to President
25 Frassetti is that this will give the

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2 Superior Officers, A, an opportunity to
3 spend time at the range.

4 MS. FOX: Correct.

5 CHAIRMAN NICOLELLO: And also will
6 give superior officers additional time for
7 any training that might result as a result
8 of this reform process; is that correct?

9 MS. FOX: Yes. Two of the five
10 have been earmarked for change.

11 CHAIRMAN NICOLELLO: Anyone else
12 have any questions? Thank you, Tatum.
13 Legislator Schaefer then Legislator Bynoe
14 and Legislator Drucker.

15 LEGISLATOR SCHAEFER: Hi. How
16 are you? So two of the five days that
17 additional days are mandated for training?

18 MS. FOX: It was agreed upon that
19 they would be used for training.

20 LEGISLATOR SCHAEFER: For
21 whatever training is necessary at the time
22 or how is that going to be determined?

23 MS. FOX: Whatever training at
24 the time, so, yes, two full days so they can
25 add in.

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2 LEGISLATOR SCHAEFER: Is the
3 training at the range mandatory or is that
4 just an option?

5 MS. FOX: Mandatory. Any
6 training is mandatory.

7 LEGISLATOR SCHAEFER: And there
8 is no training right now mandated for
9 superior officers at the range?

10 MS. FOX: No.

11 LEGISLATOR SCHAEFER: It will be
12 one a year potentially?

13 MS. FOX: Correct.

14 LEGISLATOR SCHAEFER: And once a
15 year?

16 MS. FOX: Once a year.

17 LEGISLATOR SCHAEFER: That's all
18 I have right now.

19 CHAIRMAN NICOLELLO: Legislator
20 Bynoe.

21 LEGISLATOR BYNOE: This question
22 is for the commissioner. Commissioner, can
23 you tell me over the last year about how
24 many times you received a communication from
25 the PBA or any police union regarding any

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2 opposition to changes that you were
3 attempting to employ?

4 COMMISSIONER RYDER: I don't have
5 that number. I couldn't even guess.

6 LEGISLATOR BYNOE: But you
7 received some?

8 COMMISSIONER RYDER: Yes.

9 LEGISLATOR BYNOE: More than a
10 handful?

11 COMMISSIONER RYDER: Oh, yes. I
12 think you all get the same copies.

13 LEGISLATOR BYNOE: Changes that
14 you were trying to implement as it relates
15 to their daily activities, correct?

16 COMMISSIONER RYDER: That's
17 correct.

18 LEGISLATOR BYNOE: So I'm just
19 establishing that while they say it's a
20 paramilitary style operation, that
21 everything that you tried to implement does
22 not get implemented?

23 COMMISSIONER RYDER: No. Not
24 everything. Many things go through. It's
25 when I change anything in the work

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2 environment it has to be negotiated which is
3 a process that we go through.

4 LEGISLATOR BYNOE: It happens
5 routinely. So thank you. That's the only
6 question I have for you.

7 I'm going to turn my questions
8 to, I want to talk a little bit about these
9 groups that have been set up for reforms.
10 Can you tell me the difference between PAC
11 and CCT?

12 MS. FOX: So the PAC was
13 established prior to the executive order and
14 that was dealing with the community and we
15 were going through the protests and dealing
16 with the community and going through at
17 protests and the police did a great job as
18 the protesters got a chance to express
19 themselves. That's how PAC began. It took
20 a pivot to incorporate the executive order.
21 What we did with PAC, we had presenters and
22 open discussion.

23 The CCT is another group of
24 community stakeholders, and remember this is
25 all with social distancing and COVID. We

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2 didn't meet in person. We switched to zoom.
3 That's neither here nor there.

4 But CCT, they have subject matter
5 experts for lack of a better word on the CCT
6 and they break out into working groups and
7 work on the governor's guidelines with
8 questions.

9 So PAC is invited to view the
10 CCT. The CCT is invited to hear the
11 presentation. So there's an overlap, but
12 they are two separate groups. The working
13 groups are in CCT.

14 LEGISLATOR BYNOE: But both are
15 tasked with potentially coming up with some
16 type of reform suggestions; correct?

17 MS. FOX: Yes.

18 LEGISLATOR BYNOE: And you said
19 in PAC, primarily receiving presentations,
20 and I suspect that that's in line with the
21 executive order to the extent that there's a
22 process where the county is supposed to
23 provide an overview of its current policies?

24 MS. FOX: Yes. So, for instance,
25 we've had civil service give a presentation.

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2 We've had DSS, Mental Health give
3 presentations.

4 The DA is giving a presentation
5 at the next meeting. We've had the police
6 department, professional standards did a
7 presentation. So, yes, to give information
8 into these departments so that they have a
9 better understanding of what we currently do
10 and how we can improve.

11 LEGISLATOR BYNOE: During those
12 discussions, is somebody in the room
13 physically like tabulating so that they have
14 an idea, recording and compiling suggestions
15 that are bubbling up?

16 MS. FOX: Some of the presenters
17 give us documents themselves. We hear the
18 ideas, we talk about them with the PAC and
19 we keep talking about them. So we all know
20 what ideas have come up. A lot have been
21 dealing with mental health. We let them
22 know about the local law which was passed
23 with the Health Committee. I thank the
24 legislative body for passing that.

25 So the CCT had someone keeping

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2 notes, but the PAC doesn't. Because it's
3 more of a presentation. It's a different
4 design.

5 LEGISLATOR BYNOE: Are you able
6 to talk a little bit about what some of
7 those suggestions have been?

8 MS. FOX: I would right here
9 right now I would say I could tell you some
10 of the ideas but I don't think it's
11 appropriate because we are going to be
12 putting it out to the public. But it's
13 everything in the guidelines we are looking
14 at every single question.

15 If you look at the governor's
16 guidelines, all the topics that it hits,
17 with training with recruitment, bias
18 training, all those topics are being
19 discussed. That would be my general answer.
20 There is nothing in there that we're not
21 talking about.

22 LEGISLATOR BYNOE: So what is the
23 purpose of these town halls that are being
24 held?

25 MS. FOX: Again, information out

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2 so the community can hear. They're left up
3 on Facebook so anyone can go back and hear
4 them to begin to educate on what we
5 currently do.

6 That's why when they hear that,
7 we say now, how do you think it can be
8 reformed or re-imagined.

9 LEGISLATOR BYNOE: So based on my
10 review of the process as laid out by the
11 governor, it looks like we're only -- it
12 looks like they're seven steps and we are
13 only on step number two.

14 MS. FOX: I don't have the phases
15 in front of me to answer you. I wasn't
16 prepared for that.

17 LEGISLATOR BYNOE: We have yet to
18 then, as far as I'm concerned, to involve
19 the entire community in a discussion,
20 correct?

21 MS. FOX: Can you repeat that?

22 LEGISLATOR BYNOE: Have we
23 involved the entire community in a
24 discussion? Because the town halls I viewed
25 on Facebook, as you stated, they look like

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2 presentations. They don't look like --
3 they're not open discussions.

4 MS. FOX: So we have input also
5 from the commissioner's community council
6 which is every legislative district. We
7 have stakeholders on both on the CCT.

8 The whole point is, we can't talk
9 to every person that lives in the county
10 obviously. So we are going to put the plan
11 up so that everyone can see it and give
12 their input. We have to give a reasonable
13 amount of time for that to happen.

14 So people will read the plan, the
15 proposed draft plan, give the input, we have
16 to go back, re-look at the plan and present
17 it to this body. So also every one will
18 have access to.

19 LEGISLATOR BYNOE: So in viewing
20 those town hall style meetings, it looks as
21 though certain questions are selected by
22 maybe a member of the County Executive staff
23 and then she's given those questions and
24 then she answers, but there are a lot of
25 questions left unanswered, and it appears

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2 they're unanswered and, moreover, it
3 appears, like I said, it's not a discussion.
4 So it appears to me we are only at stage two
5 of this work.

6 MS. FOX: We are not at phase
7 two. Again, I don't have it committed to
8 memory what the phases are.

9 But at every town hall the County
10 Executive says, please check out our website
11 and you can email us at, and then there's an
12 email address for people to give input at
13 any time through the website.

14 LEGISLATOR BYNOE: Earlier today
15 Ms. Marion spoke on the record regarding her
16 organization. Are you familiar with any --
17 I think there are several organizations as I
18 understand it that are concerned about the
19 police reform.

20 Have you meeting with those
21 groups and having conversations?

22 MS. FOX: Some of those members
23 are on the CCT but I don't recall who they
24 are. But they have been communicating with
25 letters and, like I said, some are on the

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2 working groups.

3 LEGISLATOR BYNOE: You can't
4 today at my point give us any idea what they
5 are talking about?

6 MS. FOX: I'm on PAC, that's not
7 CCT.

8 LEGISLATOR BYNOE: That
9 certainly doesn't give me any comfort. You
10 already know I'm in the position that I
11 don't have a comfort level, but I think my
12 comfort level is even dwindling.

13 MS. FOX: For example, we've
14 talked about retraining CB ops when it comes
15 to, and, I don't want to, again, there is a
16 plan coming forward to this legislative body
17 from the Mental Health Committee and that
18 overlaps too with some of our reform.

19 I'm not on that committee. I
20 don't want to speak to that. But we talked
21 about retraining CB ops when it comes to
22 mental health involving mobile crisis team
23 more when it comes to calls. Bias training,
24 reaching out to the community. More PAL,
25 doing community events, having officers on

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2 bikes in the community, get to know the
3 community, get to know the people so that
4 when you see them you have a relationship.
5 Those are the types of things we talked
6 about.

7 The collection of data is a big
8 discussion. Having a better way to track
9 summons, the traffic system that we use in
10 the New York State system didn't have a
11 field for rates. That's something we're
12 changing. Those are some examples.

13 LEGISLATOR BYNOE: So there has
14 been to talk at all about disciplinary
15 action or complaints?

16 COMMISSIONER RYDER: Yes, there
17 has been. There's been numerous
18 conversations about training, and, again,
19 not just with CCT, not just with CCC, and
20 not with the PAC.

21 Several meetings with the Elmont
22 community. I had one the other night with
23 the Hicksville community. I've had two with
24 Long Beach. I've had a couple in Great Neck
25 and the mayor's association.

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2 There's 1.4 million people in the
3 county and we're reaching everybody we can
4 now and they're going to get an opportunity
5 to comment when the plan gets put forward.
6 All of these comments, all of these
7 conversations brings different ideas and
8 suggestions.

9 This is about reform. That's
10 about moving forward. We get stuck going
11 backwards. We're trying to make change,
12 real change. Change that will mean
13 something to these communities and that's
14 what we're trying to do.

15 But, again, in fairness to Amy is
16 they have done a great job challenging us
17 and we met most of the challenges, but,
18 again, we're not required to collect the
19 data that Suffolk County collected. We are
20 not in a descent decree.

21 We collect the data that we
22 collected. The suggestions going forward
23 that the state system did not provide for us
24 we are changing because that group made that
25 suggestion.

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2 Okay, we're all right with
3 collecting. That's not an impact bargaining
4 thing. That is a policy by the department
5 on what we collect. That is a procedure by
6 the department about what we collect.

7 Many of these things are policy.
8 We don't like outcome sometimes because of
9 what they are. We can't judge them on a
10 broad picture. We have to look at the
11 individuals. So when the comments come up
12 about discipline, you're not disciplining
13 enough officers. Again, the cart before the
14 horse. Our horse is so far in front of the
15 cart it's not even funny.

16 We check every box on what that
17 governor has asked us. We've done all of
18 that training.

19 The state requires 770 hours of
20 training. We have done over 1200 for our
21 cops and we do additional training, but we
22 can do better, we can do more, and we listen
23 to the reforms. Many of them I agree with.
24 We are going to make changes going forward
25 to do it better.

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2 This department has been through
3 hell in 2020 and they've answered everything
4 that we have been tasked to do. I don't
5 advocate for that union. I don't advocate
6 for any union, but I do advocate for their
7 members.

8 The service that the men and
9 women have done, and I have been listening
10 to this for the last couple of hours and I
11 know there's a lot of behind the scenes and
12 I get that. I'm just frustrated because
13 they deserve a fair contract that they
14 fairly negotiate. I have nothing to do with
15 the negotiation but I do know what they went
16 through.

17 I do know going forward that I'm
18 telling them to come to work again when
19 everybody is going to be back at home inside
20 their doors, I'm asking them to come out and
21 risk their lives and their families to do it
22 again.

23 So, when we talk about reform,
24 it's about moving forward. True difference
25 in the communities. I agree with that, and

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2 you know I am. And my cops agree with it.
3 They did a phenomenal job with these
4 protests. They went out there and knocked
5 it out of the park. We weren't rolling
6 around the streets and windows busted and
7 fires. Again, that's also a credit to the
8 protesters, that went peaceful and worked
9 with us.

10 We got through it because we
11 teach de-escalation, teach implicit bias.
12 These are things that are not even in the
13 state curriculum that we've already been
14 teaching for years.

15 LEGISLATOR BYNOE: And,
16 commissioner, you would already know,
17 because you weren't the commissioner at the
18 time, but you would already know that I know
19 a lot of what you're saying is true because
20 when Perf came in, we rolled up our sleeves.
21 Many times we were in the same meetings
22 regarding the de-escalation techniques.
23 There were a lot of things that were changed
24 well in advance of the executive order. I'm
25 not disputing that. Nor am I disputing the

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2 hard work of the men and women during 202.

3 Nor am I refuting the fact that they are

4 entitled to have a contract.

5 What I'm fighting for is that I

6 think this whole body is entitled to is

7 having a process that's not chaotic. Having

8 a process that is not disjointed. One that

9 can move this county forward, okay, properly

10 in a way that -- in decency and in order in

11 a way that the residents that we serve don't

12 feel disenfranchised or silenced by this

13 process and an opportunity for the men and

14 women of law enforcement to get what they

15 need.

16 This is not decency. This

17 process is not being in decency and in

18 order. That is been --

19 COMMISSIONER RYDER: By the small

20 majority. They're the ones --

21 LEGISLATOR BYNOE: Maybe you are

22 not hearing what I'm saying.

