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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

9

PRESIDING OFFICER

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FINANCE COMMITTEE

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LEGISLATOR HOWARD KOPEL

14

CHAIR

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Theodore Roosevelt Building

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1550 Franklin Avenue

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Mineola, New York

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May 10, 2021

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3:51 P.M.

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

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4 LEGISLATOR HOWARD KOPEL

5 Chair

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7 LEGISLATOR VINCENT MUSCARELLA

8 Vice Chair

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10 LEGISLATOR TOM MCKEVITT

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12 LEGISLATOR JOHN FERRETTI, JR.

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14 LEGISLATOR ELLEN BIRNBAUM

15 Ranking member

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17 LEGISLATOR ARNOLD DRUCKER

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19 LEGISLATOR DEBRA MULE

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2 LEGISLATOR KOPEL: Mike when you
3 are ready please call the roll.

4 MR. PULITZER: Finance Committee
5 roll call. Legislator Joshua Lafazan.

6 LEGISLATOR LAFAZAN: Here.

7 MR. PULITZER: Legislator Arnold
8 Drucker.

9 LEGISLATOR DRUCKER: Here.

10 MR. PULITZER: Ranking Member
11 Ellen Birnbaum.

12 LEGISLATOR BIRNBAUM: Here.

13 MR. PULITZER: Substituting for
14 Rose Marie Walker we have Legislator John
15 Ferretti.

16 LEGISLATOR FERRETTI: Here.

17 MR. PULITZER: Legislator Thomas
18 McKevitt.

19 LEGISLATOR MCKEVITT: Here.

20 MR. PULITZER: Vice Chairman
21 Vincent Muscarella.

22 LEGISLATOR MUSCARELLA: Here.

23 MR. PULITZER: Chairman Howard
24 Kopel.

25 LEGISLATOR KOPEL: Here.

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2 MR. PULITZER: We have a quorum
3 sir.

4 LEGISLATOR KOPEL: I'm going to
5 take a motion now before we start to suspend
6 the rules. That's made by Mr. McKevitt and
7 seconded by Mr. Drucker. All those in favor
8 of suspending the rules please say aye. Any
9 opposed? The rules are suspended.

10 Now we're going to go through a
11 number of consent items. These are items that
12 have previously been considered by other
13 committees and have passed without dissent.
14 The Majority and Minority agree on them.
15 Those items are number 148, 152, 153, 154 and
16 156. Motion on those items is made by
17 Mr. Muscarella. Seconded by Ms. Birnbaum.
18 All those in favor of those items please say
19 aye. Any opposed? Those items pass
20 unanimously. Thank you.

21 The next item will be number 150
22 and that's a resolution for issuance of a
23 warrant for the treasurer to pay various other
24 municipalities monies received from mortgage
25 taxes.

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2 And that item, the motion is made
3 by Mr. Lafazan. Seconded by Mr. McKevitt.
4 Any questions on this item? All those in
5 favor please indicate by saying aye. Any
6 opposed? That item passes unanimously.

7 Moving on. Number 155 is a grant
8 agreement between Parks and the Art Guild of
9 Port Washington. That motion is made by Mr.
10 Ferretti and seconded by Mr. Drucker.

11 MS. KASO: Victoria Kaso with the
12 Department of Parks. 155 is an amendment to a
13 hotel-motel tax grant agreement with the Art
14 Guild of Port Washington. They had some
15 delays to their project due to COVID. To
16 allow for more time to use the funds.

17 LEGISLATOR KOPEL: Any
18 questions? Then all those in favor of number
19 155 please say aye. Any opposed? That item
20 is unanimous. Thank you. You got 157? 157
21 is between Parks and Nassau County Bailey
22 Arboretum.

23 That motion is made by
24 Mr. McKevitt. Seconded by Mr. Lafazan.

25 MS. KASO: 157 is a hotel-motel

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2 tax agreement with the Bailey Arboretum in the
3 amount of \$80,000 for the ongoing operation
4 and programing of the arboretum.

5 LEGISLATOR KOPEL: Do we have any
6 questions on that item? Hearing none, all
7 those in favor please say aye. Any opposed?
8 Thank you. That item is unanimous. We are
9 moving on to the addendum. The first
10 addendum.

