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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, January 25, 2021
1:40 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

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5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

10

11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

13

14 LEGISLATOR DELIA DERIGGI-WHITTON

15 11th Legislative District

16

17 LEGISLATOR JAMES KENNEDY

18 12th Legislative District

19

20 LEGISLATOR THOMAS MCKEVITT

21 13th Legislative District

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23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

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2 LEGISLATOR JOHN FERRETTI, JR.

3 15th Legislative District

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5 LEGISLATOR ANDREW DRUCKER

6 16th Legislative District

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8 LEGISLATOR ROSE WALKER

9 17th Legislative District

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11 LEGISLATOR JOSHUA LAFAZAN

12 18th Legislative District

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14 LEGISLATOR STEVEN RHOADS

15 19th Legislative District

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17 MICHAEL PULITZER

18 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: Start
3 things off ask Legislator Birnbaum to lead us
4 in the Pledge of Allegiance.

5 Mike, can you call the roll?

6 MR. PULITZER: Yes, sir. Thank
7 you. Roll call. Deputy Presiding Officer
8 Howard Kopel.

9 LEGISLATOR KOPEL: Here.

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

12 LEGISLATOR FORD: Here.

13 MR. PULITZER: Legislator Siela
14 Bynoe.

15 LEGISLATOR BYNOE: Here.

16 MR. PULITZER: Legislator Carrie
17 Solages. We'll come back. Legislator Debra
18 Mule.

19 LEGISLATOR MULE: Here.

20 MR. PULITZER: Legislator C.
21 William Gaylor the Third. Legislator Vincent
22 Muscarella.

23 LEGISLATOR MUSCARELLA: Here.

24 MR. PULITZER: Legislator Ellen
25 Birnbaum.

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2 LEGISLATOR BIRNBAUM: Here.

3 MR. PULITZER: Legislator Delia
4 DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON:
6 Here.

7 MR. PULITZER: Legislator James
8 Kennedy.

9 LEGISLATOR KENNEDY: Here.

10 MR. PULITZER: Legislator Thomas
11 McKevitt.

12 LEGISLATOR MCKEVITT: Here.

13 MR. PULITZER: Legislator Laura
14 Schaefer.

15 LEGISLATOR SCHAEFER: Here.

16 MR. PULITZER: Legislator John
17 Ferretti.

18 LEGISLATOR FERRETTI: Here.

19 MR. PULITZER: Legislator Arnold
20 Drucker.

21 LEGISLATOR DRUCKER: Here.

22 MR. PULITZER: Legislator Rose
23 Marie Walker.

24 LEGISLATOR WALKER: Here.

25 MR. PULITZER: Legislator Joshua

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2 Lafazan.

3 LEGISLATOR LAFAZAN: Here.

4 MR. PULITZER: Legislator Steven
5 Rhoads.

6 LEGISLATOR RHOADS: Present.

7 MR. PULITZER: Minority Leader
8 Kevan Abrahams.

9 LEGISLATOR ABRAHAMS: Here.

10 MR. PULITZER: Presiding Officer
11 Richard Nicolello.

12 LEGISLATOR NICOLELLO: Here.

13 MR. PULITZER: Let me come back
14 to C. William Gaylor is he available? And
15 Carrie Solages. We have a quorum sir.

16 LEGISLATOR NICOLELLO: Thank
17 you. We have one item of public comment which
18 was submitted by Richard Clolery and will be
19 given to the stenographer and clerk's office
20 and made part of the record.

21 We do have two calendars to
22 consider, a procedural calendar and our
23 regular legislative calendar, which are both
24 brief. There is, however, an item that the
25 administration apparently is going to be

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2 filing which we may or may not consider. But
3 we will probably break after we do these two
4 agendas and make a determination at that point
5 as to what to do with the item the
6 administration is going to be sending down.

7 As to the procedural calendar. Two
8 items. Resolution one of 2021 as to
9 procedure. A resolution directing the clerk
10 of the legislature to publish a notice of
11 hearing on the application to set aside land
12 for cemetery purposes by the rector, Wardens
13 and Vestry of Grace Episcopal Church a/k/a
14 Grace Episcopal Church to be held on March 22,
15 2021.