23 COMMISSIONER RYDER: We have been

24 out doing this with the community forever.

25 LEGISLATOR BYNOE: I don't think

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2 you're hearing what I'm saying. What I'm
3 saying is that I feel that I'm placed in a
4 disadvantage. I'm set up to not be able to
5 support this contract today because of the
6 way it was sent down. It's about timing.

7 I was set up to make this a no
8 vote. My hands are tied on that because of
9 timing. We could have done this in decency
10 and order.

11 We knew we wanted a contract for
12 our law enforcement and we were supposed to
13 be committed to reforms. We should have
14 done this in a way that no one was sitting
15 out here disenfranchised and everybody was
16 moving forward together.

17 COMMISSIONER RYDER: Agreed.

18 LEGISLATOR BYNOE: That's the
19 problem today, not anything that happened in
20 2020. Not the work -- the satisfaction of
21 my satisfaction with the men and women and
22 especially during the year such as this,
23 that's not for debate today. What's for
24 debate today is the process and timing and
25 it's bad.

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2 CHAIRMAN NICOLELLO: Legislator
3 Drucker.

4 LEGISLATOR DRUCKER: Thank you,
5 Presiding Officer. I guess my question is
6 for President Frassetto and the commissioner
7 too. President Frassetto, you met with us,
8 you talked about the distinction of your
9 contract versus policy which is promulgated
10 by the PD, Commissioner Ryder, and
11 implemented but your contract is separate
12 and apart.

13 But I would really like your
14 commitment because we talked about that.
15 We're all aware that police reforms are
16 coming down the pike as mandated by the
17 governor and we all talked about that today
18 and I for one are eager to see these reforms
19 and roll up our sleeves and make the
20 necessary structural changes and
21 improvements to implement these reforms that
22 our county and country are crying out for.

23 But, are you prepared to commit
24 on behalf of your members to embrace these
25 reforms regardless of your contract?

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2 I'm not talking about
3 inconsistencies, but, contract aside, are
4 you prepared to commit on behalf of your
5 members that you are going to embrace
6 reforms coming down the pike?

7 Maybe the commissioner can help
8 you as well on this because we are talking
9 about policy now, but you're also involved
10 in policy even though you're involved in a
11 union and a contract, your members also have
12 to deal with policy, so are you prepared to
13 commit for us today? I would like to hear
14 your statement on that.

15 MR. FRASSETTI: I think it's
16 obvious our commitment is already there by
17 showing that we have body cameras in the
18 contract. This actually gives us a seat at
19 the table to make it more transparent and
20 make the process go a lot smoother.

21 We are further committed to
22 reform but I cannot comment on what you're
23 asking exactly because I don't know what
24 you're speaking about.

25 If you give me specific questions

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2 I might be able to answer them, but until we
3 see what's actually on the table I can't
4 comment. But some things will be mandated
5 to do no matter what.

6 LEGISLATOR DRUCKER: I'm not just
7 talking about body cams, they're great, we
8 all recognize how important that is in terms
9 of going forward as the commissioner talks
10 about. We talked about reforms about
11 implicit bias, systemic racism, enhanced
12 training, the incorporation and inclusion of
13 healthcare professionals to deal with mental
14 illness, addiction, domestic violence.

15 So these are the type of reforms
16 that are more policy driven, but I would
17 really like a commitment on the record that
18 you guys are going to work together on this.
19 We're not just passing a contract today in a
20 vacuum.

21 COMMISSIONER RYDER: The men and
22 women take an oath to protect and serve the
23 people in this county, with all great risk
24 to themselves and to their families.

25 They take that oath, not by race,

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2 not by religion, not by creed, in fairness
3 to all.

4 I will stand on the record today
5 that I'm all for reform. Reform that
6 protects both sides. Reforms that make a
7 difference in fairness to the way people are
8 treated in the streets of Nassau County.

9 But I also know this, from the
10 data that we have, is that our cops do a
11 hell of a job and do a great job in service,
12 and that's why we don't have the complaints.

13 I'm not saying we should never be
14 in fear of somebody not making that
15 complaint because they're afraid of us,
16 that's a problem, and we recognize that.
17 Not that it's by our fault but it's
18 something that we have to change. We are
19 talking about that with the reform.

20 Again, I will stand on record.
21 I'm the policy man. It comes from the top
22 down. I make those decisions and they have
23 to live with them.

24 If I change their work rules,
25 they have a right to grievance that.

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2 But most of the things we talk
3 about today are not because of Nassau County
4 it's because of the state civil service
5 rules. They dictate how we hire and
6 promote, not the police department.

7 We try to hire the best and we
8 live within those rules and, again, I will
9 stand by that. We will be all about the
10 reform and make that difference.

11 Body cams, they don't come into
12 play unless we put them out there. We're
13 not even there yet. The approval of it is
14 yes and that's now on me to do that and do
15 it in the process that will be both
16 agreeable to all of the unions to make it
17 work.

18 LEGISLATOR DRUCKER: Thank you.
19 President Frassetto, you indicated that but
20 I wanted to be clear not just the body cam
21 but some of the other policy reforms that
22 are coming down and you certainly will
23 embrace those, right?

24 MR. FRASSETTI: We are fully open
25 to discussion, absolutely.

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2 LEGISLATOR DRUCKER: Thank you
3 very much.

4 CHAIRMAN NICOLELLO: Another
5 point he's trying to make is he is president
6 of the union and really cannot, unless he
7 actually sees the reforms, he can't commit
8 but obviously he's shown his attitude and
9 his working approach.

10 LEGISLATOR DRUCKER: Which is
11 what I was looking for.

12 CHAIRMAN NICOLELLO: Minority
13 Leader Abrahams and Legislator Ford.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Presiding Officer. I appreciate it.

16 My question line of questioning
17 is really tied to Commissioner Ryder.

18 First and foremost, I want to
19 concur with Legislator Bynoe. I truly
20 believe that the police department works
21 really hard, the men and women, not just SOA
22 and PBA and DAI, but the entire police
23 department whether it's civilians or not
24 work really hard towards making the best
25 police department we have.

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2 That being said, we do have many
3 in our county that would like to see us move
4 forward as it pertains to reforms.

5 Though whether you believe the
6 police department, whatever, indifferent, we
7 can always make it better. Especially when
8 we have a congruent of people that actually
9 believe it could be made better.

10 That being said, Commissioner, I
11 do have a question for you. We talked a
12 little bit about the reforms and what you
13 are working on. Obviously there comes a
14 point when this actually gets rolled out to
15 the community at large so they can have an
16 opinion on what is presented.

17 I always believe that this should
18 be moved forward as a community's plan. I
19 think anything short of that really doesn't
20 carry the integrity or the justice that it
21 deserves.

22 The community should be able to
23 have input as well as be able to see some of
24 their ideas implemented.

25 If you can explain to me how that

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2 process can work going forward I would
3 appreciate it.

4 COMMISSIONER RYDER: So, yes,
5 sir, thank you. I concur with just about
6 everything you're saying. We have been out
7 there in the community. I'm out three to
8 four nights a week on different zooms. On
9 the weekends it's zoom. Speaking to
10 different groups about what reform is, about
11 what we do and about what we want to modify
12 and change going forward.

13 Those modifications is where we
14 all live in. This is where we want to make
15 change. That's the column that we're trying
16 to lineup and get on the same page.

17 We can't reach everybody but we
18 are doing that. The County Executive does
19 more of a speaking and explaining process.
20 The CCT does the working groups, the PAC
21 does another.

22 My CCCs have been briefed three
23 or four times already about what we're
24 doing.

25 But we keep getting stuck about

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2 the past. To move forward we have to come
3 up with ideas and suggestions. Again, I
4 give that credit to the CCT, they have come
5 up with great ideas and we have made some of
6 them already. The data we're putting out;
7 how we are going to put this data out; the
8 documents.

9 But it doesn't stop on April
10 21st. Reform is forever. We're always
11 going to try to make our police department
12 better. And I'm looking at the screen like
13 I'm actually physically seeing you right
14 now. I just realized that.

15 But that's what the reform is. I
16 see it. I envision it. That we roll this
17 document out. I believe in the month of
18 December sometime. I believe then I present
19 those modification and changes that are
20 requested, suggest it back to the
21 legislative body. The legislative body may
22 want to have a public hearing on that or two
23 and speak to their constituents and then
24 they vote. When they vote, then that gets
25 turned up to the governor in April.

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2 Again, that's the process and
3 it's a huge audience that we're talking to.
4 There has been a lot of outcry and a lot of
5 different issues that we are trying to
6 address. That's what we're doing.

7 Listen, I can't speak what's on
8 my sleeve any more than what I'm doing. We
9 are really trying to make change.

10 But at the same time we have a
11 great police department. We live in the
12 safest county in America for a reason, but
13 we don't want to make sure we get there
14 violating anybody's rights.

15 We're going to look at
16 everything. We're going to evaluate it and
17 we're going to see what needs to be changed
18 and training is the priority. This
19 contract, if you approve it, gives me
20 ability to training for the first time in, I
21 don't know, 50 years in this department.

22 We don't have that ability.
23 Every time we go to training it cost us
24 money. Now we have the ability to train for
25 the first time on implicit bias, bias

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2 awareness, how we look at de-escalation and
3 now the new changes and use of force.

4 That's all part of positive change that
5 makes our police department better. I hope
6 that answers the question.

7 LEGISLATOR ABRAHAMS: So,
8 commissioner, I appreciate your response and
9 we all want to see how the police department
10 can be made better.

11 But, as you know, and you and
12 have had very frank discussions, there are
13 folks in our county that fear the police.
14 They have a distrust of police.

15 One of the things that myself and
16 Legislator Bynoe proposed was a complaint
17 hotline which basically wouldn't change in
18 our opinion the disciplinary practices,
19 those things will still be at your
20 discretion, however, it will add a level of
21 integrity and transparency.

22 Unfortunately that particular
23 measure never saw the light of day in the
24 Legislature.

25 But this is the type of thing

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2 that community leaders are pushing for.
3 Things that we have heard, adding more
4 transparency, integrity, to the process.

5 I don't know if that's
6 incorporated into your reforms, but I think
7 this is what we are talking about.

8 Here is a measure that was
9 proposed many months ago and I haven't seen
10 anything whether it's from the
11 administration or the majority that have
12 talked about this particular measure, their
13 thoughts on the measure, whether or not the
14 measure should go forward.

15 The only thing I will say is,
16 with respect to the Presiding Officer, was
17 that he felt that he did not want to do
18 anything in piece mail and wanted to do
19 everything in one shot.

20 But can you speak to any -- can
21 you inform us whether or not any measures
22 like this in terms of adding transparency as
23 well as more accountability to the process
24 is incorporated into the reform plan?

25 COMMISSIONER RYDER: Absolutely.

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2 So what you put forward, you and I spoke
3 about, and Legislator Bynoe spoke about, I
4 will tell you this, some of that is being
5 incorporated into our change. We didn't
6 need legislation to have reform. Some of
7 that works for us, it makes us better, it
8 gives us better transparency, so we have
9 done that.

10 The victim advocacy's now will
11 accept complaints and how we are going to
12 accept complaints anonymously, way that you
13 can go on a website, way that you can do it
14 by phone. There's follow-up so they get
15 notified and they get told of the outcome
16 and follow up going forward.

17 That's why I think the
18 frustration is. This document is -- this
19 fluid working document that we're doing, we
20 keep taking pieces of change and we go back
21 and enter it into the document.

22 I meet with my chiefs and we talk
23 about it. Then I get with the analyst and I
24 say, we need to incorporate this into the
25 program and here is where we want to drop

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2 this. We're all for that.

3 But recommendations are not fully
4 absorbed but if we can pieces of it we start
5 making it better.

6 LEGISLATOR ABRAHAMS: Okay. So,
7 commissioner, this is a more of a difficult
8 question.

9 Obviously we talked a little bit
10 about the need for the community to
11 formulate in conjunction with the county the
12 plan and I feel that they're actually
13 participating in the plan and how it's
14 developed.

15 However, I will say this. This
16 hasn't been debated or discussed but I can
17 tell you there are definitely segments of
18 the district that I represent that are
19 pushing for CCRB, civilian complaint review
20 board.

21 That being said, that civilian
22 complaint review board, if it was considered
23 to be in the discussion of the reform plan,
24 I know full well that plan would have to
25 have some level of acceptance from the

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2 unions.

3 But, however, we are considering
4 a contract today and, as an example in the
5 next couple of months, you hear a ground
6 swell of support for CCRB, are we prepared
7 to tell those people that they can't have it
8 because the police department doesn't
9 support it or because it's not in the
10 collective bargaining agreement?

11 COMMISSIONER RYDER: The police
12 department supports all fair reporting that
13 comes forward to us. How the process is and
14 who adjudicates and decides, the police
15 department takes everything under advisement
16 and we look at it.

17 Right now the way we do it in the
18 police department, there are ways to make it
19 better. I don't think those items that we
20 talk about internally which have not been
21 presented yet will have to have any union
22 involvement. It's our decision. It's a
23 policy decision.

24 But as far as going forward with
25 CCRB and stuff, again, we listen to these

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2 recommendations and we take them under
3 advisement.

4 LEGISLATOR ABRAHAMS:

5 Commissioner, I understand the proposals you
6 feel that you are putting forward and
7 formulating before they get rolled tout to
8 the community do not require any type of
9 collective bargaining. I believe you when
10 you say that.

11 However, I want to see what the
12 plan looks like once it reaches 1,000,
13 10,000, 20,000 people and they start to
14 opine on it.

15 What I'm asking is, if there's a
16 ground swell of people that are pushing for
17 reform and pushing for a CCRB because they
18 believe that's the accountability that the
19 county needs, then I'm asking you, would
20 that be incorporated into the plan and if it
21 was incorporated into the plan, how would it
22 be incorporated into the plan when
23 collective bargaining agreements are already
24 ratified, they're already approved by the
25 Legislature and done by NIFA?