11 And on the addendum, let's see,
12 number 160 is a resolution authorizing an
13 amendment to an agreement with the New York
14 State Environmental Facilities Corporation
15 with regard to the New York State Septic
16 System Replacement Program. And that motion
17 is made by Mr. McKeivitt and seconded by
18 Ms. Birnbaum.

19 MR. SCHNEIDER: Good afternoon.
20 Brian Schneider from the county exec's office.

21 Item 160-21 is attempt to amend or
22 restate an agreement with the New York State
23 Environmental Facilities Corporation to
24 participate in the state septic system
25 replacement program. The state has allocated

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2 an additional \$1 million to Nassau County
3 towards the replacement of failing septic
4 systems in priority geographic areas
5 designated by New York State Department of
6 Environmental Conservation. This brings the
7 total amount available from the New York State
8 Environmental Facilities Corporation to \$2
9 million.

10 Eligible projects will be
11 reimbursed through this program up to 50
12 percent of the total cost of the septic system
13 replacement with a maximum of \$10,000 per
14 household. This equates to 200 households
15 which can be covered under this program.

16 Once homeowners who apply through
17 the program are notified that they have an
18 eligible project and an award they are then
19 responsible for the total cost of the septic
20 system replacement. The homeowner can choose
21 to be reimbursed by the county directly or
22 have the reimbursement paid directly to their
23 contractor who installed the system.

24 It is the intent of this program to
25 reduce the environmental and public health

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2 impacts associated with the discharge of
3 effluent from cesspools and septic systems to
4 our sole source of drinking water, as well as
5 threatened or impaired surface water bodies.

6 The Department of Public Works, the
7 Nassau County Soil and Water Conservation
8 District with support from the Office of
9 Consumer Affairs will be managing this program
10 which was publicly announced on May 3rd. Any
11 questions?

12 LEGISLATOR KOPEL: Any
13 questions? Go ahead Mr. Drucker.

14 LEGISLATOR DRUCKER: Hi Brian.
15 How are you doing? How many eligible property
16 owners have received funding so far through
17 the county under this state grant program?

18 MR. SCHNEIDER: As I stated, we
19 just rolled the program out on May 3rd. So,
20 no projects have actually been reimbursed to
21 this point. It's really in its infancy.

22 LEGISLATOR DRUCKER: I'm sorry
23 about that. I thought it was earlier than
24 that. Three days ago or whatever. Five days
25 ago. Thank you.

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2 LEGISLATOR KOPEL: Ms. Birnbaum.

3 LEGISLATOR BIRNBAUM: My question
4 is very similar. I was at the announcement
5 and I'm very happy that the county has this
6 funding available for homeowners for the
7 reimbursement. Do we have any idea how many
8 eligible homeowners there are with these older
9 septic tanks? I know people have been calling
10 my office. I'm sure people have been calling
11 the county and asking about it.

12 MR. SCHNEIDER: Correct. As
13 hopefully all the legislators know, about 90
14 percent of the county's land area is covered
15 by a centralized sanitary sewer system. But
16 there are roughly 35,000 individual
17 properties, whether they're single family
18 homes, multiple family homes or businesses
19 that are on-site septic they would all be
20 eligible for this reimbursement. So,
21 depending upon the condition of their systems,
22 obviously those systems that are nearer the
23 shorelines those are the ones that we really
24 want to focus on because those have an
25 immediate impact on not only groundwater

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2 quality but surface water quality leading to
3 alga blooms in our bays. Primarily along the
4 north shore.

5 We will be evaluating applications
6 as they come in. Everybody basically who is
7 on an on-site system is eligible. And
8 obviously with a \$2 million grant at \$10,000
9 per household we are limited to right now to
10 200 households out of the 35,000 that I
11 mentioned. Conversely, Suffolk County has
12 375,000 homes which are on-site septic. So
13 they have a much larger are problem. They
14 have some additional funding that is dedicated
15 for their septic replacement program. So
16 we're starting smaller but we'll take the \$2
17 million at this point.