16 Moved by Legislator Bynoe.
17 Seconded by Legislator Walker. Any debate or
18 discussion? All in favor signify by saying
19 aye. Those opposed? Carries unanimously.

20 Second resolution is a resolution
21 directing the clerk of the legislature to
22 publish a notice of hearing on the application
23 for the acquisition and use of land for
24 cemetery purposes by the Nassau Knolls
25 Cemetery Association to be held March 22,

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2 2021.

3 Moved by Legislator

4 DeRiggi-Whitton. Seconded by Legislator

5 Ford. Any debate or discussion? Hearing

6 none, all in favor signify by saying aye.

7 Those opposed? Carries unanimously.

8 Go to the calendar. First items

9 we're going to call are the consent items.

10 These are items that went through committees

11 two weeks ago and it's been determined by the

12 Majority and Minority that no further debate

13 or discussion is required as to these items at

14 this time. So I'm going to call them

15 altogether.

16 Item 1, Ordinance 1. Item 2,

17 Ordinance 2. Item 3, Ordinance 3. Item 4,

18 Ordinance 4. Item 5, Ordinance 5. Item 6,

19 Ordinance 6. Item 7, Ordinance 7. Item 8,

20 Ordinance 8. Item 9, Ordinance 9. The next

21 bunch I'm going to skip over and then resume

22 at Item 20, Resolution 11. Item 21,

23 Resolution 12. Item 22, Resolution 13. 23,

24 Resolution 14.

25 Let's get a motion on that. Moved

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2 by Legislator Kennedy. Seconded by Legislator
3 Drucker. For the record, Legislator Solages
4 is on the call and present.

5 As to the items I just called, any
6 further debate or discussion? Hearing none,
7 all in favor signify by saying aye. Those
8 opposed? Those item carries unanimously.

9 The next several, which will be
10 items 10, 11, 12, 13, 14, 15, 16, 17, 18 and
11 19, Legislator Rhoads will be recusing
12 himself. He will be leaving the chambers and
13 won't be participating in any debate,
14 discussion or vote. Those are resolutions one
15 through ten. Again, it's 10, 11, 12, 13, 14,
16 15, 16, 17, 18, 19.

17 Motion by Legislator McKevitt.
18 Seconded by Legislator Schaefer. These are
19 resolutions authorizing the county attorney to
20 compromise and settle the claims of plaintiff
21 as set forth in the actions entitled Hambard
22 versus the county, Mullins versus the county,
23 Pippin versus the county, Farber versus the
24 county, Naughton versus the county,
25 Giancontieri versus the county, Gartland

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2 versus the county, Coleman versus the county
3 and Charley versus Nassau County.

4 There was a motion and a second.
5 Any debate or discussion on these items?
6 Hearing none, all in favor signify by saying
7 aye. Those opposed? They carry by a vote of
8 18 to zero. If I could invite Legislator
9 Rhoads back in.

10 Again, that concludes our
11 calendar. But we do have an item from the
12 administration that we may or may not be
13 considering. So, I'm going to put the
14 legislature in recess until we get this
15 straightened out. Thank you.

16 (Meeting recessed at 1:47 p.m.)

17 (Meeting reconvened at 2:40 p.m.)

18 LEGISLATOR NICOLELLO: All
19 right. We are back in session. We have an
20 emergency addendum with an agenda with three
21 items on it. Mike, you want to call the
22 emergencies.

23 MR. PULITZER: Sure. Emergency
24 resolution 1-2021. An emergency resolution
25 declaring an emergency for immediate action

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2 upon a resolution to authorize the county's
3 assessor and/or the county treasurer and/or
4 the receiver of taxes of the Town of Hempstead
5 to partially exempt certain real estate
6 properties situated in various school
7 districts, assessed to designated owners
8 appearing on the assessment rolls for the
9 specific school and/or county years pursuant
10 to this resolution, pursuant to the real
11 property tax law, the county government law of
12 Nassau County and the Nassau County
13 Administrative Code.

14 A resolution to authorize the
15 county assessor and/or the county treasurer
16 and/or the receiver of taxes of the Town of
17 North Hempstead to partially exempt certain
18 real property situated in various school
19 districts, assessed to designated owners
20 appearing on the assessment rolls for the
21 specified school and/or county years pursuant
22 to the resolution, pursuant to the real
23 property tax law, the county government law of
24 Nassau County and the Nassau County
25 Administrative Code.