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2 COMMISSIONER RYDER: Because any
3 change going forward in the department we
4 can always sit down and renegotiate. It's
5 an MOU that we sit down and decide under a
6 memorandum of understanding on how we are
7 going to move forward with this item.
8 Whatever that item is.

9 LEGISLATOR ABRAHAMS: You feel
10 and you're telling this legislative body
11 that any particular reform that needs to be
12 renegotiated can be renegotiated once the
13 contract, even though the contract is
14 approved by the Legislature, signed by the
15 County Executive and approved by NIFA.

16 COMMISSIONER RYDER: Yes,
17 absolutely.

18 LEGISLATOR ABRAHAMS: Then I go
19 back to the back and forth between Tatum Fox
20 and Legislator Bynoe.

21 I can't understand for the life
22 of me that -- I am glad to see that the SOA
23 has incorporated and have been leaders in
24 regard to body cams in this particular
25 contract. I just want to thank them for

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2 that measure. It speaks volumes in terms of
3 the direction they believe that transparency
4 will provide to Nassau County residents. It
5 begs the question on what exactly happened
6 with the last police contracts and then how
7 that pertains to the body cam measures that
8 myself and my colleagues have put together
9 in terms of trying to do a body cam pilot
10 program.

11 At that time it sounded like the
12 unions were not in support of it. And if
13 the unions are not in support of a CCRB, how
14 does this play out any differently?

15 MS. FOX: So it would work out
16 differently depending on if it was a
17 mandatory item of negotiation. If that's
18 the case, regardless of the topic, we would
19 have to enter into an MOA which would amend
20 this contract at any point in time.

21 If it's just impact negotiations,
22 we could implement it but we would be
23 required to negotiate the impact of that
24 with the union.

25 LEGISLATOR ABRAHAMS: I understand

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2 that you have to enter into a memorandum of
3 agreement to be able to do that, but what
4 I'm trying to say is, to judge the
5 willingness of what the unions would do, the
6 appropriate time would be now, when you're
7 negotiating and give and take on both sides
8 on a multitude of issues.

9 I'm sure the SOA basically had to
10 get something in the agreement. It's a
11 contract. It's something that's being
12 negotiated. And I'm sure there was give and
13 take for them to accept body cameras.

14 I'm glad they did. It shows the
15 fortitude of their union but at the same
16 time there is give and take.

17 Now you're saying you would come
18 at a later point after the agreement is done
19 to establish the MOA which, I'm guessing, if
20 I'm understanding you correctly, the county
21 would reopen the contract and potentially
22 give something back in order to get
23 something in that the community at large is
24 looking for as part of the reforms?

25 I've only been in the county for

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2 the last 18 years. I don't think I have
3 ever seen that happen to a particular
4 contract. If I could be wrong, but I don't
5 think I've ever seen that. So I want to
6 make sure I understand your logic correctly.

7 MS. FOX: I wouldn't call it
8 reopening, we would not be reopening the
9 entire contract. We would be amending,
10 adding to it. If it requires mandatory
11 negotiations because it's a term and
12 condition of employment we would be required
13 to do.

14 LEGISLATOR ABRAHAMS: So
15 basically you're saying that you would
16 reopen it and, at the same time, you are
17 expressing that the union -- you're not too
18 sure what the union would support, but
19 obviously you're stating for the record
20 today that the union would basically -- they
21 would have to deal with it is what you are
22 implying which I don't think that's the
23 case.

24 But if I understanding you
25 correctly, you're not giving them anything

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2 as part of the MOA because you are not
3 reopening the agreement, or the contract,
4 you're not giving them anything, so
5 basically they're just going to have to
6 accept whatever you are proposing.

7 MS. FOX: Respectfully, no, I'm
8 not saying that. That's too hypothetical
9 for me to answer what we would give in a
10 concession for something. I just don't
11 know. It's premature for me to answer that.
12 But, again, it would have to be a mandatory
13 item of negotiation.

14 So, if it's not, it doesn't touch
15 the contract at all.

16 LEGISLATOR ABRAHAMMS: I actually
17 respectfully disagree. Because, like I said
18 before, this is not pie in the sky, this is
19 not me making it up.

20 I believe Amy Marion, I know if
21 she's still there, but I know she spoke on
22 behalf of the group I'm talking about. They
23 held a press conference on the steps of the
24 Legislature and one of their reforms were
25 CCRB. That's not hypothetical.

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2 Now we are in the reality realm.

3 If they garner the support for CCRB and we
4 start to hear this at our community meetings
5 when this gets rolled out, I have to tell
6 you, it would be embarrassing if you're
7 going to say to a large majority of people a
8 reform they are seeking is not going to be
9 incorporated into the reform plan, then what
10 are we doing that for?

11 Look, I support the fact that we
12 are doing community centers and officers on
13 bikes. That's great, but, more importantly,
14 I want to make sure I hear it from people
15 that are pushing for the reforms. I want to
16 hear what their priorities are.

17 It sounded like to me from the
18 group that was there, one of their
19 priorities was a CCRB and obviously we need
20 to wait to see what the larger community
21 anticipates and supports but I would want to
22 see their support. I would want to see what
23 the larger community supports and make sure
24 it's incorporated into the reforms, no ifs
25 ands or buts.

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2 MR. NICOLINO: Chris Nicolino,
3 director of labor relations. I'm reluctant
4 to say on the record what is and what is not
5 a subject of mandatory negotiation because
6 our friends for the union are here and we
7 often disagree on what those are exactly.
8 But if it's a policy that's being
9 implemented, I would maintain that it's
10 something that we don't have to negotiate
11 and if it's something that affects the terms
12 and conditions of the workplace it is. I
13 don't know where the CCRB would fit in on
14 that spectrum. Certainly we can address it
15 through an MOA if it was something that did
16 need to be negotiated or address it through
17 a policy modification if it was something
18 that didn't have to be negotiated.

19 Nothing will be set in stone, in
20 other words, by this contract and the
21 signing off of this contract.

22 LEGISLATOR ABRAHAMS: Thank you,
23 Chris, for saying that. Look, I'm using the
24 CCRB as an example because that has been
25 presented and documented whether it's by

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2 Newsday reports or whatever.

3 What I'm ultimately saying is
4 that there could be a group of reforms that
5 if we're not cognizant of what they are
6 right now, they can very well impact what
7 the collective bargaining agreements this
8 legislative body approves.

9 From that standpoint I will be
10 voting no on the contract today.

11 But, thank you, Chris, and thank
12 you Tatum and thank you, Commissioner, for
13 your candor today. Thank you.

14 CHAIRMAN NICOLELLO: Thank you.
15 Legislator Ford.

16 LEGISLATOR FORD: Thank you very
17 much, Presiding Officer. I'm a little
18 confused with regard to the reforms and the
19 process that we're going through. It
20 appears to me that you have already brought
21 some of these recommendations to the public
22 or by zoom meetings.

23 COMMISSIONER RYDER: If somebody
24 brings up use of force, and they talk about
25 use of force, we saw what happened in

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2 Minneapolis. We explained to them that we
3 don't teach the choke hold. We never have.
4 We teach a thing called the carotid
5 restraint. But, under the new law, it has
6 been removed. The last class. We put out a
7 departmental order.

8 We don't have to wait until April
9 to do that. As a matter of fact we can't
10 wait until April. We made that change.
11 That's already done. It's already in place.
12 That is a modification for the use of force.
13 There's many others that come with that.
14 But that's an example of how some things we
15 changed right away.

16 Mental health you know we have a
17 committee. Commissioner McCummings has done
18 an outstanding job with what we've been
19 sitting down and having great meetings on
20 it, how we can treat those people that need
21 that service better and what we can do.

22 But some of the changes I've
23 already implemented because I can't wait for
24 the change to notice that I have a
25 shortcoming. I have to fix that now. We

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2 have done that.

3 So some of the recommendations
4 that come forward, we have changed them
5 already. Some of the recommendations that
6 come forward we still meet and discuss on
7 how we can do it and collection is one of
8 the biggest and how we can do better on data
9 collection. Again, that's what we're
10 working towards.

11 When that all gets compiled for
12 these working groups, it's going to go out.
13 When it goes out, we're going to get more
14 recommendations. Some we will take, some we
15 won't. Some have already been in there,
16 just not seen the right way. Then we can
17 finish that document and present it back to
18 all of you. You will get it at the same
19 time the public gets it of course.

20 LEGISLATOR FORD: We were hoping
21 we could see the recommendations prior to
22 the public also because in case any of us
23 have any recommendations as well.

24 COMMISSIONER RYDER: That might
25 not be an issue, let me take a look at it,

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2 but, again, it's a breathing document. If I
3 gave it to you today, by the end of next
4 week, I made numerous changes just in the
5 last PAC meeting.

6 LEGISLATOR FORD: Because I guess
7 you heard like from so many of the
8 legislators, we're all a little frustrated
9 because we have no idea what's been
10 discussed. Basically what are the ideas,
11 what are the recommendations at this point.
12 Voting on something today. We don't know
13 what impact it will have on the contracts
14 should it be passed next year, these
15 recommendations.

16 COMMISSIONER RYDER: I can tell
17 you, CCRB can be done as a separate deal on
18 the side, and the cameras is already in the
19 works, which is great. I don't know about
20 the discussions with the PBA, I don't know
21 that.

22 What I do know is this, the
23 majority, almost all of the changes and
24 reform have nothing to do with an item that
25 I have to negotiate. There are policies,

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2 there are procedures on how we train.

3 The only thing we are training
4 would become, how I train, meaning I can't
5 bring them in on a day off without paying
6 them, so that has to be figured out. But if
7 I have training days as I do in the SOA
8 contract, I can bring them in now and train
9 them.

10 LEGISLATOR FORD: Which is good.
11 I guess with the reforms too you have had to
12 incorporate basically the reform or the
13 repeal of 50A, are those -- take part in
14 these type of recommendations also?

15 COMMISSIONER RYDER: I don't hear
16 what it was.

17 LEGISLATOR FORD: 50A.

18 COMMISSIONER RYDER: Yes. That's
19 a law. That's not reform. That's do it, it
20 has to be done.

21 LEGISLATOR FORD: So that's done
22 and with in mind whatever recommendations
23 the public has and everything like that, but
24 what if all of a sudden we go through all
25 this and we come up with our recommendations

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2 and we think it's good and we send it up to
3 the governor and he doesn't like what we
4 did?

5 COMMISSIONER RYDER: I can tell
6 you, and, look, I read the guide several
7 times and I understand what's in it and I
8 understand what we do, I don't know who
9 wrote the guide but it wasn't directed at
10 Nassau County Police Department. It's
11 directed at a broader audience.

12 Not that there are some thing
13 that we have to do better now, I agree.
14 Some things we have to fix and do better, I
15 agree. But it's written to cover the broad
16 spectrum of all those 500 agencies in the
17 state of New York.

18 LEGISLATOR FORD: I thank you and
19 I do want to say that you have been rather
20 progressive in approaching the police
21 department with some of the reforms, so I
22 respect you for that.

23 COMMISSIONER RYDER: Thank you.

24 CHAIRMAN NICOLELLO: Any other
25 legislators?

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2 (No verbal response.)

3 The only thing I would add is
4 just to amplify what Legislator Ford just
5 said. Every institution, especially a
6 paramilitary institution needs to be looked
7 at on a regular basis. Reforms are always
8 welcome. Physical training is always
9 welcome and we'll see what comes out of this
10 process.

11 But the discussion here has to be
12 in -- the context of every department, it
13 does have some flaws and missteps over the
14 years but has been remarkably successful.

15 As you have said, proactive in
16 terms of its training, in terms of how its
17 members operate, the professionalism, the
18 education.

19 So we will discuss before going
20 forward and obviously something is going to
21 be presented to us at one point. But let's
22 not lose sight of the focus that this
23 department in particular has been
24 overwhelming successful.

25 COMMISSIONER RYDER: Thank you.

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2 CHAIRMAN NICOLELLO: Anyone else?
3 Anyone remote?

4 (No verbal response.)

5 Thank you very much. I'm going
6 to call for a vote. All in favor of the
7 contract signify by saying aye?

8 (Aye.)

9 Those opposed?

10 (Nay.)

11 I believe it's a 16-3 vote. With
12 Carrie Solages, Legislator Bynoe and
13 Minority Leader Abrahams voting in the
14 negative. So the contract passes. Thank
15 you, Tatum and thank you, Commissioner.
16 Thank you.

17 MS. FOX: Thank you everyone.

18 CHAIRMAN NICOLELLO: We are going
19 to take a five minute break. We have a
20 couple of things coming up and we need to
21 discuss a couple of developments.

22 (A recess was taken.)

23 CHAIRMAN NICOLELLO: We still
24 have some more emergency items to consider.
25 We have a second emergency calendar. There

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2 are three items on it, 290-2020.

3 We are going to hold off on the
4 emergency items until we have the item.

5 Let's go back to the main
6 calendar. Item 29, Resolutions 154, a
7 resolution authorizing the county of Nassau
8 to amend the 2019 housing and urban
9 development action plan as amended, to file
10 an application for additional federal
11 assistance with the US Department of Housing
12 and Urban Development.

13 LEGISLATOR MCKEVITT: So moved.

14 LEGISLATOR MULE: Second.

15 CHAIRMAN NICOLELLO: Moved by
16 Legislator McKeivitt, seconded by Legislator
17 Mule.

18 MR. CREAN: Good afternoon.
19 Kevin Crean, Office of Community
20 Development. This item before is you is an
21 amendment to the 2019 annual action plan,
22 actually the second amendment. The purpose
23 for the amendment is to add additional Cares
24 Act funding that was awarded to the county
25 under the Community Development Block Grant

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2 Program and the Emergency Solutions Grants
3 Program. The Block Grant Program has an
4 additional \$9.5 million and The Emergency
5 Solutions Grant Program an additional \$10.6
6 million.

7 So the amendment went through a
8 five day comment period prior to it being on
9 the legislative calendar under communities
10 on November 9th. That time period has
11 elapsed.