18 LEGISLATOR BIRNBAUM: How are we
19 promoting it?

20 MR. SCHNEIDER: So, we did have
21 an announcement on May 3rd. We're going to
22 be -- it is on our website. It's www dot
23 Nassau County NY dot gov slash septic
24 replace. We will be reaching out and we have
25 had webinars with the various north shore

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2 villages. We've been reaching out to the
3 Village Officials Association. We're
4 partnering with North Shore Land Alliance and
5 the Nature Conservancy, the Citizens Campaign
6 for the Environment. We're going to be having
7 webinars. We're going to have a vendors day
8 where a resident -- hopefully when COVID does
9 have additional lifted restrictions -- have
10 some outdoor events where residents who are
11 interested in the program will be notified
12 through press and other social media to come
13 out and meet with vendors who are installing
14 these systems.

15 So, as we go further through the
16 summer we will be holding more events and
17 getting the word out.

18 LEGISLATOR BIRNBAUM: Okay.
19 Thank you very much.

20 LEGISLATOR KOPEL: Anyone else?
21 Hearing none, all those in favor of this item
22 please signify by saying aye. Any opposed?
23 That item is unanimous.

24 I'm going to call a bunch together
25 next. That would be number 163, 166 and 167

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2 are all authorizations for the receiver of
3 taxes to partially exempt certain real
4 properties in various school districts.

5 Number 164 is authorizing to cancel
6 certain restored taxes in various school
7 districts.

8 And 165 is authorizing the
9 correction of erroneous assessments on various
10 properties.

11 Those items are -- the motion is
12 made by Mr. Ferretti and seconded by
13 Ms. Birnbaum. Any questions on those items?
14 Did you have a question?

15 LEGISLATOR MCKEVITT: Yeah. I
16 actually have a couple of questions.

17 LEGISLATOR KOPEL: Mr. McKevitt.
18 Do we have anybody here to speak to those
19 items?

20 MR. MILES: Good afternoon.
21 Deputy assessor Robert Miles. Good afternoon
22 legislator.

23 LEGISLATOR MCKEVITT: Good
24 afternoon Mr. Miles. Just a couple of
25 questions. One thing I just became aware of

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2 there is one item on Resolution 167-21 which
3 is designed for properties in the Town of
4 Oyster Bay. But one of them I notice is
5 actually located within the Town of
6 Hempstead. It is Section 51, Block 47, Lot
7 135. The address for that is 2515 Ramona
8 Street in East Meadow. I just want to make
9 sure that her being in the wrong resolution
10 will not negatively affect trying to make sure
11 her taxes are reset to correct amount.

12 MR. MILES: No. Thank you
13 legislator. It must have been assigned to the
14 wrong resolution.

15 LEGISLATOR MCKEVITT: It
16 happens. I understand. Just want to correct
17 that point.

18 The other bigger issue I just want
19 to get to since, again, this woman just
20 literally called my office on Thursday and
21 indicated that the state of New York had
22 declared her to be dead. She is quite
23 surprised to find that. My office had a very
24 good conversation with her. She's alive. It
25 was not through any fault of your own. It was

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2 actually the state had actually I guess
3 through processing her taxes had erroneously
4 taken away her enhanced STAR. With that, the
5 exemption as well too. So, I do appreciate
6 the efforts in order to go and to try to
7 restore that.

8 The question I do have though is,
9 because of her losing the enhanced STAR as
10 well as her senior exemption her school taxes
11 have neither quintupled from what they once
12 were. My question is is when -- and actually
13 we spoke to her earlier today because today is
14 obviously May 10th and the taxes are due and
15 we told her you have to pay those taxes
16 because otherwise she'll get a penalty at that
17 point. But I just want to know when exactly
18 is she going to get refunded for these taxes
19 she overpaid? She overpaid approximately over
20 \$6,000 in taxes. So my biggest concern is --
21 again, I thank the department for trying to
22 correct this but I just want to know how
23 quickly we can get her money back?

24 MR. MILES: That has happened to
25 a few individuals. For some reason the state

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2 is marking them down as deceased. As you
3 said, the department doesn't make that
4 determination. We're not sure why that
5 happened to a few of those individuals. We
6 correct them as soon as someone calls and says
7 hello, I'm here. I would appreciate it if you
8 guys put us back on. We say of course, not a
9 problem.

10 As soon as we get the legislation
11 from the legislature we process quickly and
12 then I think it's the treasurer takes the
13 information and then I think has to deal with
14 figuring out if there's a payment already or
15 not with the town, whatever town the
16 individual resides in, pays taxes for. And I
17 think to quicken the pace maybe asks for
18 affidavits and W-9s if that comes up. But
19 that's my knowledge of the process once it
20 leaves Assessments' hands.