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2 And a resolution to authorize the
3 county assessor and/or the county treasurer
4 and/or the receiver of taxes of the Town of
5 Oyster Bay to partially exempt certain real
6 property situated in various school districts,
7 assessed to designated owners appearing on the
8 assessment rolls for the specified school
9 and/or county years pursuant to this
10 resolution, pursuant to the real property tax
11 law, the county government law of Nassau
12 County and the Nassau County Administrative
13 Code.

14 LEGISLATOR NICOLELLO: Thank
15 you. Motion to establish the emergency.
16 Moved by Deputy Presiding Officer Kopel.
17 Seconded by Legislator Drucker. Any debate or
18 discussion on the emergency? All in favor of
19 establishing the emergencies signify by saying
20 aye. Those opposed? Carries unanimously.

21 So, I will call those three items
22 now, 35, 36, 37 of 2021. Resolutions
23 authorizing the county assessor and/or county
24 treasurer and/or the receivers of taxes of the
25 towns of Hempstead, North Hempstead and Oyster

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2 Bay to partially exempt certain real property
3 situated in various school districts, assessed
4 to designated owners appearing on the
5 assessment rolls for the specified school
6 and/or county years pursuant to this
7 resolution, pursuant to the real property tax
8 law, the county government law of Nassau
9 County and the Nassau County Administrative
10 Code.

11 Moved by Legislator
12 DeRiggi-Whitton. Seconded by Legislator
13 Ford. So, this is now before us. I know that
14 there are some questions. Is there somebody
15 available for the administration?

16 MR. MILES: Robert Miles, deputy
17 assessor back again.

18 LEGISLATOR NICOLELLO: Legislator
19 Ferretti.

20 LEGISLATOR FERRETTI: Thank you
21 Presiding Officer. Mr. Miles, hello again.

22 MR. MILES: Hello again sir.

23 LEGISLATOR FERRETTI: So, the
24 hearing this morning we were unable to
25 identify specifically the properties that fell

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2 under this error and it seems like in a matter
3 of minutes you were able to do so. Can you
4 explain that?

5 MR. MILES: We've been working on
6 the data and the resolutions for the past few
7 days. I didn't know that we were going to get
8 this in today. I'm happy that the staff was
9 able to work quickly and get this in.
10 Obviously you know I was with you in the
11 hearing from nine o'clock this morning. So
12 I'm glad everything moved quickly.

13 LEGISLATOR FERRETTI: I'm glad
14 too. It's just quite the coincidence that it
15 took a three and a half hour hearing,
16 extensive questioning and exposure of this
17 error for this emergency to be put before us.
18 I think it was an emergency yesterday, an
19 emergency the day before and it's an emergency
20 today. So, I guess at the end of the day I'm
21 happy that this is before us and we are able
22 to correct this now. I just am concerned if
23 there are other errors out there that we as a
24 legislature are not aware of. Does it take
25 another hearing to uncover those?

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2 MR. MILES: No. We've been
3 working on this for a while as I mentioned.
4 We wanted to make sure we got everything.
5 Like I said, I wasn't aware that they were
6 going to be able to push this through. But
7 I'm happy they are and it really does help our
8 veterans and clergy. So, I'm very pleased.

9 LEGISLATOR FERRETTI: Earlier
10 this morning you indicated as a result of
11 these errors Nassau County's on the hook for
12 approximately \$5 million due to the county
13 guarantee; is that right?

14 MR. MILES: Yes.

15 LEGISLATOR FERRETTI: Earlier
16 today you indicated there were approximately
17 4,000 errors to the veterans exemption and
18 approximately 800 for the clergy exemption.
19 But now it's being reported that it's actually
20 more like a total of 5500 not 4800. Which
21 number is right?

22 MR. MILES: That's not accurate.
23 It's I think between 4500 and 46 or 4700
24 veterans and 800 clergy. So this is all
25 combined. I stated that it was approximately

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2 5,000 parcels. It is approximately 5,000
3 parcels.