12 Once the Legislature acts on the
13 action plan amendment we will submit the
14 plan to Hud for their review.

15 CHAIRMAN NICOLELLO: Can you give
16 me that breakdown again?

17 MR. CREAN: The CARES Act funding
18 had several rounds of allocations in them.
19 So there was a Community Development Block
20 Grant CB round one, where the county
21 received eight and a half million dollars
22 and Emergency Solutions Grant round one,
23 which had \$4.2 million. Those were in our
24 first amendment that was approved in April.

25 So then the second round for both

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2 of these pots of money went just to states
3 and territories. The third round then had
4 additional allocations to entitlements such
5 as Nassau County. So that included \$9.5
6 million for the Community Development Block
7 Grant Coronavirus, and \$10.6 million in
8 Emergency Solutions Grant Coronavirus.

9 CHAIRMAN NICOLELLO: These are
10 monies we're receiving that we ordinarily
11 would not get?

12 MR. CREAN: That's correct. The
13 rules governing these programs are the same
14 as the general programs, except for the fact
15 that Hud issued numerous waivers for several
16 items and the funds have to be utilized to
17 address, respond to, plan for or prevent the
18 coronavirus spread.

19 CHAIRMAN NICOLELLO: What kind of
20 waivers?

21 MR. CREAN: Well, one of the
22 waivers included the caps on public services
23 for the Community Development Block Grant
24 Program generally the program has a 15
25 percent cap on public services because the

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2 coronavirus pandemic, the response includes
3 many public services, for instance,
4 including food bank distribution, emergency
5 food, mental health, substance abuse,
6 workforce development, those items all come
7 under via category public services.

8 So, generally, the Community
9 Development Block Grant Program is 15
10 percent cap on that. The cap was waived so
11 we can provide much larger amounts of
12 funding towards those items.

13 CHAIRMAN NICOLELLO: Focus on the
14 portion that is slated to go for the grants
15 for the restaurants.

16 MR. CREAN: So the proportion
17 slated to go for the restaurants come under
18 the category of economic development. Under
19 the first round we had funding allocated for
20 that as well, but the economic development
21 fund went for the PPE distribution that was
22 done several dates in Eisenhower Park for
23 the businesses in general as they were
24 reopening.

25 We also allocated funding through

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2 the LEAC, Local Economic Assistance
3 Corporation, which is a non profit along
4 with the IDA, in conjunction with the boost
5 of the New York Forward Program, we
6 established a Boost Nassau Program through
7 an allocation of \$250,000 in economic
8 development funds through the first round of
9 block grant funding. We have leveraged \$10
10 million through the National Development
11 Council.

12 So they have now cleared \$1
13 million in loans awarded under that program.
14 So that came under the first round and that
15 program is ongoing, Boost Nassau program.

16 In the second round of the
17 Economic Development Funds have been
18 targeted to assisting restaurants to recover
19 from the pandemic. Those will be provided
20 as grants, that's the anticipation.

21 CHAIRMAN NICOLELLO: Is that in
22 the federal guidelines, requirements,
23 regulations, is it specifically allocated by
24 the feds?

25 MR. CREAN: It's an eligible

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2 activity. It's been an eligible activity
3 under the Block Grant Program. The
4 assistance to for profit business is
5 eligible. There are some requirement that
6 go with that obviously, but we can provide
7 the funds either through loans, loan
8 guarantees, grants. It's up to the local
9 municipality how they wish to provide those
10 funds.

11 Every activity which is funded
12 under the Block Grant Program also has a
13 national objective in the program.
14 Generally the most useful one is low
15 moderate income benefit and you can do that
16 through area benefits, so a lot of our
17 downtowns that have census data that allows
18 us to provide funding for downtown
19 improvements, improvements of businesses,
20 making sidewalk improvements, park
21 improvements, that would be done on an area
22 wide basis.

23 Then you have the limited
24 clientele where you can actually identify
25 the individuals that will be benefitting

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2 such as a housing rehabilitation so the
3 individual would have to have an income that
4 applies.

5 In this case, economic
6 development, the low moderate income benefit
7 can be adjusted through job creation or job
8 retention.

9 So, generally, the program
10 requires that you have a minimum of one job
11 created or retained per \$50,000 in
12 assistance.

13 The Coronavirus waivers actually
14 increases that amount to \$85,000. So you
15 can provide a lot more funding with fewer
16 jobs created.

17 Our program we're enacting is a
18 \$10,000 grant. It's very easy for
19 restaurants to identify one low moderate
20 income job \$10,000 in assistance. So we are
21 trying to set the bar low for these
22 restaurants so as many restaurants can
23 qualify as possible.

24 CHAIRMAN NICOLELLO: And the
25 total amount that's set aside for this

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2 restaurant program is \$2.5 million?

3 MR. CREAN: \$2.5 million in
4 allocation, yes.

5 CHAIRMAN NICOLELLO: How did you
6 arrive at this number? Could have been more
7 or could have been less?

8 MR. CREAN: Could have been more,
9 cover been less. We still have some funds
10 that are budgeted but aren't specifically
11 earmarked for specific projects yet. So the
12 demand is so great, that we decided we may
13 want to open up and do a second round if
14 it's possible for us to move more money into
15 that program.

16 CHAIRMAN NICOLELLO: Does it have
17 to be restricted under federal regulations
18 to restaurants, can it be other commercial
19 activity with a low or moderate income
20 employee?

21 MR. CREAN: It doesn't have to be
22 restricted to restaurants though it can be
23 opened up to other businesses. We thought
24 to, because of the limited amount of money
25 available, \$10,000 really per restaurant,

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2 we're really targeting 300 restaurants. We
3 have to open it up to all types of
4 businesses because it would be spreading the
5 money too thing and it wouldn't really have
6 an impact on the businesses in Nassau
7 County.

8 CHAIRMAN NICOLELLO: Who is going
9 to make the decision as to which restaurants
10 are eligible.

11 MR. CREAN: The National
12 Development Council, we are contracting with
13 them to run the program. They have been
14 running a similar program in a consortium of
15 communities in Northern Texas. So we looked
16 at the criteria they are using there and we
17 made some changes to it so that it fits our
18 needs here.

19 But, essentially, those
20 applications that come in will be funded as
21 they are completed. So the applications
22 that come in are completed and are eligible,
23 they will be funded through chronologically
24 received.

25 Those that are incomplete, NDC

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2 will work with them to make sure they're
3 complete. We've also set it up so that
4 there's a 25 percent set aside for
5 restaurants that are owned by minority
6 business enterprises or women owned business
7 enterprises.

8 CHAIRMAN NICOLELLO: What is this
9 National Development Council, a private
10 entity?

11 MR. CREAN: It's a not-for-profit
12 that operates nationally. We have
13 contracted with them already. So this is an
14 amendment to their contract.

15 When we did our 2020 consolidated
16 plan, our five year consolidated plan, we
17 have been hearing from a lot of our
18 consortium members that they wanted to
19 establish a development program. This is
20 something we spoke to the National
21 Development Council about a year ago.

22 Our contract with the National
23 Development Council actually includes the
24 economic development component. We had
25 planned to fund that with 2020 funds.

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2 Then that was before the pandemic
3 hit. That was already included in our
4 contract with them.

5 We anticipated having to amend
6 the contract to add funds to it at this time
7 using 2020 funds.

8 Right now we are using the
9 Coronavirus funds and trying to get to the
10 specific need.

11 We found that a lot of our
12 consortium members, although they have
13 expressed a need and desire to have an
14 economic development program, one, it wasn't
15 fair to have different small programs
16 operating in cities or towns or villages
17 where businesses in other villages that did
18 not have the capacity to run their own
19 program would be shut out of that program so
20 it was more practical to have a countywide
21 program so that any business in Nassau
22 County could apply as long as they were
23 eligible.

24 CHAIRMAN NICOLELLO: Two more
25 questions and I will be done.

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2 Number one. What is it that
3 prevents influence on the National
4 Development Council in this selection
5 process? For example there's a call and
6 they say, I want a restaurant B to be
7 covered. So these guys are outside of the
8 influence members or whatever?

9 MR. CREAN: Is anyone outside of
10 influence I can't say, but I think the way
11 the program is set up, they will have an
12 online application portal and the portal
13 will rank the applications as they come in.
14 They will be dated, they will be time
15 stamped. It will be clear as to when the
16 applications came in. We can provide some
17 oversight as to how they're rating in the
18 rank.

19 We will not have any oversight.
20 We will not see the list of applications,
21 the applicants that are on their list. We
22 will be providing them with any instructions
23 on what businesses other than the
24 constraints the program set up.

25 CHAIRMAN NICOLELLO: So the

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2 restaurants themselves, their application
3 will go to the National Development Council?

4 MR. CREAN: That's correct.

5 CHAIRMAN NICOLELLO: The county
6 doesn't see that?

7 MR. CREAN: That's correct.

8 CHAIRMAN NICOLELLO: One last
9 question. Are there restrictions on how the
10 restaurants can spend the grant money?

11 MR. CREAN: We purposely worked
12 with the NDC because initially we were
13 thinking about helping businesses address
14 the desire to have outdoor seating, maybe we
15 can help them purchase heat lamps or tents.

16 As the season went on and we
17 realized that a lot of businesses had
18 already purchased heat lamps and we
19 understood there were restrictions for heat
20 lamps and tents placed on by the fire
21 marshal and we heard from a lot of
22 communities that there are restaurants in
23 their municipalities that don't have access
24 to parking lots because they are on the
25 middle of a street, or their sidewalks are

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2 not wide enough, we decided to make the
3 program more general, so essentially as
4 operating capital. They can use it to pay
5 their staff, purchase food, pay their
6 insurance, their rent, what have you. So
7 that's purposely left very vague and making
8 it more flexible for the restaurants
9 themselves.

10 CHAIRMAN NICOLELLO: Thank you.
11 I appreciate it. Legislator Ford.

12 LEGISLATOR FORD: Good afternoon,
13 Kevin. I know that one of the requirements
14 for a restaurant to be eligible is that they
15 have to have been in business prior to March
16 9th of 2019, around that date, say March
17 1st, 2019.

18 My concern is also for the new
19 businesses, the new restaurants. Is there
20 any way -- I don't know if this is possible
21 under this, if a restaurant say was ABC
22 restaurant, and like say in April of 2019
23 the ownership changed. It's the same
24 restaurant, same location. Owners changed
25 from ABC to CD.

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2 Is the new owner still eligible
3 to be able to try to get the grant to get
4 the five to \$10,000?

5 MR. CREAN: I did get some
6 clarification on that because we heard that
7 question before.

8 The definition of in operation
9 would include being incorporated. So even
10 if they had not opened on March 1st, they
11 would have had to file their incorporation
12 papers months earlier. So even if they
13 opened in August or September, in essence
14 they would have been in by March 1st. In
15 the case where a business changes hands,
16 that's our intent as well. But this will be
17 inclusive. We are trying not to restrict it
18 so much.

19 But the businesses do have to
20 show that they have seen a financial hit due
21 to Coronavirus. That's part of the federal
22 regulation for this Coronavirus money, that
23 they would have had to seen a revenue drop
24 off.

25 They do have to have a certain

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2 number of months of receipts so they can
3 demonstrate the change in the revenue from
4 pre COVID to post COVID.

5 LEGISLATOR FORD: So then a
6 restaurant that maybe would have been slated
7 to open in May and found that they couldn't
8 open, they wouldn't be eligible for this?

9 MR. CREAN: Technically, no,
10 because they would not be able to show a
11 drop in revenue. In May of 2020 you say?

12 LEGISLATOR FORD: Say they were
13 going to open up May 2019 but because of --

14 MR. CREAN: No. May of 2019 they
15 should be fine because they would have been
16 incorporated, filed for permits. They would
17 have been an entity already at that point by
18 March. How far into the fall we go, it's
19 then that you start to get a little bit more
20 touchy.

21 LEGISLATOR FORD: So then any
22 business that was slated to open this year,
23 I'm losing my mind, but they would not be
24 eligible?

25 MR. CREAN: Not in this current

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2 program, no. But I think if we do see there
3 is a significant demand for new businesses
4 that we're not able to open we could adjust
5 the program in the second run out. From
6 what we're hearing, just given the last
7 couple of days, this is very popular
8 program. There's a lot of restaurants and
9 municipalities are telling us that there is
10 a high demand for this so we do expect to be
11 oversubscribed for the two and a half
12 million dollars and we will see how the
13 other items in the budget goes.

14 We may be able to make some
15 additional funds available, so we can make
16 some changes to the requirements at that
17 point.

18 LEGISLATOR FORD: I hope so
19 because after Sandy there were grants that
20 were given to businesses and unfortunately
21 some of them that had opened, right before
22 Sandy hit, were not eligible and sad to say
23 I think two of them down in my area actually
24 were both women owned businesses, they went
25 under.

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2 So I'm hoping that if the intent
3 is to give them the assistance so they stay
4 in business and they're economically viable,
5 that even the new ones, we can find a path
6 to help them so that they can continue to
7 stay in operation and hopefully service us
8 for many many years.

9 MR. CREAN: There was a lot of
10 discussion and we just want to work out the
11 parameters of the program. We also have to
12 consider making it a priority or strictly
13 for downtowns. So much of our Community
14 Development Block Grant money over the last
15 few years has gone to improving downtown
16 revitalization projects.

17 But then there's going to be a
18 lot of restaurants that are in shopping
19 centers and strip malls that would have been
20 shut out, so we are trying to make it as
21 inclusive as possible but you have to draw
22 the line at some point just so that there's
23 some structure around the program.

24 But if see there are a lot of
25 businesses that fall short we are willing to

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2 listen to make adjustments.

3 LEGISLATOR FORD: You might hear
4 from food truck people.

5 MR. CREAN: I did see another
6 community working with food trucks since we
7 were working on this, we were looking at the
8 programs. I guess in different parts of the
9 country food trucks are -- I know they're
10 more popular particularly in Long Beach
11 areas but yes.