21 LEGISLATOR MCKEVITT: I do
22 appreciate the efforts of Assessment. Again,
23 the concerns I have is for some people it's
24 taking a long period of time. There's one
25 property that, again, I want to thank you for

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2 helping with my office, for a person who had a
3 lot line adjustment and the properties were
4 incorrectly taxed. He pays money back on
5 December 20th. They paid a lot of extra
6 money. He has not yet received the money back
7 and our indications and the communication with
8 the treasurer's office is that it's going to
9 be at least several months until he gets that
10 money back.

11 My perspective is, we have
12 deadlines for people to go and pay their
13 taxes. But for a person to have to wait
14 eight, nine, ten months to get their money
15 back, I just wish there was some way with you
16 and the treasurer's department we can figure
17 out a more efficient way for this to happen.
18 Because, again, mistakes happen. I understand
19 it. I appreciate you correcting it. But we
20 know people have overpaid a lot of money. I
21 wish there was a quicker way we can get this
22 money restored to people.

23 MR. MILES: Like I said, we
24 process the information. We put it into the
25 system and from there -- Beaumont.

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2 LEGISLATOR MCKEVITT: Yes Mr.

3 Jefferson.

4 MR. JEFFERSON: Good afternoon.

5 Great seeing you. Good afternoon
6 legislators. First, I will explain the refund
7 process and I think that would kind of at
8 least let you know exactly how it works.

9 After the petitions are approved by
10 the legislative body they then come to my
11 office. At that point we mail out affidavits
12 and W-9s to the resident. The affidavit holds
13 the county harmless and the W-9 we need that
14 information to issue a 1099. If it's a prior
15 year petition, so a 2019 or 2018 petition
16 that's something that we can do almost
17 instantly. If it's a petition for the current
18 year the process is slightly different.

19 The way that works is that there is
20 a petition on a school tax for let's say this
21 year, the current year, we have to wait for
22 paid information. The paid information on the
23 school would come to our office in June.
24 Affidavit goes out. We get that information
25 and the W-9 back and by July we issue the

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2 payment to the taxpayer. If it's a general
3 tax, and most of the time it's both, so we
4 send out -- the school and general we send out
5 the affidavit and the W-9 in June.

6 If it only affects the general tax
7 we don't get the information from the towns
8 until the September time frame and then at
9 that point the affidavit would go out and we
10 would get that back and issue a refund shortly
11 thereafter.

12 So, there are times where we
13 accelerate that process. For instance, this
14 year we had the vets and clergy exemption
15 correction. And in that case what we did was
16 we asked the town to send us a file of the
17 folks who paid so that we could start working
18 on that process a lot sooner. There are times
19 where we coordinate with either the town or
20 assessment to get the refunds processed a lot
21 sooner. Go ahead.

22 LEGISLATOR MCKEVITT: I was going
23 to say can we do that in this instance?
24 Because, again, I have a woman who obviously
25 paid a payment in December. She's making a

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2 payment today of a lot of additional money.
3 Is there any way we can coordinate -- I'll
4 help coordinate with the Town of Hempstead
5 receiver of taxes. She's paying the taxes
6 today. Do we have to wait until June? Can we
7 get her paid as quickly as possible?

8 MR. JEFFERSON: With those
9 one-offs we certainly can work with you. If
10 we're dealing with several hundred payments
11 it's difficult for us to go through several
12 hundred payments and issue refunds before we
13 have the paid information. But when we have
14 one-offs, if we have the information that the
15 payment was made at the town, which you can
16 get that information or we can reach out and
17 get it, and the resident fills out the W-9 and
18 the affidavit we can certainly work to get
19 that refund out as soon as possible.

20 But generally that's the process
21 and that's why it takes a while because we
22 need to know that the taxes were actually paid
23 before we can issue a refund.

24 LEGISLATOR MCKEVITT: Thank you.

25 LEGISLATOR KOPEL: Mr. Ferretti.

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2 LEGISLATOR FERRETTI: Good
3 afternoon gentlemen. So, I have a similar
4 situation although it wasn't the state that
5 had the resident as deceased it was the
6 county. It's a young lady, 95 years old,
7 residing in Levittown. I know that's on,
8 that's one of the items on for today for
9 correction. So, first, I guess I'll ask
10 Mr. Miles first just how this happened. How
11 did this happen?