4 LEGISLATOR FERRETTI: How many
5 veterans exemptions are in error? How many
6 properties? 4700?

7 MR. MILES: It's either 45 or
8 between 45 and 47.

9 LEGISLATOR FERRETTI: Wasn't your
10 testimony earlier today, and I understand if
11 it was just an estimate, didn't you estimate
12 this morning that it was 4,000 veterans?

13 MR. MILES: I said it was
14 approximately 4,000 veterans and approximately
15 800 clergy.

16 LEGISLATOR FERRETTI: So that's a
17 total of 4800, right?

18 MR. MILES: 4500 is within the
19 range of approximately. And 800 is
20 approximately clergy. I think 5,000 was what
21 I testified to and 5,000 plus. But it's still
22 5,000 it is. And I stated that it was five
23 million in refund liability and it's still
24 approximately five million in refund
25 liability.

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2 LEGISLATOR FERRETTI: I'm not
3 trying to trick you here. If these are
4 approximations that's fine. I just want to
5 make sure I heard right this morning. This
6 morning I heard a total of 4800. 4,000
7 approximately veterans. Approximately 800
8 clergy. Now you're saying it's approximately
9 45 to 4700 for veterans and approximately 800
10 for clergy. Are those a fair reflection of
11 your testimony?

12 MR. MILES: I don't see that
13 there's that much of a -- I told you what I
14 had estimated. The petitions came in. It
15 comes as 4500 and 800 something veterans. I
16 think the testimony is accurate. It's fine.
17 And I mentioned the \$5 million in refund
18 liability.

19 LEGISLATOR FERRETTI: That's
20 great. I'm glad you think it's fine. I'm not
21 asking you if you think it's fine. I'm just
22 trying to understand what you said this
23 morning now. I'm not going to beat a dead
24 horse here.

25 My next question is, now that we

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2 have approximately 500 or so more than what
3 was estimated this morning, does that \$5
4 million estimate still hold or is the
5 liability more as a result of these now 500
6 that apparently were found in the last couple
7 of hours?

8 MR. MILES: No, it's still
9 there. They weren't found in the last three,
10 four, five hours. The team has been working
11 on this for a while. They really kicked into
12 gear this weekend. Like I said, I'm pleased
13 this is in front of you now so we can really
14 do some good and help the veterans and the
15 clergy.

16 LEGISLATOR FERRETTI: The list of
17 properties on this legislation is that
18 complete?

19 MR. MILES: Yes.

20 LEGISLATOR FERRETTI: Are there
21 any veterans or clergy members who were taxed,
22 sent erroneous tax bills as a result of this
23 error from the Department of Assessment that
24 are not included on this list?

25 MR. MILES: No. This is the full

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2 universe.

3 LEGISLATOR FERRETTI: Thank you
4 Presiding Officer.

5 MR. MILES: Thank you sir.

6 LEGISLATOR NICOLELLO: Mr. Miles,
7 let me ask you this, if this passes today how
8 quickly can you get this information to the
9 receivers of taxes?

10 MR. MILES: I think within the
11 next day or two we can get the data over to
12 the receivers and then we can start printing
13 out corrected bills.

14 LEGISLATOR NICOLELLO: You just
15 gave assurances to Legislator Ferretti that
16 this represents the entire universe. The
17 concern that we all have and the hesitation we
18 all had was the fact that you produced this
19 hours after the hearing. We're concerned that
20 in a rush to get this done you left off
21 veterans and/or clergy members that should be
22 on this list. So again, I'm going to ask you
23 to repeat or reiterate that it is the
24 administration's and Department of
25 Assessment's representation that this list

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2 includes everybody who's affected?

3 MR. MILES: This list includes
4 everyone. As I stated before, we've been
5 working on this for a while, pushing it into
6 gear on the weekend and I'm happy to see that
7 it's in front of you now. It takes a while to
8 move it through the system. Get all the
9 different sign-offs. But we've been working
10 on the data for a while now. So this is the
11 full universe.

12 LEGISLATOR NICOLELLO: All
13 right. I understand that you've been working
14 on it for a while but none of us believe in
15 coincidences that this happens to drop down as
16 an emergency within hours of the hearing when
17 this became an issue. Legislator Ford and
18 Legislator Rhoads.