12 LEGISLATOR FORD: Thank you so
13 much.

14 CHAIRMAN NICOLELLO: Anyone else?
15 Legislator Rhoads.

16 LEGISLATOR RHOADS: Thank you,
17 Mr. Presiding Officer. Could you just tell
18 us, I know that \$2 million is going towards
19 the restaurant program through the Community
20 Development Block Grants but I understand
21 there was \$9.5 million received.

22 MR. CREAN: 9.5 and in the staff
23 summary that I think you should have been
24 provided with, it outlines the different
25 pots of funding.

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2 LEGISLATOR RHOADS: Can you just
3 go through the remaining 7.5, the remaining
4 7?

5 MR. CREAN: Yes. So subsistence
6 payments is earmarked for \$4 million.
7 That's something we are still trying to work
8 out. But essentially subsistence payments
9 is something that -- it's an odd concept,
10 but it falls under -- it's listed under the
11 ineligible activities under the Community
12 Development Block Grant Program except for
13 this allowance. So you can provide
14 subsistence payments which would include
15 paying for a rent arrears or paying for
16 rental assistance for at least three months
17 or for no more than three months.

18 The Coronavirus waivers I believe
19 extended after four months. That's is
20 something that we are looking to do.

21 LEGISLATOR RHOADS: Is that
22 commercial or residential?

23 MR. CREAN: Residential. That's
24 earmarked for \$4 million.

25 Food banks, another million

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2 dollars. We are now trying to determine the
3 extent of the need because there were a lot
4 of funding for food banks earmarked in the
5 first round and a lot of that money is still
6 not spent. But those vouchers are rolling
7 in now so we will see where we are with that
8 how that goes moving forward.

9 Health services \$214,000. Mental
10 health and substance abuse services
11 \$500,000. Both of those items also were
12 included in the first round. So we will see
13 where the need is or the demand for that is.
14 It's possible there might be some
15 unallocated money in those two pots as well.

16 Employment training and workforce
17 development. We had a program in the first
18 round with Nassau Community College to
19 specifically train health care workers both
20 as trying to identify those residents who
21 may have been put out of work and now
22 looking to change careers but also training
23 more healthcare workers to address the
24 pandemic, so that was something that we
25 thought was specifically eligible.

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2 So that's \$500,000, and two and a
3 half million dollars development fund and,
4 under the planning line, that was \$150,000
5 which was earmarked specifically for health
6 disparity study for the minority
7 communities. That RFP has been issued
8 already. So that funding will be available
9 when the responses come in and we have a
10 chance to do them.

11 LEGISLATOR RHOADS: So we're
12 using community development Community
13 Development Block Grant funding to do the
14 disparity study?

15 MR. CREAN: Not the disparity
16 study for businesses. There's two studies.
17 This is specifically for health care, why
18 the minority communities were hit harder by
19 the Coronavirus, that's something we're
20 looking to address; is it the availability
21 of health care, is it the different types of
22 jobs? We're just trying to get that study
23 done to determine what the extent is and the
24 causes for it and that will allow us to plan
25 in the future to target those areas.

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2 Then there's additional funding
3 for administration as well, for the running
4 of the program.

5 LEGISLATOR RHOADS: What is at
6 the funding for the running of the program?

7 MR. CREAN: \$700,000.

8 LEGISLATOR RHOADS: Are we
9 bringing on additional staff?

10 MR. CREAN: No. We tried, but
11 Andy Persich wouldn't let us we're stuck
12 with what we got.

13 LEGISLATOR RHOADS: Well, I guess
14 the point is, what would be the point of
15 spending an additional \$700,000 on the
16 program, not \$700,000 on program
17 administration, wouldn't that be better
18 served actually going towards the program?

19 MR. CREAN: And it may end up
20 going to the program. Right now our staff
21 is spending an inordinate amount of time as
22 you can imagine just trying to set up these
23 two new programs so we can bill time to this
24 program that would have been billed to our
25 regular block grant, and that will carry

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2 over to next year. So it gives us some
3 flexibility.

4 LEGISLATOR RHOADS: In looking
5 through the breakdown, for example, we have
6 \$10 million going up to \$20 million
7 allocated with \$10 million going towards
8 essentially homeless prevention and housing
9 relocation and stabilization services, and
10 it's certainly important, no question about
11 it, but it seems as though we've got a
12 management information system for \$325,000,
13 OCD administration program for \$420,000, and
14 we have OCD administration which is \$700,000
15 that we spoke about.

16 We have rapid rehousing and
17 housing location stabilization services. Is
18 that a -- I'm sorry, street outreach for
19 \$2.3 million to reach out to unsheltered
20 homeless individuals and families.

21 Aren't these things that we're
22 already doing though? I'm concerned that it
23 seems as though we're spending an awful lot
24 on programs, administration, sort of
25 in-house costs that we could be devoting

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2 towards providing actual relief.

3 MR. CREAN: What you are reading
4 off of now is the Emergency Solutions Grants
5 Program which is much more restrictive so
6 that has to go towards addressing the needs
7 of the homeless population and preventing
8 homelessness.

9 We do have an existing Homeless
10 Prevention Program that's run out of our
11 office so there's additional COVID money
12 going towards that.

13 Right now we're impacted by the
14 eviction moratorium so we have not actually
15 been able to spend any of that money from
16 the first round or from our regular funding
17 because of the eviction moratorium.

18 One of the requirements is that
19 the individuals be at risk of homelessness
20 through eviction, and through the moratorium
21 no one has an eviction notice filed against
22 them. We expect that to increase after
23 January.

24 LEGISLATOR RHOADS: I guess my
25 question is, why are we spending so much of

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2 the \$10 million that's being allocated
3 towards homeless prevention, why are we
4 spending so much on administrative costs as
5 opposed to the actual programs?

6 MR. CREAN: The bulk of the
7 administrative money for the homeless --
8 under the Emergency Solutions Grant Program
9 will probably be contracted out to other
10 entities who will carry out these tasks for
11 us.

12 So the Rapid Rehousing Program is
13 something that we have not funded in the
14 last number of years. It's a Hud priority
15 right now as a street outreach. We didn't
16 allocate any money for street outreach in
17 the first round, but we are hearing that
18 there are additional homeless persons
19 impacted because of the Coronavirus either
20 through mental health issues or for loss of
21 income.

22 So the street outreach will allow
23 some of those entities, nonprofits that we
24 work with to go out into the field and
25 identify the homeless, provide them with

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2 case management and hopefully get them
3 housing. So that is something that we are
4 working on right now.

5 LEGISLATOR RHOADS: That's
6 something that we don't do already?

7 MR. CREAN: Not our office. DSS
8 does some of that and we are trying to
9 coordinate with DSS. But, no, we don't do
10 the street outreach. Our staff, we only
11 have one person assigned to the emergency
12 solutions grant program.

13 LEGISLATOR RHOADS: Is there a
14 reason why DSS can't pick that up? In other
15 words, why are two different departments
16 trying to do the same thing?

17 MR. CREAN: We do try and
18 coordinate. The Emergency Solutions Grant
19 Program falls under our office because it's
20 part of Hud's consolidated program. So the
21 reporting to Hud, the action plan
22 coordination is all done through our office.

23 We have discussed with DSS taking
24 on some of those roles. They have other
25 issues on their end. They do street

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2 outreach but it's a civil service position,
3 so it's just 9 to 5 during the week, and
4 this allows us to go out on the weekends and
5 evenings and respond to more emergency
6 conditions that are authorized.

7 LEGISLATOR RHOADS: And,
8 specifically, with the Community Development
9 Block Grant Program, I notice, and it's
10 great that we're helping restaurants, that's
11 fantastic, it's a two part question, are we
12 doing anything to push back on some of the
13 new restrictions that have gone into place
14 not permitting dining after 10 o'clock, not
15 permitting gym operation after 10 o'clock?

16 I don't know if there's any more
17 danger sitting down and having dinner at
18 9:30 then there is at 10:30 from COVID, so
19 are we pushing back in any of those
20 restrictions that are coming down from the
21 state which would really help restaurants
22 because they are really losing an entire
23 seating theoretically?

24 MR. CREAN: That would be outside
25 my purview, my jurisdiction, but I know the

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2 County Executive has expressed her
3 displeasure with those restrictions as have
4 a lot of the restaurants, particularly the
5 10 o'clock closure of the in-house dining
6 because they're losing that nine o'clock
7 seating time frame.

8 I can't say what the County
9 Executive or the administration may have
10 done in response or to contact the
11 Governor's office.

12 LEGISLATOR RHOADS: Is there any
13 thought to going beyond restaurants? I
14 mean, you have small businesses of all types
15 throughout the county that have been
16 dramatically impacted, and Legislator
17 Ferretti followed up on gyms, you have the
18 gyms, you have movie theaters, a whole
19 variety of places that have been
20 dramatically impacted by this that they are
21 simply not going to be able to survive.

22 MR. CREAN: Yes. There was some
23 consideration to them. We did hear that
24 from some of our communities.

25 The restaurant industry, in

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2 particular, is an easy category to make
3 eligible because it's still block grant
4 money so it still has to target low and
5 moderate income jobs.

6 Restaurants I think will have an
7 easier time qualifying for low and moderate
8 income jobs.

9 Yes, for ushers at movie theaters
10 are probably also lower income as are
11 probably some of the workers at gyms, but
12 they also have a smaller employee base.

13 We tried to guard against making
14 the program too wide and too broad and then
15 having very little impact. We thought the
16 restaurant industry was something that we
17 can make an impact with this kind of money
18 that we did have.

19 As I mentioned, this is something
20 that we were looking at doing even before
21 COVID was to make an economic development
22 loan program available.

23 Loans obviously with the return,
24 refunnel that money and put it out for more
25 loans and assist more businesses as you go

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2 forward. That's something that we're still
3 looking to do.

4 That's funding that we had
5 available in 2020. With the onset of COVID,
6 we are just trying to marshal our resources
7 and address the current need. But the
8 economic develop loan program is something
9 that we still want to establish and that
10 will be available to all businesses.

11 New businesses that would come in
12 and bring new jobs to the county and
13 businesses, that, one, are threatening to
14 leave Nassau County because they have an
15 offer somewhere else, they can stay here,
16 purchase a piece of equipment, or maybe
17 expand their business, but the requirement
18 is that they either create or retain low
19 moderate income jobs. That is something
20 that is still going to be in place as that
21 program goes forward.

22 LEGISLATOR RHOADS: Do we
23 anticipate there being any additional grant
24 funding available at some later time?

25 The issue is going to be, if in

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2 fact we do have an additional shutdown at
3 some point in time, even the businesses that
4 manage to survive this first round, simply
5 may not be able to survive the second round,
6 and it seems as they we should be doing
7 something to help those businesses and try
8 to preserve those jobs.

9 MR. CREAN: Absolutely. The
10 CARES Act was announced I believe in late
11 March early April. It was announced at the
12 time that there would be three rounds of
13 block grant money.

14 The first round was supposed to
15 be released on the same formula that the
16 regular block grant money was released and
17 that came forward pretty quickly.

18 This Legislature approved our
19 plan for that in April. And then we were
20 waiting for the second to be announced. The
21 second round of Emergency Solutions Grant
22 money was announced I believe some time over
23 the summer, June or July, we kept being told
24 that the second round of block grant money
25 that would be coming to the county would be

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2 announced shortly.

3 It wasn't announced until
4 September 11th, so it was much delayed for
5 whatever reason.

6 I don't why congress delayed in
7 releasing it, or the administration, I don't
8 know whose call that was. But that came out
9 much later.

10 As you know, there is a lot of
11 talk in Washington about another stimulus
12 package, another round of funding,
13 potentially to assist municipalities with
14 their operating costs, also to assist
15 businesses, but I think it would be with the
16 political climate right now, it's going to
17 be some time before they settle on anything.
18 We're hopeful.

19 LEGISLATOR RHOADS: Thank you.

20 CHAIRMAN NICOLELLO: Anyone else
21 want to be heard? Yes. Legislator
22 Ferretti.

23 LEGISLATOR FERRETTI: Hi Kevin.
24 How are you?

25 MR. CREAN: Good afternoon.

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2 LEGISLATOR FERRETTI: So the \$2.5
3 million dedicated to the restaurant
4 industry, that's out of 9.5, the grant?

5 MR. CREAN: Yes.

6 LEGISLATOR FERRETTI: The total
7 grant is 9.5?

8 MR. CREAN: Correct.

9 LEGISLATOR FERRETTI: So the
10 other \$7 million is already allocated for
11 other uses, correct?

12 MR. CREAN: It's budgeted for
13 specific types of uses, but, as I mentioned,
14 the food banks, subsistence payments, the
15 subsistence payments is the one category
16 that we are having discussions with the
17 particular non profit to try to craft the
18 policy around those programs.

19 The other items, the food banks,
20 the health services, the mental health
21 services, those are all categories that we
22 funded in the first round.

23 Right now, even though we
24 earmarked that money for those needs, we're
25 waiting to see what the additional needs

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2 are.

3 So if the needs fall short of our
4 budget, those monies can be repurposed and
5 we can get to other pots, including economic
6 development.

7 LEGISLATOR FERRETTI: You
8 indicated that the money that's dedicated
9 right now to the restaurant industry could
10 be changed, moved up, moved down, reduced or
11 increased, correct?

12 MR. CREAN: Moved up or moved
13 down?

14 LEGISLATOR FERRETTI: Decreased
15 or increased. So if in the future we find
16 that instead of 300 restaurants, we have 400
17 restaurants. You can increase the amount of
18 that grant, that 9.5, increase to 2.5 that's
19 dedicated to restaurants to something else,
20 right?

21 MR. CREAN: You mean to another
22 economic development purposes other types of
23 businesses?

24 LEGISLATOR FERRETTI: No, to
25 restaurants. You say two months from now it

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2 turns out the 2.5 wasn't sufficient to
3 really help the restaurant industry. You
4 want to do another \$500,000. That would
5 come out of that 9.5 total, correct?

6 MR. CREAN: Yes.

7 LEGISLATOR FERRETTI: So you
8 would be taking from some other allocation
9 that you currently have?

10 MR. CREAN: Yes, but, as I
11 pointed out, those other allocations are not
12 committed to any specific nonprofit or any
13 other industry. So it's budgeted needs not
14 necessarily commitment that we would be
15 cancelling.