12 MR. MILES: We never claimed that
13 the resident was deceased. I actually had a
14 call with the resident's daughter to ask where
15 she found that information. She said she
16 couldn't particularly pinpoint it. But like I
17 said to Legislator McKeivitt, we don't make the
18 determination that someone is deceased.

19 We saw that the state did take her
20 off her enhanced STAR. It might have been an
21 issue with looks like the transfer document.
22 It wasn't abundantly clear that the transfer
23 was a life estate. And that later on I
24 believe the state asked for the deed to comb
25 through to find that later in the body of the

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2 deed that there was a life estate and then we
3 found that to be the case as well.

4 It wasn't abundantly clear on the
5 5217 that there was a life estate. But later
6 on when we look through the deed we found that
7 in the body there was a life estate. So
8 that's the situation for that resident.

9 The resident's daughter was
10 extremely nice. Said that our office was
11 extremely helpful and worked very quickly once
12 we received the call. We received the call on
13 April 22nd and the petition was initiated
14 April 23rd and we just made sure upon review
15 everything was squared away for the first
16 legislative session when this came to your
17 desk.

18 Yeah, I don't know why the state --
19 I'm assuming because we don't make the
20 determination -- why the state would make that
21 claim if they did make the claim. But like I
22 said, we don't make that determination. I
23 don't understand why they would.

24 LEGISLATOR FERRETTI: I
25 understand that the Department of Assessment

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2 doesn't make determinations as to whether
3 residents are deceased. Her claim is that --
4 and or course I wasn't on the phone -- but her
5 claim is that an employee from the Department
6 of Assessment had told her that or told her
7 mother that they took her off because they
8 thought she was deceased. But obviously
9 neither of us was on the phone for that
10 alleged conversation. I find it hard to
11 believe that the resident made it up. But in
12 any event.

13 So, the resident also told me that
14 she did start calling the Department of
15 Assessment well before April 22nd, got a call
16 back around April 22nd and when she got the
17 call back was directed to my office to call
18 me. Is that the procedure of the Department
19 of Assessment?

20 MR. MILES: No. I don't have
21 that in our notes, the communication note.
22 I'm not sure why. Like I said, there might be
23 confusion between us and the state. There
24 have been times when the state tells the
25 resident to call your local legislator or

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2 local elected official to see what the process
3 is. So, like I said, I'm not sure where that
4 came from. It doesn't generally come from
5 us. It could have been from the state. But
6 in our notes we had the call with the resident
7 on April 22nd. The petition was generated
8 April 23rd and it's the first legislative
9 calendar that's available.

10 LEGISLATOR FERRETTI: So, we now
11 we vote on this today through committees and
12 then vote on it in front of the full
13 legislature on the 24th. Assuming it passes,
14 is this then fixed in the Nassau -- the
15 exemption gets restored at that point?

16 MR. MILES: Correct.

17 LEGISLATOR FERRETTI: Now this
18 particular constituent has a mortgage and when
19 the taxes were due back in October of 2020 for
20 the first half school here entire escrow for
21 her mortgage was decimated. Taken to make the
22 larger payment. So, since the beginning of
23 the year her mortgage payment has skyrocketed
24 not only to make up the difference in taxes
25 but to restore the escrow. So, in order for

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2 her bank to correct that they're seeking a
3 letter from the Department of Assessment to
4 say that there was an error made, that it's
5 fixed, here are the actual numbers, the
6 exemptions restored.

7 MR. MILES: I talked to the
8 resident's daughter already and Beaumont's
9 office is already offering help with that
10 situation and their office will be providing
11 the letters since they'll be issuing the
12 refund and everything. My conversation
13 earlier with her she said that Beaumont's
14 office was also very receptive and the
15 employee who helped her and her mother said
16 they're willing to do whatever they can,
17 whatever they need to do with the bank to make
18 sure the situation is corrected.