19 LEGISLATOR FORD: Good afternoon
20 Miles. It is my understanding that some
21 veterans may have already paid their taxes
22 even though they were overcharged. I would
23 like to know that if this is the case how do
24 we make sure that if they decide that they
25 want to get reimbursed rather than wait for

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2 the next billing cycle to get their refund,
3 what is the best way and how can we guarantee
4 that they will be able to get their money
5 within a matter of days rather than a matter
6 of months?

7 MR. MILES: I don't know if it's
8 a matter of days. I don't want to speak for
9 the treasurer. I know there is some
10 processing and approval in verification from
11 the treasurer. My understanding is this
12 process doesn't take days, but I don't know if
13 it would take months either. You'd have to
14 run that by the treasurer.

15 LEGISLATOR FORD: Katy?

16 MS. HORST: We will ask the
17 treasurer. We will work with the treasurer to
18 process these refunds as quickly as possible.
19 I don't have a time frame but we will make
20 sure that the treasurer knows.

21 LEGISLATOR FORD: Because
22 obviously some of these veterans are older
23 since they come from World War II and Korean
24 War. If they paid, in my past experiences I
25 know when we have to validate everything it

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2 just seems to go through the normal government
3 clock which isn't always acceptable. I want
4 to make sure that if they were so good as to
5 pay their taxes on time and a little early
6 they don't get punished for being careful and
7 cognizant.

8 MS. HORST: We will speak with
9 the treasurer's office today.

10 LEGISLATOR FORD: I really
11 appreciate this.

12 Miles, my other question is because
13 we were going through the list, we were trying
14 to scan ourselves just to, I guess, try to
15 make sure if we knew or whatever who was on
16 the list and I wanted to make sure at least
17 people in the City of Long Beach were also
18 included. Something came across me and I just
19 have a basic general question. I have a West
20 End Management L.L.C. on this list, which I'm
21 trying to figure out like how they would
22 qualify for either as veterans or from World
23 War II or clergy?

24 MR. MILES: You can still qualify
25 for exemptions under different names but I'll

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2 check that one just to double check.

3 LEGISLATOR FORD: It seems like
4 it's the only one going through the list that
5 had names -- that that's how they were
6 listed.

7 MR. MILES: It could also be a
8 transfer of property from one to another and
9 the exemption followed.

10 LEGISLATOR FORD: Thank you very
11 much.

12 MR. MILES: Thank you.

13 LEGISLATOR NICOLELLO: Legislator
14 Rhoads, Legislator Gaylor, Legislator Schaefer
15 and then Legislator Muscarella.

16 LEGISLATOR RHOADS: Thank you Mr.
17 Presiding Officer.

18 Mr. Miles, I appreciate the fact
19 that you're saying that it's nice to be able
20 to help veterans and clergy and certainly we
21 want to make sure that we're doing that but
22 what really would have been helpful to
23 veterans and clergy was for us to have
24 identifies these errors and corrected them
25 weeks ago.

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2 Now, you're telling me not to be
3 concerned about the fact that these 4800, I'm
4 sorry, 5,500 names are being dropped on us at
5 the last minute and we're supposed to accept
6 on face value that this is an exhaustive list
7 of the number of veterans that were impacted
8 by this and the number of clergy that were
9 impacted by this. You're telling me this
10 isn't a last minute thing. That you've been
11 working on it for a while.

12 How many weeks ago did the
13 Department of Assessment and did the county
14 executive figure out that you made this
15 mistake? And why was it only being kicked
16 into gear this weekend in advance of today's
17 hearing to actually come up with a solution?

18 MR. MILES: It's not weeks. We
19 probably found out in the beginning of the
20 week the extent of the issue.

21 LEGISLATOR RHOADS: Today's
22 Monday, so this is the beginning.

23 MR. MILES: I apologize. The
24 beginning of last week. And we had the
25 accounting division, the IT division, quality

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2 assurance division just go to work and, you
3 know, comb through the entire assessment
4 roll. And to their credit, and I've said this
5 before, even despite the circumstances in a
6 pandemic-riddled year they really pushed
7 through and got the data in. So.