16 LEGISLATOR FERRETTI: Right. But
17 once in the event if we pass this, then it's
18 in the administration's discretion to
19 reallocate any amount in excess of the \$2.5
20 million for restaurants, right?

21 MR. CREAN: That's right. We
22 would just need to advise Hud of the change
23 in the budget.

24 LEGISLATOR FERRETTI: Okay. So
25 if the administration wanted to have a

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2 similar grant to a different type of
3 industry, bowling alleys, I know bowling
4 alleys have been killed throughout this,
5 closed until September completely, and now
6 they were in operation in September and
7 October but now they're being shut down at
8 10 o'clock. I don't know if you're an avid
9 bowler like I am, but most of these bowling
10 alleys survive on league bowling and league
11 bowling, specifically money leagues, which
12 tend to be at night, they don't get started
13 until 830, 9 o'clock. So a lot of these
14 leagues are out.

15 So, the bowling alleys, while
16 they're allowed to stay open until 10:00, a
17 lot of them I know they're not going to
18 because they can't turn a profit.

19 So bowling alleys have really
20 been decimated. Has there been any
21 communication with bowling alleys, owners,
22 in terms of them getting some portion of
23 this?

24 MR. CREAN: Not from our office,
25 and none of the consortium members we spoke

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2 to raised the particular issue of bowling
3 alleys.

4 They did mention businesses in
5 general but not specifically bowling alleys.
6 It is something we look at. It's the first,
7 that would be to find out what their
8 employee base is; low moderate income, and
9 I'm sure -- I feel confident that they would
10 have low moderate income employees based on
11 the standards we have with the restaurants,
12 if it's a similar type program, they would
13 only have to identify one low moderate
14 income employee that they would be saving
15 that person's job. So it is a possibility
16 yes.

17 LEGISLATOR FERRETTI: I can tell
18 you as an ex bowling alley employee it's
19 definitely low moderate income.

20 But, in any event, I'm going to
21 vote in favor of this. I want to help the
22 restaurant industry as much as we can but I
23 wish there was a little bit more
24 communication with the Legislature before
25 announcing this publically because I'm sure

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2 we have a lot of good ideas here too and
3 we're on the ground in these districts
4 interacting with all these industries,
5 whether they be bowling alleys or gyms or
6 bakeries or whatever.

7 There are certainly a lot of
8 other industries that are getting hammered
9 as well.

10 Just going forward I would ask
11 for the increased collaboration, but I will
12 be supporting this. Thank you.

13 MR. CREAN: Legislator, thank you
14 for your comment.

15 CHAIRMAN NICOLELLO: Legislator
16 DeRiggi-Whitton, Legislator Bynoe and then
17 Legislator Walker.

18 LEGISLATOR BYNOE: Thank you,
19 Presiding Officer. Good evening, Kevin.

20 On the study for the health
21 disparities in minority communities, I hope
22 that we look at environmental impacts. Some
23 of the communities are closely seated to --
24 in proximity to industrial areas.

25 I know in fact the Town of North

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2 Hempstead is moving forward on a piece of
3 legislation to try and encourage these
4 owners to build out their establishments and
5 encapsulate and mitigate some of the
6 contaminants getting out. I hope you look
7 at that. I hope that's part of the study.

8 MR. CREAN: Well, the RFP has
9 been issued, so once the responses come back
10 we will see how they believe they can
11 address the study. We're working with the
12 Department of Health on that as well. So
13 I'm sure they'll have some input on that as
14 well.

15 LEGISLATOR BYNOE: I know you
16 spent some time on the street outreach. Let
17 me just ask the question.

18 When they go out and do the
19 outreach, the same funding could then pay
20 for their shelter; is that the thought?

21 MR. CREAN: It's all part of the
22 same grant program. The street outreach is
23 specific data. There is very few activities
24 that are -- activity categories in the
25 Emergency Solutions Grant Program. You have

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2 sheltering, homeless prevention, rapid
3 rehousing, street outreach and HMIS is the
4 Hud Information System that they're all
5 required to use to collect data on homeless
6 population.

7 So, like I said, those are very
8 general broad categories. So the street
9 outreach would be one specific eligible
10 category. The rapid rehousing is
11 technically another activity but it all
12 falls under the Emergency Solutions Grant
13 Program.

14 LEGISLATOR BYNOE: I guess I
15 don't fully understand the use of the \$2.3
16 million. I understand you want to employ
17 your own team but I know that's not going to
18 cost \$2.3 million.

19 MR. CREAN: No, no. The \$2.2
20 million for street outreach is not for our
21 office. We actually have a couple of
22 proposals right now, nonprofits so --

23 LEGISLATOR BYNOE: So you think
24 it's going to cost --

25 MR. CREAN: Potentially the

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2 purchase of transportation like vans,
3 equipping them so they have plexiglass
4 screens between the drivers and the
5 passengers. That's all included. The
6 street outreach themselves, the staff
7 persons that would be going out to speak to
8 the homeless, provide the case management to
9 get their data so they can put that into the
10 homeless management information system, HMIS
11 system, so we can see what kind of benefits
12 they may be eligible for.

13 This is something that we've
14 worked with in the past on with like
15 veterans affairs. A lot of the homeless
16 population, or some may be homeless
17 veterans, but until you identify them and
18 find out what they may be qualified for,
19 it's hard to hook them up with the different
20 funding sources.

21 So that's part of the street
22 outreach program. One of the proposals we
23 have in the street outreach is from United
24 Veterans Beacon House, specifically targets
25 homeless veterans, but not exclusively. So

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2 they do have to outreach to the general
3 public.

4 We are in discussions with them
5 now. We are just reviewing proposals. But
6 one of the things we're looking at doing is
7 to try and possibly fund two or three
8 nonprofit organizations to provide the
9 street outreach that would include on call
10 services, so if we do get referrals from any
11 of your offices or the villages or chambers
12 of commerce that say they have noticed
13 gathering of the homeless in different
14 areas, that they can do target street
15 outreach.

16 But also to do regular site
17 visits to areas where people of the homeless
18 are known to congregate and try to bring
19 them back in the fold and identify potential
20 housing locations for them.

21 LEGISLATOR BYNOE: So through
22 your discussion you've actually answered
23 another question which was were we going to
24 give this contract to multiple entities. So
25 thank you for answering that before even

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2 asked.

3 The other question I have is in
4 line with what Legislator Rhoads asked. I'm
5 familiar with the hit team and I know
6 they're out there. They're out of social
7 services.

8 Listen, I know that the need has
9 really increased since COVID so we do
10 believe that we have a need to this large
11 extent that we need to supplement the hit
12 team?

13 MR. CREAN: I believe so, yes.
14 But, as I think I mentioned, street outreach
15 is not a category we have funded in the last
16 couple of years.

17 We did fund the Long Island
18 Coalition For the Homeless to do some street
19 outreach a couple of years ago and some of
20 that money is still being utilized.

21 But because of the pandemic right
22 now, the demand is so much greater. I don't
23 think the hit team can handle it all on
24 their own plus as I mentioned being able to
25 send out teams on the weekends and the

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2 evenings, morning hours, is something that
3 would not be able to be handled.

4 LEGISLATOR BYNOE: Thank you very
5 much.

6 CHAIRMAN NICOLELLO: Any further
7 debate or discussion?

8 (No verbal response.)

9 Thank you, Kevin, appreciate that
10 thorough presentation. I'll call for vote
11 on this. All in favor signify by saying
12 aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 Before we go back to the
18 emergency items let's cover the last items
19 on this calendar which are 40, 41, and 42.

20 40 is an bond ordinance providing
21 for a capital expenditure to finance the
22 capital projects identified herein with the
23 county and authorizing \$41,666,467 of bonds
24 of the county to finance such expenditure.

25 41 is a resolution authorizing

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2 the County Executive to execute a design
3 build contract with the State of New York
4 Department of Environmental Conservation.

5 42 is a resolutions authorizing
6 the County Executive to execute a
7 modification agreement to the administrative
8 consent agreement and cooperative agreement
9 with the New York State Department of
10 Environmental Conservation.

11 LEGISLATOR BYNOE: So moved.

12 LEGISLATOR FORD: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Bynoe, seconded by Legislator
15 Ford. Put them all before us.

16 MR. ARNOLD: Good evening. Ken
17 Arnold, Public Works. 349-20 is a capital
18 bond ordinance. This item is mainly
19 associated with providing sufficient bond
20 ordinance to support the Bay Park conveyance
21 project.

22 The department recognized when
23 the final engineer's estimate was done.
24 That additional bond ordinance beyond the
25 \$460 million we currently have would be

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2 necessary. As we're getting financing
3 through the New York State Environmental
4 Facilities Corporation, they require the
5 applicant to provide bond authorization in
6 the amount of all project costs.

7 The department made a decision at
8 the time not to request additional
9 authorizations based on an estimate but wait
10 until the project costs were known.

11 Once the Design/Build contractors
12 cost was finalized the total project cost
13 has been set at \$513.7 million of which \$20
14 million will be provided directly by the
15 State to cover easements/acquisitions.
16 That leaves a total of \$493.7 million of
17 Bond Ordinance required for our EFC loan
18 application.

19 The other projects included in
20 this item are reauthorizations of two
21 capital projects that expired but are still
22 needed and also rescinding Bond
23 Authorization associated with the Bay Park
24 grants we received from Sandy.

25 Do you want me to read all three

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2 items?

3 CHAIRMAN NICOLELLO: Yes.

4 MR. ARNOLD: Item 350-20 is a
5 contract with Western Bays Constructors. It
6 is my pleasure today to present to you for
7 consideration of this contract because once
8 completed it will be transformational for
9 the western bays.

10 The purpose of the Bay Park
11 Conveyance project is to significantly
12 reduce the discharge of nitrogen into
13 Reynolds Channel and Long Island's Western
14 Bays by eliminating regular discharge of the
15 Bay Park Sewage Treatment Plant into the
16 Channel.

17 This will stop the degradation
18 and loss of valuable marshlands that provide
19 resiliency and protection from waves and
20 storm surge.

21 As the nitrogen influx into the
22 Western Bays decreases, marsh species that
23 traditionally absorb wave energy will return
24 providing coastal protection to Nassau
25 County's South Shore.

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2 The replenishment of marshlands
3 will prevent flooding, and unhealthy living
4 environments. This will also lead to the
5 resurgence of the region's marine life and
6 an increase in recreational opportunities,
7 both of which will have a beneficial
8 economic impact to our community.

9 During my 34 career years in the
10 Department, there has been a constant
11 discussion on how do we remove the outfall
12 from Reynolds Channel associated with this
13 Bay Park Sewage Treatment Plant.

14 The challenge was always how you
15 permit a second ocean outfall in the County
16 and how is it paid for.

17 Throughout this time, the County
18 looked at solutions but the work really
19 began in earnest around 2012 when we
20 performed a study on how Bay Park could meet
21 future nitrogen limits.

22 The study completed in 2014
23 confirmed our concerns of the significant
24 costs and the uncertainty of achieving
25 required permits to add a new ocean outfall

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2 or the substantial funding and additional
3 property required to have nitrogen removal
4 treatment to the current level of
5 technology.

6 So in 2015 discussions started
7 within the Department whether an existing
8 retired water main that serviced NYC that
9 the County owns running beneath Sunrise
10 Highway could be utilized in any manner.

11 That initial concept of using
12 this retired water main to move treated
13 sewage from Bay Park to Cedar Creek and then
14 maximize the capacity of the existing Cedar
15 Creek ocean outfall is the contract in front
16 of you today.

17 There has been a great deal of
18 work done between 2015 and now including a
19 2017 report verifying that the retired water
20 main can be utilized; completing the 30
21 percent design package, also known as the
22 design criteria report; completing the
23 Federal Environmental assessments that led
24 to a finding of no significant impact;
25 identifying properties requiring easements

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2 and working through the States EDPL process;
3 and holding both public and stakeholder
4 outreach and holding meetings with affected
5 legislators and representatives from the
6 Towns, Villages and School Districts.

7 Initially the County was going to
8 manage this project as a typical
9 design/bid/build contract.

10 The County was ready to award a
11 design contract when NYS approached us with
12 an alternate format called Design/Build.
13 Design/Build is a contracting process that
14 NYS has found that saves time and money for
15 projects of this size.

16 Recent examples of Design/Build
17 in this region include the Tappen Zee
18 Bridge, the Third Track, Kosciusko Bridge
19 and Nassau Expressway projects.

20 At the end of 2017, the
21 Department presented to this body the Bay
22 Park Agreement that identified the County's
23 obligation to do this project and a
24 Cooperative Agreement that outlined the
25 State's commitment to assist us in

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2 Design/Build.

3 So today we are presenting a
4 contract with Western Bays Constructors for
5 a total of \$439.4 million.

6 This contract will utilize the
7 approved design criteria report, approved
8 environmental work plan, and easements
9 identified as I previously mentioned.

10 The treated effluent will connect
11 to the existing ocean outfall at Cedar
12 Creek. There will be no utilization of any
13 treatment processes at Cedar Creek because
14 of this project.

15 The project in summary includes
16 the placement of an new effluent diversion
17 pump station at Bay Park;

18 A 60 inch diameter microtunnel
19 from Bay Park to Sunrise Highway;

20 Slip lining the existing retired
21 water main along Sunrise Highway, what will
22 result in a new pipeline within the retired
23 water main;

24 A 60 inch diameter microtunnel
25 from Sunrise Highway to the back end of the

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2 Cedar Creek Plant;

3 The placement of an effluent
4 receiving station and the replacement of the
5 existing effluent pumps at Cedar Creek.

6 I will note that the effluent
7 pumps being replaced at Cedar Creek are not
8 needed for the project but works in parallel
9 for what we're disturbing when we do the
10 work. So we want to get that done today.

11 And, finally, a detailed
12 investigation of the existing ocean outfall
13 and associated diffusers and remedial
14 repairs as required.