19 LEGISLATOR FERRETTI: I have a
20 few questions for Mr. Jefferson. Before I do,
21 if the bank comes back and says they need
22 something in writing from the Department of
23 Assessment that this is fixed, will your
24 office be receptive to doing whatever it takes
25 to make sure that the bank realizes this was

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2 an error and fixes the issue?

3 MR. MILES: Yeah. Absolutely.

4 LEGISLATOR FERRETTI: Mr.

5 Jefferson I have a couple of questions. Thank
6 you Mr. Miles. Good afternoon. How are you?

7 MR. JEFFERSON: Good afternoon.

8 LEGISLATOR FERRETTI: You brought
9 up the veterans errors that were made a couple
10 of months back. Have they all been repaid at
11 this point?

12 MR. JEFFERSON: We're still
13 working. We have three different files that
14 we worked on. We have one file that's at the
15 comptroller's office and they do some quality
16 control and then the checks. We cut the
17 checks. So, that one file is already
18 processed. It's at the comptroller. We had
19 one file today that we were just doing some
20 checks on and that will also go to the
21 comptroller's office by Wednesday at least.

22 LEGISLATOR FERRETTI: Sounds like
23 no, they have not been paid.

24 MR. JEFFERSON: The answer to
25 your question is the checks haven't gone out

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2 the door but all the files have been reviewed
3 and we're at the point where we're ready to
4 cut checks.

5 LEGISLATOR FERRETTI: So, how
6 many are outstanding? How many have been
7 paid? Is it 50 percent? Less than 50?
8 Actually checks out the door.

9 MR. JEFFERSON: The checks
10 haven't gone out the door. The files are at
11 the comptroller's office.

12 LEGISLATOR FERRETTI: So no
13 checks have gone out the door?

14 MR. JEFFERSON: No.

15 LEGISLATOR FERRETTI: Wasn't this
16 passed months ago? I know Legislator McKeivitt
17 just expressed concern for his resident that's
18 having this issue and I'm going to express it
19 not only for my resident that's having this
20 issue but all the veterans who had this
21 issue. This was supposed to be rectified
22 months ago. And I understand you have a
23 procedure. I understand.

24 MR. JEFFERSON: Legislator
25 Ferretti, we have a procedure and we put a

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2 special procedure in place for this, for the
3 vets and clergy. The procedure is that we
4 would usually wait until we received the file
5 either in June -- in this case it would have
6 been September because the school and
7 general. What we did was we reached out to
8 each town. We asked them for a file. We said
9 let us know on the file we need to know
10 whether the resident paid their taxes and if
11 they paid, did they pay the first half or did
12 they pay both halves? And at that point we
13 started to process or refund.

14 So, our intent on March 12th -- we
15 extended the date of payments to March 12th
16 this year. We started receiving files from
17 the town in probably the week after March
18 12th. I can get back to you with the exact
19 date. At that point we started to review the
20 files.

21 LEGISLATOR FERRETTI: You said
22 March 12th?

23 MR. JEFFERSON: March 12th was
24 the day that you could pay at the towns this
25 year because, as you know, we extended the

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2 date from February 10th to the 12th.

3 LEGISLATOR FERRETTI: So it
4 sounds like basically from the towns you
5 wanted to make sure that they actually paid it
6 before returning it?

7 MR. JEFFERSON: Yeah. Before I
8 can refund -- I can't send anything back to
9 folks that haven't paid their taxes.

10 LEGISLATOR FERRETTI: That makes
11 sense. But March 12th is two months ago. Go
12 ahead.

13 MR. JEFFERSON: We have, one, we
14 need to get the file. We have to understand
15 what's on the file. There's some
16 communication back and forth with the towns.
17 Then we have to actually go into our system to
18 verify names and addresses and then -- there's
19 a whole process here. I can't send checks out
20 the door to wrong addresses. It takes some
21 time to process.

22 LEGISLATOR FERRETTI:
23 Understood. Now, we have two situations here
24 that we're talking about, Legislator McKevitt
25 and myself, where there's not hundreds of

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2 people. There's one individual person and one
3 individual person. One individual address in
4 Levittown, one in East Meadow. There
5 shouldn't be much verification to have to do
6 in this instance.

7 MR. JEFFERSON: Those incidents
8 are separate. If you're dealing with one or
9 two and we work on getting the information and
10 we have that information in our hands. We
11 know that they paid the taxes at the town,
12 one. The second thing, we have the name and
13 address and we have that information and we're
14 not dealing with thousands of records that we
15 have to actually look through we can refund
16 within a day or two.