8 LEGISLATOR RHOADS: How do we
9 actually know, because obviously us having
10 this list for, I don't know, about 45 minutes
11 at this point, there's no way for us to be
12 able to determine whether constituents that
13 have contacted our office are actually on the
14 list. There's no way for us independently to
15 be able to check and make sure this is
16 exhaustive. There's no opportunity for us to
17 be able to reach out to our constituents
18 before voting on this to make sure that
19 additional people who are affected aren't out
20 there and aren't included on the list. How do
21 we know that this is actually an exhaustive
22 list?

23 MR. MILES: The staff took
24 measures. Went through Adapt. Went through
25 the entire assessment and went through all the

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2 exemptions and their exhaustive study and
3 their analysis came up with this list. My
4 understanding is the intent of getting this in
5 now is to be enable the receivers to put in
6 corrected bills so veterans don't have to pay
7 due to the Adapt error. So, I think that's
8 the intent. The intent isn't to surprise
9 anyone. The intent is to work as quickly and
10 efficiently as possible to actually help
11 veterans from paying due to the computer
12 error.

13 LEGISLATOR RHOADS: Of course it
14 would be nice if we didn't make the error in
15 the first place because that would have
16 avoided the problem in its entirety.

17 So, let's assume for a moment,
18 look, we're dealing with an assessment problem
19 that if I had a dollar for every error that
20 we've had in this assessment process, as much
21 as you want to say it's been accurate, I'd be
22 rich. Let's assume that this is not
23 exhaustive. Passing this today does not
24 preclude us from adding additional names if
25 and when it's discovered that there are people

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2 that should have been on this list that are
3 off it?

4 MR. MILES: I mean, this list is
5 exhaustive but nothing stops the legislature
6 from approving correction of error resolutions
7 like they have in the past and years before
8 this and years going forward. There's a
9 separate article in the real property tax law
10 that sets out the procedures for approving
11 corrections. So, this is standard operating
12 procedure in terms of getting errors, which is
13 a statutory term, corrected.

14 LEGISLATOR RHOADS: So I will ask
15 the same question to you now that I asked
16 earlier at the hearing. Now that we've had
17 the adjustments at the Seasons, now that we've
18 had the adjustments up in Port Washington, now
19 we have the 5,500 now, I just do have to say,
20 and I know that certainly it's not intentional
21 on your part, but we were talking this morning
22 about the numbers of 4800. Now it turns out
23 to be 5,500. And the comment is hey, that's
24 in the ballpark, it's not a big deal. Behind
25 those additional 700 people are 700 people

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2 that had to reach into their pocket and had to
3 pay money that they don't have to satisfy
4 their taxes because we can't get it right.

5 MR. MILES: The
6 characterization --

7 LEGISLATOR RHOADS: Hold on. I'm
8 not done.

9 MR. MILES: The 700 or different
10 I made an estimation based on a number. And
11 like I said before, we are veterans here. We
12 support veterans here. We have family members
13 who are veterans here. Saying that my
14 approximation as a characterization of how we
15 feel about people in this county I don't think
16 that's correct.

17 LEGISLATOR RHOADS: My point is
18 that we seem to treat these numbers somewhat
19 cavalierly in the sense that the difference
20 between 4800 and 5500 is probably 16, 17
21 percent. Just like we're saying that hey, if
22 we get our assessment right within ten percent
23 we can pat ourselves on the back. For the ten
24 percent that we're getting it wrong, making
25 them go through the process to hopefully get

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2 resolution to it where the burden of proof is
3 on them that doesn't strike me as being good
4 enough. We have to do better. Especially in
5 light of all of the problems that we've had
6 with this assessment which now are only going
7 to be compounded because we're now doing the
8 same things that we said got us into a problem
9 in the first place. Frozen roll, mass
10 settlements are simply going to create issues
11 down the line.

12 But I did just want to confirm
13 though that if there are additional mistakes
14 down the road that are identified we do have
15 the opportunity to be able to again correct
16 those mistakes and that addressing this
17 petition today does not foreclose that
18 opportunity, correct?

19 MR. MILES: Nothing here
20 forecloses future correction of error
21 petitions.

22 LEGISLATOR RHOADS: Incidentally,
23 now that the Department of Assessment has done
24 this check will they be going back in a more
25 timely fashion, in a more exhaustive fashion

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2 and rechecking the numbers to make sure that
3 we've captured everyone?