15 The procurement process follows
16 the New York State policies consisting of
17 two steps;

18 The first step is the Request for
19 Qualifications, RFQ,

20 And the second one is the Request
21 for Proposals, RFP.

22 The RFQ resulted in receiving
23 Statements of Qualifications from five
24 firms.

25 During the RFP process one firm

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2 made a business decision to drop out. We
3 received two proposals, Western Bays
4 Constructors and a team made up of
5 Skanska/Posillico/Micheals.

6 The evaluation of the proposals
7 were completed utilizing both County and
8 State staff and supported by our three
9 engineering consultant teams that this body
10 previously approved.

11 As I mentioned earlier, the
12 evaluations and negotiations all followed
13 the state policies associated with
14 Design/Build contracting.

15 The proposal evaluation returned
16 that Western Bays Constructors was the
17 highest technically ranked firm and was also
18 the lowest cost.

19 Their proposed cost is \$18
20 million or four percent below our engineer's
21 estimate.

22 The contract negotiations phase
23 of the Design/Build contract also allows for
24 the inclusion of Alternate Technical
25 Concepts, or ATCs.

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2 In short, one of the benefits of
3 utilizing a Design/Build procurement model
4 is the utilization of concepts developed by
5 the proposing firms.

6 The proposing firms are
7 encouraged to develop cost and time saving
8 concepts which can be accepted or not.

9 Furthermore, accepted concepts
10 developed by the non-selected firms, can
11 also be utilized in the project.

12 So, in the case of this contract,
13 an ATC was accepted which provided some cost
14 savings but, more importantly, removed all
15 surface work from being done at the East
16 Rockaway Jr/Sr School property.

17 This contract includes a Project
18 Labor agreement and is estimated to result
19 in two 2,300 full time equivalent jobs
20 during the three year period with an
21 economic output of \$275 million.

22 Additionally, the contract
23 includes requirements of 23 percent MWBE and
24 six percent SDVOB participation.

25 As a side note these percentages

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2 will be a tremendous opportunity, as an
3 example the Bay Park Sandy recovery work
4 with 20 percent, has yielded \$99 million
5 being paid to MWBEs since its initiation and
6 also \$4.5 million in contracts in SDVOBs.

7 This contract is being funded by
8 Federal, State and the County. The Federal
9 government provided the County with a
10 Hazardous Mitigation Grant for a total of
11 \$76.9 million. The State has provided a
12 series of grants that in total sum to \$62.1
13 million.

14 The County's obligation at this
15 time is \$354.7 million. The County's share
16 will be financed through loans provided by
17 the New York State Environmental Facilities
18 Corporation, EFC. The timing of these loans
19 and the cash flow requirements from the
20 County have been worked out with EFC to
21 satisfy current concerns of OMB.

22 In closing, I would like to thank
23 not only all of the legislators who have
24 supported this critically important
25 environmental project, but also the staffs

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2 of both the Majority and Minority.

3 The Department has been in
4 continued conversations and meetings with
5 both staffs since the initiation of the
6 proposal process to provide detailed
7 information on the project and the contract
8 before you today.

9 While the contract has only been
10 filed for seven days, discussions and
11 questions have been ongoing since this
12 summer.

13 I also want to thank the Office
14 of the Inspector General for their
15 cooperation to make time, and, in many
16 cases, on short notice to attend the
17 numerous procurement meetings.

18 The Governor set a goal in
19 January for this contract to be presented to
20 you today.

21 I am very proud of the efforts of
22 the Department and our consultant teams
23 working with our state partners in achieving
24 that.

25 Additionally, it would be

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2 possible without the cooperation of your
3 staffs, the Offices of the Inspector
4 General, Legislative Affairs, Comptroller,
5 Office of Management and Budget and the
6 County Attorney.

7 CHAIRMAN NICOLELLO: Thank you,
8 Ken. Will you or maybe Jane just address
9 the new disclosures that were filed today?

10 MR. ARNOLD: Sure.

11 MS. HODAK: Good afternoon. Jane
12 Hodak, Department of Public Works.

13 So the materials that were filed
14 today were backed up to some of the previous
15 filed disclosures.

16 We have reviewed those materials
17 with the Office of Compliance, Robert
18 Cleary. Those materials have also been
19 review by the Office of the Inspector
20 General.

21 None of the materials that have
22 been shared with you today are materials
23 that would give us pause to not consider
24 these contractors to be responsible
25 contractors.

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2 They are the type of violations,
3 they previously been described to us in some
4 instances, and now they are just back up to
5 those materials that have been previously
6 been described. They are consistent with
7 the type of violations of companies of this
8 magnitude doing the type of work that they
9 do.

10 CHAIRMAN NICOLELLO: We would
11 like to ask our Inspector General Jody
12 Franzese to come up.

13 MS. FRANZESE: Jody Franzese,
14 Office of the Inspector General.

15 DPW brought us in relatively
16 early regarding this review, I'm sure, so
17 that they could get it done expeditiously.

18 My staff had access to -- sorry,
19 reviewed project documents on this matter
20 such as the RFP, the proposal evaluation
21 plan, and the proposals.

22 My office also attended 15
23 meetings in the month of October for this
24 matter. We observed the procurement
25 management team evaluating vendor proposals.

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2 We observed them preparing for and
3 interviewing the vendors as well as
4 negotiating the initial schedule of values
5 with the vendor.

6 We also looked at the documents
7 that were received this morning, around
8 noonish this afternoon, Presiding Officer,
9 and we didn't find anything that raised any
10 red flags for us.

11 CHAIRMAN NICOLELLO: So that
12 means there's nothing in those new
13 disclosures that require a hold on this
14 particular item?

15 MS. FRANZESE: That's correct.

16 CHAIRMAN NICOLELLO: Thank you.

17 MS. FRANZESE: And we submitted a
18 form to the Legislature just indicating that
19 we did not have any reportable results.

20 CHAIRMAN NICOLELLO: Thank you.
21 I will turn it over -- I'm sure the
22 legislators have substantive questions, but
23 I just wanted to emphasize the importance of
24 a project of this magnitude in a well
25 developed county, that there be more than

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2 adequate community outreach.

3 I think we need a commitment from
4 the Department of Public Works that there
5 are going to be substantial resources put
6 into community outreach and reaching out to
7 the public and answering questions and
8 resolving issues.

9 MR. ARNOLD: That was part of the
10 RFP submittal. The contracting firm brought
11 on a firm that is the same company doing the
12 outreach for Third Track.

13 Additionally ECOM who is the
14 owner's rep, this is between us and the
15 state has Colladium on board to assist in
16 all outreach so that is a big component of
17 what we are doing for this project, because
18 the project fails if we don't tell people
19 what's going on.

20 CHAIRMAN NICOLELLO: Thank you.
21 Legislator Ford.

22 LEGISLATOR FORD: Good afternoon.
23 Thank you very much for your presentation on
24 this. I have to say that the zoom meeting
25 presentation, I think it was last week or

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2 something, was very well presented. It was
3 a way of letting the public who were on, I
4 believe over 70 people, I think it was, it
5 was a great presentation. We actually got
6 to see everything. We heard people's
7 questions and their comments.

8 MR. ARNOLD: That was our
9 consultant running the professional setup on
10 that.

11 LEGISLATOR FORD: So if we can't
12 have in person meetings, I would strongly
13 keeping with that format. I thought it
14 worked very well. Thank you on that.

15 My question then is this, I, like
16 you, have been involved in urging something
17 like this for a great many years.

18 Starting with the Western Bay
19 study that was conducted way back when with
20 the USGS survey and whatever.

21 It was my understanding that when
22 we were going for this project, and I went
23 to Governor Cuomo's announcement on this
24 when we headed the JCC in Oceanside, I was
25 led to believe that New York State was going

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2 to provide more funding than what is
3 indicated. I guess for this project, we're
4 talking about \$439 million, correct, and we
5 are getting 76.9 million from the feds, an
6 only 62.1 from New York State?

7 MR. ARNOLD: 62.1 plus the
8 easement money that they're going to pay
9 directly which is approximately upwards of
10 another \$20 million.

11 LEGISLATOR FORD: That easement,
12 money is not in the total cost of 439?

13 MR. ARNOLD: Correct. Because
14 it's outside the cost of the contract.

15 We are still chasing money for
16 the project. We are working with the state,
17 both the Department of Homeland Security and
18 the EC to try to utilize the unused money at
19 the Bay Park Sewage Treatment Plant. We
20 believe there is an opportunity to add 30 to
21 \$60 million to this project from that
22 program. So that's an ongoing conversation
23 with them. Working through the details
24 because they have different pools of money
25 and different allocations and how they are

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2 classified with litigation or other things.

3 So we are hopeful that that money
4 from FEMA can be obligated towards this
5 project.

6 LEGISLATOR FORD: And this cost,
7 the \$439 million is not including the cost
8 of bringing Long Beach on board, correct?

9 MR. ARNOLD: Correct. Long Beach
10 is a totally separate project.

11 LEGISLATOR FORD: Okay. So then
12 I hope that since New York State took credit
13 for being such a great environmentalist for
14 this project, that they will anti up a
15 little bit more money than a mere \$62
16 million, I mean considering that this
17 benefit, not only will help the residents in
18 Nassau County but all the surrounding
19 communities, whether or not you are in the
20 Rockaways, New York City, or Suffolk County,
21 and I'm sure that just anybody who would
22 travel and visit this area.

23 So I'm hoping that you don't have
24 to chase too much that maybe they will
25 decide to chase you to make sure they give

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2 us more money because I really think that it
3 really is -- I think New York State
4 obviously in my mind is short changing us on
5 this by not providing more funding.

6 I was under the impression that
7 they were going to match it like 50 percent,
8 so it would be less of a burden, not so much
9 a burden, but it would just help the
10 residents in Nassau County.

11 This is a very, very important
12 project, and I have to commend everybody for
13 all the hard work you've done on this.

14 As you said, this started in the
15 previous administration and thankfully they
16 found that Aqueduct under Sunrise Highway,
17 otherwise it wouldn't just be \$439 million,
18 it would probably be looking at something
19 like \$600 million.

20 So, all of you, thank you very
21 much because I really think you have done a
22 great job, and just a lot of work and a lot
23 of attention, I feel very comfortable with
24 hopefully DPW will still oversee a lot of
25 this.

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2 I know New York State is trying
3 to coordinate everything. But I really
4 think I have more confidence in you guys
5 than I have in New York State.

6 So I just hope that you will
7 always be involved with this and watch over
8 everybody in what they're doing because this
9 is Nassau County after all.

10 MR. ARNOLD: The department's
11 goal is to make sure it's built to the
12 design criteria report and watching the
13 finances.

14 LEGISLATOR FORD: Thank you very
15 much. I really appreciate it.

16 CHAIRMAN NICOLELLO: Legislator
17 Mule and Legislator Rhoads.

18 LEGISLATOR MULE: Thank you,
19 Presiding Officer. I will be
20 enthusiastically supporting this project.

21 I had a couple of questions but I
22 just want to say, Commissioner Arnold, you
23 used the word transformational, and DCE
24 Schneider I heard him say a number of times
25 that this will be the most important

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2 environmental project that we've done in
3 many many years. I do believe both of those
4 statements are true. It truly will change
5 things for the better on so many levels from
6 the point of view of just quality of life
7 for people on the South Shore, recreational
8 uses, boating, fishing, swimming, but then
9 even to my mind more importantly
10 environmentally that it will be able to
11 rebuild the marshes and help prevent
12 flooding. I just think this is a great
13 great project.

14 I too was on the zoom call and I
15 thought that it was run very well. But I
16 will say that I won't add to Presiding
17 Officer's call for more community outreach.
18 I know you said that's on the horizon but I
19 remember months ago we were told there would
20 be a very robust presentation.

21 Of course, COVID changed
22 everything and I understand that, but we did
23 have a community member speak out about that
24 earlier today that they didn't know too much
25 about it.

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2 We put out that there was this
3 zoom meeting but of course much more needs
4 to be done.

5 The other thing I heard you say
6 was that there was a 23 percent MWBE, is
7 that correct?

8 MR. ARNOLD: That's correct.

9 LEGISLATOR MULE: That sounds
10 really good and I'm very pleased to hear
11 that.

12 CHAIRMAN NICOLELLO: Legislator
13 Rhoads.

14 LEGISLATOR RHOADS: Thank you,
15 Presiding Officer. Ken, great presentation.
16 I also am going to be enthusiastically
17 supporting the project as I have from the
18 start.

19 I agree with my colleagues with
20 respect to the need for additional community
21 outreach. I know that's going to be taken
22 care of. I know this process started with a
23 meeting over at Wantagh High School in a
24 thousand seat auditorium. That's not going
25 to happen any time soon again, but perhaps

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2 we can make better use of the zoom calls and
3 get the word out there so that questions can
4 continue to be answered.

5 I just wanted to confirm a couple
6 of things. Just in your viewing the project
7 design, as I have, there are a couple of
8 concerns in the community that I just wanted
9 to make sure have been addressed.

10 First of all, this system is an
11 entirely closed system?

12 MR. ARNOLD: That is correct. It
13 is an under pressure pipe system and not
14 open to the atmosphere.

15 LEGISLATOR RHOADS: Right,
16 because one of the concerns obviously in the
17 community is some of the odors around the
18 Cedar Creek Sewage Treatment Plant.

19 Second is, not a single drop of
20 untreated sewage is going to the Cedar Creek
21 Plant. In fact, not a single drop of the
22 treated effluent is going to the Cedar Creek
23 Plant, correct?

24 MR. ARNOLD: It's getting
25 connected to the back side of the plant to

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2 use the ocean outfall.

3 LEGISLATOR RHOADS: Right. So
4 it's going directly to the ocean outfall,
5 and the plant will not be processing one
6 drop more of anything as a result of the
7 diversion plan?

8 MR. ARNOLD: Correct. That's
9 why in my notes I outlined, even though
10 we're doing the effluent pumps at Cedar
11 Creek, that was because of convenience of
12 having systems shut down while we're doing
13 the conveyance project, that would make
14 sense to do that now. It's not needed for
15 the conveyance project because that would
16 then be considered something connected to
17 the plant.