17 LEGISLATOR FERRETTI: I got to
18 stop you. Look, I understand there's a
19 process. We don't want to make more mistakes
20 than have already been made. I got it. But
21 the reality is there's an entire title
22 industry that checks taxes, does contin,
23 verifies addresses instantaneously. If I call
24 my title company and say I have a closing on
25 Thursday, I need a tax contin, I'll have it be

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2 the end of the day or tomorrow morning. This
3 can be done. It doesn't have to take two
4 months.

5 MR. JEFFERSON: I have to
6 disagree with you there. We have to maintain
7 these records in our system, in our refund
8 system. So, with the one individual or two or
9 ten we can keep that information separately
10 and update the system. When we're dealing
11 with thousands of records it requires us to
12 update the system, our tax system, the Adapt
13 system, so that we know that these refunds
14 were issued. We have that information and
15 those files on record. So, to keep the data
16 integrity is not something that we would
17 outsource to a title company and then get that
18 information back.

19 LEGISLATOR FERRETTI: I'm not
20 suggesting outsourcing it. I'm just
21 illustrating that it can be done.

22 But putting that to the side, these
23 two specific instances, if we pass this on May
24 24th, because I can tell you the young lady in
25 Levittown with the mistake is communicating

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2 with me on I don't want to say hourly basis
3 but close to it, when can I tell her she's
4 going to be able to get this money? We do
5 this May 24th. Is something that's going to
6 take a month, two months, a day I hope?

7 MR. JEFFERSON: If you pass this
8 legislation, if you pass this today we have
9 the petition in hand and we have two
10 individuals that need a refund, as long as we
11 have the information that's required we can do
12 the refund. I need to know, one, they've paid
13 and who to make the check out to.

14 LEGISLATOR FERRETTI: So we're
15 not doing it today. We're just putting it
16 through committees but are going to hopefully
17 do it May 24th. If you need any additional
18 information, if you don't have anything, I'm
19 sure I'm speaking for Legislator McKeivitt as
20 well, I'll talk to you after. I'll give you
21 my cell phone. Call me the minute you need
22 anything to get these people repaid. We'll
23 get you whatever you need.

24 MR. JEFFERSON: We understand the
25 issues. We deal with all delinquent taxes.

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2 We understand when folks overpay they want
3 their money back as soon as possible. We want
4 to work to do that. We're only dealing with
5 delinquent taxes. Once it comes to my office
6 it's a delinquent tax. It's a lien. We
7 understand. I have folks their main job is to
8 communicate with the taxpayer and try to help
9 them and that's what we do. We don't want to
10 delay it. If I could issue a refund the day
11 after I would.

12 LEGISLATOR FERRETTI: I
13 appreciate everything you just said. I would
14 just differ on one -- to amend one thing you
15 said in this situation I can speak for my
16 constituent and I'm sure for many of the
17 veterans that were overcharged as well. This
18 isn't about wanting the money back. It's
19 about needing the money back. They need this
20 money back to survive. So please, anything
21 you don't have call me, we'll get it to you as
22 soon as we can. And thank you for your work
23 on this.

24 MR. MILES: Beaumont's office is
25 extremely, on the one-offs, is extremely

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2 receptive. We had a similar issue with a
3 resident who had personal issues that, you
4 know, she really needed some help and
5 Beaumont's office, you know, cleared the check
6 two weeks after the legislation came out. I
7 imagine that it would be a similar situation
8 here.

9 LEGISLATOR KOPEL: Beaumont, I've
10 got a quick question for you if you don't
11 mind. Just picking up on something that
12 Legislator Ferretti was talking with you about
13 and that is the fact that the information is
14 available, it is computerized and is available
15 for someone to go out and do a search and we
16 can pretty much get it within hours, can you
17 not commission a cross-reference program where
18 you would get this information automatically?

19 In other words, the information is
20 there. Why can't you just get a daily
21 printout of the various properties to which
22 this pertains?

23 MR. JEFFERSON: Legislator Kopel,
24 I don't think I'm prepared to speak to that.
25 That's something I would have to --

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2 LEGISLATOR KOPEL: I understand
3 that. I'm not criticizing. I'm saying that
4 the subject has come up and it does sound
5 like, at least it sounds to me like it would
6 be doable, so would you look into seeing if
7 you could do it?