4 MR. MILES: I can assure you we
5 captured everyone but we are going to continue
6 to review everything with this special
7 district issue for future tax bills as well.

8 LEGISLATOR RHOADS: The same
9 question as the morning. Are we sure at this
10 point that this is the last of the errors that
11 we're going to see or are there more still
12 lurking out there?

13 MR. MILES: I don't foresee or
14 predict any errors.

15 LEGISLATOR RHOADS: I asked the
16 same question when we were talking about the
17 Seasons and that was the same answer.

18 MR. MILES: I understand. The
19 only other thing I can think of is at some
20 point we're going to approve the good cause
21 seniors who filed late, we're going -- that's
22 a good thing. We reviewed the seniors, saw
23 their qualifications, reviewed their letters
24 and they qualify for exemptions. So that's a
25 real positive there. You may see that in the

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2 future.

3 LEGISLATOR RHOADS: By the way,
4 if we hadn't had this hearing this morning
5 when exactly were we going to get this
6 petition?

7 MR. MILES: I'm sorry?

8 LEGISLATOR RHOADS: If we hadn't
9 had this hearing this morning, and as you put,
10 the Department of Assessment kicked into gear,
11 when would we have gotten this petition?

12 MR. MILES: I am not in charge of
13 putting the legislation in and submitting the
14 legislation. But we worked fairly diligently
15 to get through this and process the petitions
16 as quickly as possible.

17 LEGISLATOR RHOADS: Thank you
18 Mr. Miles.

19 LEGISLATOR NICOLELLO: Legislator
20 Gaylor then Legislator Schaefer.

21 LEGISLATOR GAYLOR: Thank you
22 presiding officer. Hello Mr. Miles.

23 MR. MILES: Good afternoon. I
24 almost said good morning.

25 LEGISLATOR GAYLOR: First I want

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2 to thank you for your testimony this morning.

3 I know it was long and exhaustive. I just

4 want to go back to the estimates or the

5 numbers now that they've changed a little

6 bit. It's up to 5500. We'll say 4500

7 veterans, 800 clergy type exemptions, right?

8 MR. MILES: You're correct.

9 LEGISLATOR GAYLOR: Do you know

10 the dollar amount for the total 5500 exemption

11 errors that we're talking about? Dollar

12 amount? Roughly it was five million this

13 morning. Can you tell us with some

14 specificity what is the exact dollar amount?

15 MR. MILES: Still in the five

16 million range.

17 LEGISLATOR GAYLOR: When you use

18 range, this is what I'm just getting at, is

19 that between 5 and 5.5 million or between five

20 and six or is that 4.5 to five range?

21 MR. MILES: I'm just calculating

22 right now in my head. Each petition is

23 different per town. It's separated by town.

24 Rough math 5.5 between the three towns.

25 LEGISLATOR GAYLOR: It's no more

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2 than five and a half could it be? Or could it
3 be more, we don't know?

4 MR. MILES: Like I said, this is
5 the full universe.

6 LEGISLATOR GAYLOR: You keep
7 using that term. What does that mean "full
8 universe"? Because I'm really concerned about
9 Gold Star mothers who've lost their child in
10 combat and qualify for an exemption. Are they
11 included in this category? Are fire
12 fighters?

13 MR. MILES: I have to review the
14 Gold Star but I think Gold Star veterans
15 they're a separate issue, and I think you have
16 to opt into the Gold Star veterans getting the
17 exemption. That's a separate legal question.

18 LEGISLATOR GAYLOR: You could go
19 back and figure that out simply I would
20 imagine, right? The computer will do it for
21 you?

22 MR. MILES: We will comb through
23 our database.

24 LEGISLATOR GAYLOR: You will come
25 back with another bill if there are others

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2 that were left off inadvertently like gold
3 star mothers. Does the universe also include
4 fire fighters or railroad workers or senior
5 citizens or any other of the various classes
6 or types of exemptions?

7 MR. MILES: There were one-off
8 exemptions. Anyone who qualified. There
9 might have been a few fire fighters. Only a
10 handful and a few seniors. But it was in the
11 tens. This is the significant issue from the
12 computer error.