18 LEGISLATOR RHOADS: Those are the
19 tidal pumps, right?

20 MR. ARNOLD: Yes, but the tide
21 pumps are not being used for conveyance.
22 Those are just the Cedar Creek tide pumps.

23 LEGISLATOR RHOADS: It's an
24 additional upgrade to the plant itself, just
25 because we have an opportunity to do the

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2 upgrade.

3 MR. ARNOLD: Yes.

4 LEGISLATOR RHOADS: With respect
5 to the ocean outfall pipe, you indicated
6 during the presentation that any necessary
7 approved repairs to the outfall pipe or to
8 the diffusers are going to be made as part
9 of this project to make sure they can handle
10 the additional volume, correct?

11 MR. ARNOLD: That is correct, we
12 have an allowance side to deal with those
13 directly.

14 LEGISLATOR RHOADS: And the pipe
15 itself, even with the increased capacity is
16 only going to be operating somewhere around
17 60 to 65 percent of its total capacity even
18 with the additional flow?

19 MR. ARNOLD: Off the top of my
20 head, I don't know that those are the exact
21 numbers but --

22 LEGISLATOR RHOADS: It's far
23 below 100 percent?

24 MR. ARNOLD: Yes, below 100
25 percent. Correct.

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2 LEGISLATOR RHOADS: Just finally,
3 I know that Stonybrook did a study just to
4 insure that there would be no impacts on the
5 shore communities who are at risk of any
6 treated effluent not properly integrating
7 into the ocean water three miles out.

8 Administration is reading in the
9 study the same as mine, that there would be
10 no concern about a shoreline impact as a
11 result of the increased effluent going out
12 three miles out into the ocean?

13 MR. ARNOLD: That's correct.

14 LEGISLATOR RHOADS: Again, Ken,
15 thanks very much for your work on this and,
16 again, let's make sure we continue to get
17 the word out there into the community
18 because it's an important project. I think
19 the more people that know, the more people
20 will appreciate the benefits of it.

21 MR. ARNOLD: And I'm open to any
22 legislator, if you have any community group
23 that we need to speak to, reach out to
24 myself or my chief deputy Elisa Pica, and we
25 will set up meetings that we have to set up

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2 in addition to what we are already planning
3 on doing.

4 LEGISLATOR RHOADS: I certainly
5 will do that and also just to confirm, we do
6 have additional money coming from FEMA, this
7 \$76.9 million coming from FEMA?

8 MR. ARNOLD: Yes. That's the
9 HMCP, yes, that's a hazardous mitigation
10 loan, and that was money that was allocated
11 early on in the project, yes.

12 LEGISLATOR RHOADS: It's just
13 like my colleague, Legislator Ford, early on
14 in the project I was under the impression
15 that the state was kicking in half the cost.
16 So if we can make any further efforts to get
17 our partners to pony up a little more --

18 MR. ARNOLD: It's a continuing
19 conversation.

20 LEGISLATOR RHOADS: -- it will
21 free up the burden on the county taxpayers.
22 And this is roughly half even at the \$493
23 million, this is roughly half of the cost of
24 the construction of the new ocean outfall
25 assuming that we could get permission from

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2 the federal government to even build one?

3 MR. ARNOLD: I would agree with
4 that statement.

5 LEGISLATOR RHOADS: Finally, even
6 though this is going to move forward, we do
7 have an understanding, and this is really
8 more of a statement than a question, we do
9 have an understanding that the Cedar Creek
10 outfall pipe has another 50 year's worth of
11 useful life.

12 I don't want to see 45 years from
13 now, after I'm long gone, you will still be
14 here, Ken, still working for the county, but
15 45 years from now, all of a sudden, someone
16 wakes up and says, hey, wait a minute, the
17 outfall pipe has only five years left of
18 life on it, and it's only thing servicing
19 Nassau County, one of the few things
20 servicing Nassau County.

21 So there is a recognition that we
22 need to plan for that eventuality probably
23 starting now, whether it's additional
24 technology for the denitrification of our
25 effluent or some other alternative, we do

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2 need to -- this is a short term solution to
3 a long term problem. We do need to keep
4 that in mind. Thanks.

5 CHAIRMAN NICOLELLO: Anyone else?

6 (No verbal response.)

7 Thank you, Ken.

8 MR. ARNOLD: Ken, you want me to
9 touch base on 351? It's the agreement
10 that's modified that built on where we are
11 today.

12 CHAIRMAN NICOLELLO: Okay.

13 LEGISLATOR RHOADS: I do believe
14 that Mr. Budnick had a comment.

15 CHAIRMAN NICOLELLO: There are no
16 comments before. Mr. Budnick, you will have
17 an opportunity when the meeting is over. We
18 have a period before the meetings and then
19 after the meetings we sit and wait for your
20 comments.

21 Any other discussion or debate?

22 (No verbal response.)

23 All in favor signify by saying
24 aye.

25 (Aye.)

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2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 We just have some items on the
6 emergency calendar. I think I would ask our
7 clerk, Mike, to call 299, 300 and 301. Call
8 the emergency.

9 CLERK PULITZER: Thank you.
10 Emergency Resolution Number 30-2020, an
11 emergency resolution declaring an emergency
12 for immediate action upon a resolution
13 declaring a capital budget emergency
14 pursuant to 310-D of the County Government
15 Law of Nassau County. Do you want them all?

16 CHAIRMAN NICOLELLO: Yes, do them
17 all at once.

18 CLERK PULITZER: Emergency
19 Resolution 31 of 2020, an emergency
20 resolution declaring an emergency for
21 immediate action upon the bond ordinance
22 providing for a capital expenditure to
23 finance the capital project identified
24 herein within the County of Nassau and
25 authorizing \$50,855,000 of bonds of the

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2 County of Nassau to finance such
3 expenditures pursuant to the Local Finance
4 Law of New York and the County Government
5 Law of Nassau County.

6 And, finally, Emergency
7 Resolution 32-2020, an emergency resolution
8 declaring an emergency for immediate action
9 upon an ordinance to amend Ordinance Number
10 174-2018, as amended, adopting the capital
11 budget for the County of Nassau for the
12 first year of the four year capital plan to
13 commence on January 1, 2019, pursuant to
14 provisions of Section 310 of the County
15 Government Law of Nassau County.

16 Those are the three, sir.

17 CHAIRMAN NICOLELLO: Thank you.

18 LEGISLATOR DRUCKER: So moved.

19 LEGISLATOR KENNEDY: Second.

20 CHAIRMAN NICOLELLO: Motion to
21 establish the emergency by Legislator
22 Drucker, seconded by Legislator Kennedy.

23 Any debate or discussion on the
24 emergency?

25 (No verbal response.)

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2 Hearing none, all in favor of the
3 emergency signify by saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Now I will call the items, 299,
8 300, 301. 299 is a resolution declaring a
9 capital budget emergency pursuant to Section
10 310-D of the County Government Law of Nassau
11 County.

12 300 is a bond ordinance providing
13 for a capital expenditure to finance the
14 capital projects identified herein within
15 the County of Nassau and authorizing
16 \$23,178,000 of bonds of the county to
17 finance such expenditures.

18 301 is an ordinance to amend
19 Ordinance Number 174 of 2018 as amended
20 adopting the capital budget for the County
21 of Nassau for the first year of the four
22 year capital plan to commence on January
23 1st, 2019, pursuant to the provisions of
24 Section 310 of the County Government Law.

25 We need a motion.

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2 LEGISLATOR KOPEL: So moved.

3 LEGISLATOR ABRAHAMS: Second.

4 CHAIRMAN NICOLELLO: Moved by
5 Deputy Presiding Officer Kopel, seconded by
6 Minority Leader Abrahams. It's before us,
7 Ken.

8 MR. ARNOLD: Ken Arnold, Public
9 Works. These items are capital amendments
10 and budget amendments to allow bond
11 authorization today for the police to public
12 safety projects that showed some urgency of
13 getting approved because of the purchase
14 regs and other things they need to do
15 between now and the end of the year in order
16 to upgrade their fleet, live scan
17 replacement, radios, ambulances and a host
18 of other items.

19 In addition, in the amended,
20 there is also the shared mobility bond
21 ordinance authorization for \$60,000 and that
22 covers the gap that we have currently in the
23 grant that we are processing.

24 With the police, if you have any
25 specific questions on what they need and why

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2 they require it.

3 CHAIRMAN NICOLELLO: Before we do
4 that, I'm told I have to note with respect
5 to Item 300, that was stamped into the
6 Clerk's Office at 3:41 p.m. today.

7 And, lastly, on Item 40, which we
8 just voted upon, to correct the record, the
9 vote was actually 18 to 1, Legislator
10 Solages had voted against and we didn't hear
11 him because of the remote connection.

12 Chief Walsh, did you want to add
13 anything?

14 MR. ARNOLD: So Chief Walsh can
15 answer anything specific to the project on
16 what the needs are.

17 CHAIRMAN NICOLELLO: I know we
18 were talking about bullet proof vests,
19 talking about vehicles.

20 CHIEF WALSH: I'm specifically
21 here to talk about the AFIS project, which
22 is the live scan as well as the Motorola
23 radio project. I don't know if there are
24 any questions that you have.

25 The Motorola radio project, which

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2 is an item on the capital project agenda
3 here is for to start the process of
4 replacing our 500 megahertz radio system.
5 That's the radio system that's currently
6 some of the legislators have heard about in
7 regard to with regard to, we have a thing
8 called troposphere [sic] ducting, which
9 interferes and basically shuts down our
10 radio system because the FCC has been
11 selling licenses on our frequencies down
12 south.

13 This was all borne out of the
14 2012 job creation and Tax Relief Act wherein
15 the federal government is actually
16 reallocating the spectrum of frequencies
17 that we use to communicate on, they're
18 reallocating that back to the television,
19 and the television station broadcasts at a
20 much much higher frequency of wattage power
21 that we do.

22 We typically from our towers at
23 about 140 watts, television stations
24 broadcast at about 1.5 million watts.

25 When certain atmospheric

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2 conditions take place, their signals bounce
3 from Virginia, Newport Virginia, more
4 specifically, and wipe our ability to
5 communicate on our radio systems.

6 So this is the beginning of the
7 process of replacing our radio system, 500
8 megahertz systems into what's called the
9 seven and 800.

10 We began the process in 2014, we
11 built out seven sites, or 700 site, and we
12 also have recently replaced six sites on
13 800. Those will be brought together. We
14 lose no money whatsoever. It's actually
15 leveraged against what we are doing with
16 this project and this money will start us in
17 replacing our microwave antennae starting in
18 early next year, very early. We will be
19 ordering equipment in January and moving
20 along over the next five years to replace
21 the entire system. That's the radio
22 project. Any questions?

23 CHAIRMAN NICOLELLO: Obviously
24 the radios are of crucial importance.
25 Legislator Ford and I had a meeting with you

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2 at headquarters a while back.

3 It can be a dangerous situation
4 for our officers because the radios are not
5 working because of this condition. They
6 have difficulty calling for back up if they
7 are out of their vehicles obviously.

8 So this is again of crucial
9 importance to the county. Do you have a
10 timeline as to how long this project is
11 going to take? What progress we can make
12 and what ultimately will and when ultimately
13 it will be done?

14 CHIEF WALSH: The overall project
15 is going to take about five years to
16 complete. The reason I say that is it not
17 only includes Nassau County but it includes
18 all of the village police departments as
19 well as the two cities they work off of our
20 radios as well.

21 So the building of the actual
22 system will be completed in about two and a
23 half to three years, in that range, so that
24 the system will be fully functional at that
25 point. Then it's a matter of ordering

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2 what's called subscribe, the actual radios
3 themselves, to get put into the cars, and
4 the portable radios that the officers use to
5 communicate out in the field.

6 So it's a five year capital
7 project and this is to get the project
8 online and started. We have been working on
9 this for probably about a year to get to the
10 point where we can present it to the
11 Legislature to get it moving.

12 So it's a little bit of an
13 extended project to get done and you have to
14 be very careful about how you actually
15 implement this so that no village, neither
16 the cities or none of our precincts are
17 without communications while we are building
18 it out.

19 It's a very complex project. I
20 can talk in detail if you have specific
21 questions, I have no problem getting into
22 detail. Unfortunately it's all in my head.

23 CHAIRMAN NICOLELLO: We are glad
24 it's there. Anyone else have any questions?

25 (No verbal response.)

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2 We're good.

3 CHIEF WALSH: The AFIS project,
4 if you have any questions on that, the live
5 scan replacement?

6 CHAIRMAN NICOLELLO: Questions?
7 I think we're good. You were here all day.
8 We appreciate it.

9 Any other questions on any other
10 part of the emergency?

11 (No verbal response.)

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

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Carries unanimously.

18 LEGISLATOR SOLAGES: Nay.

19 CHAIRMAN NICOLELLO: There is a
20 little bit of a delay. Is that Legislator
21 Solages?

22 LEGISLATOR SOLAGES: Yes, it is.

23 CHAIRMAN NICOLELLO: Anyone else
24 besides Legislator Solages voting no?

25 (No verbal response.)

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2 I don't hear anyone so the vote
3 is 18 in favor, 1 against.

4 Mr. Budnick.

5 MR. BUDNICK: I just wanted to
6 make suggestions that there might be a need
7 for greater inter-comparability between not
8 only the villages and city police
9 departments here in Nassau County, but with
10 state police, MTA police, and the New York
11 State National Guard radio nets in case of
12 an emergency. Thank you.

13 CHAIRMAN NICOLELLO: Thank you.
14 Motion to adjourn?

15 LEGISLATOR DERIGGI-WHITTON: So
16 moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator DeRiggi-Whitton, seconded by
20 Legislator Walker.

21 All in favor of adjourning
22 signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (No verbal response.)

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2 Carries unanimously. We are
3 adjourned.

4 (Whereupon, the Full Legislative
5 Committee adjourned at 5:26 p.m.)

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C E R T I F I C A T E

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

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of November, 2020.

FRANK GRAY