13 LEGISLATOR GAYLOR: I understand
14 that and this is 5500 names but there are
15 another unknown amount of people who were
16 affected with these errors that we haven't
17 really discussed or quantified yet; is that
18 correct?

19 MR. MILES: No, that's not
20 correct. We reviewed all the exemptions. We
21 reviewed every single exemption and, like I
22 said, if there was a senior there or a veteran
23 here we made sure to include them in there.
24 That was not the prevailing issue with the
25 computer.

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2 LEGISLATOR GAYLOR: And gold star
3 mothers are kind of a separate, distinct out
4 of this group?

5 MR. MILES: If I think about
6 the -- it's the qualification of the gold star
7 veterans that are separate. I'd have to look
8 back.

9 LEGISLATOR GAYLOR: Would you
10 please go back and look and make sure our gold
11 star families are looked after?

12 MR. MILES: Everyone who
13 qualified for an exemption is in this batch.

14 LEGISLATOR GAYLOR: Can you,
15 going back to the line of questioning I think
16 Mr. Ferretti asked, when did the Department of
17 Assessment first become aware that there were
18 these errors with veterans and clergy?

19 MR. MILES: I don't know the
20 exact date but I think the week previous to
21 this one was when it came into full view and
22 we were understanding the full analysis.

23 LEGISLATOR GAYLOR: When I say
24 we, did the Department of Assessment or the
25 county executive or the administration put out

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2 any information or write a letter or send a,
3 do a press release informing veterans to
4 double-check their numbers or don't pay? How
5 did we get word, if we did, which I don't
6 think we did, but what measures did we take to
7 communicate with our constituents about these
8 errors?

9 MR. MILES: I'm not aware of the
10 communications. I think we were trying to get
11 our hands around the population that was
12 affected and that was our team's goal for the
13 week is just to figure out who was impacted.

14 LEGISLATOR GAYLOR: So, what
15 you're saying is the Department of Assessment
16 didn't put any information out either on its
17 website or send letters to anybody, would that
18 be correct?

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

21 LEGISLATOR GAYLOR: The
22 Department of Assessment didn't, then you're
23 not sure what the county executive did. I can
24 tell you that the county executive didn't do
25 anything. I received numerous calls,

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2 complaints, I'm still getting them now while
3 we're in this hearing and people are
4 watching. Nobody from the administration nor
5 did the county executive care enough about our
6 veterans. That's the repeated pattern year
7 after year. It's okay to mess with veterans
8 or their exemptions and nobody says the buck
9 stops with me. The county executive continues
10 to fail in her duties as the chief
11 administrative officer for this government.
12 We shouldn't tolerate it. I think the
13 frustration is really getting to a level
14 that's significant and needs to be noted.

15 I have nothing further Mr. Miles.
16 Thank you very much.

17 LEGISLATOR NICOLELLO: Legislator
18 Schaefer.

19 LEGISLATOR SCHAEFER: My question
20 was pretty much answered. I just really
21 wanted to make sure that every eligible
22 veteran and clergy member was included on the
23 list and you did say you that believed so but
24 that you're also, the county and the
25 administration, is open to correction if we

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2 find some information that says otherwise.

3 So, thank you.

4 LEGISLATOR NICOLELLO: Any other
5 legislators? No. I'll just reiterate at the
6 end what Legislator Ford had indicated. We
7 want to make sure and we will stay on top of
8 this for those that did pay their taxes that
9 we'll do a refund that those refunds go out as
10 soon as possible. There was an issue a couple
11 of years ago, maybe less time than that, but
12 that it took months to get those refunds
13 checks into the hands of the people who were
14 overcharged. We're going to stay on top of
15 that.

16 Any other debate or discussion?
17 Hearing none, all in favor signify by saying
18 aye. Those opposed? Carries unanimously.

19 Motion to adjourn by Legislator
20 Rhoads. Seconded by Legislator Drucker. All
21 in favor of adjourning signify by saying aye.
22 Those opposed? Carries unanimously. We are
23 adjourned.

24 (Meeting was adjourned at 3:11
25 p.m.)

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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 31st day of
January 2021

FRANK GRAY