8 MR. JEFFERSON: There are two
9 things here. The first part is to -- we have
10 to validate that the person paid their taxes
11 which is most important thing before we do the
12 refund. And then the second thing, I believe
13 which you are speaking to, is to go over our
14 files to ensure that we're paying the right --
15 cutting checks to the correct individuals.
16 Now, that takes -- we do have that data is in
17 our tax system. It takes some research.
18 There are times where we want to make sure
19 that the check goes to someone who can
20 actually cash it.

21 For instance, if you have in our
22 system the system may say it's a life estate.
23 So that's information we get from the town or
24 from the Adapt system or it's in a trust.
25 Those are parcels that we pull out and we have

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2 to take a look at them, we have to research
3 them more so that we can identify who does the
4 check go to when we send checks out to life
5 estates and trusts.

6 LEGISLATOR KOPEL: I do
7 appreciate the complexity that you encounter
8 sometimes. But life estate is a pretty
9 unusual thing. You don't encounter them very
10 often.

11 MR. JEFFERSON: I'm just giving
12 you an example.

13 LEGISLATOR KOPEL: I get it. In
14 other words, again, I'm not criticizing, I'm
15 suggesting that perhaps you might look into
16 some way of getting the report and
17 streamlining things that way.

18 MR. JEFFERSON: I certainly will
19 but I can't stand here today and tell you that
20 it's something --

21 LEGISLATOR KOPEL: No. I'm not
22 asking you to. I'm not asking that.

23 Anybody else? Hearing none, all
24 those in favor of numbers 163, 164, 165, 166
25 and 167 please so indicate by saying aye. Any

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2 opposed? Those items are unanimous.

3 Number 172 is a resolution
4 authorizing an execution of an agreement with
5 American Traffic Solutions and school
6 districts with relation to the county's school
7 bus program Stop-Arm Photo Enforcement
8 program.

9 And that motion is made by
10 Mr. Muscarella and seconded by Mr. Lafazan.

11 I know that that went through an
12 earlier committee. Must have somebody here.
13 Do we have any questions on that item here?
14 Okay. Ms. Birnbaum then Mr. Drucker.

15 LEGISLATOR BIRNBAUM: Good
16 afternoon. I did sit through the previous
17 testimony so I heard all the questions and
18 answers. But one question that I have that
19 I'm very concerned is where a possible public
20 safety fee being added on to the violation fee
21 of \$250. I'd actually like to speak to I
22 guess TVPA would be the ones who would be
23 doing it.

24 Mr. Rich, would you know offhand
25 how this is going to be handled? Because I

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2 remember back in 2016 this body voted, the
3 Majority voted in favor of an administration
4 fee on other traffic code fees on top of it
5 and at that time I was opposed to it because I
6 thought it was almost like an additional tax
7 on residents in Nassau County. I'm hoping
8 that the reason we're doing this school
9 Stop-Arm enforcement is for the safety of our
10 children, safety of our county residents not
11 as an additional way of raising revenue.
12 Could you tell us now whether it will be at
13 the \$250 or you intend to tack on an
14 administrative fee?

15 MR. RICH: Dave Rich from Traffic
16 and Parking. Unfortunately, I cannot answer
17 at this time. I'm going to seek guidance from
18 the administration of whether or not that fee
19 will be assessed on these types of violations.

20 LEGISLATOR KOPEL: You'll have
21 that before the full legislature considers
22 that in two weeks?

23 MR. RICH: Yes.

24 LEGISLATOR BIRNBAUM: Thank you.
25 That's very important for us to know because I

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2 know when we tried to implement this school
3 zone enforcement it was a big issue with many
4 of our residents and we heard protests loud
5 and clear and that program had been stopped.
6 I want to make sure when we initiate this
7 program we do it the right way and we tell
8 people at the beginning how much the violation
9 will be.

10 MR. RICH: Understood.

11 LEGISLATOR BIRNBAUM: Thank you.

12 LEGISLATOR KOPEL: Mr. Drucker.

13 LEGISLATOR DRUCKER: Thank you
14 chairman. I also sat through the previous
15 presentation, so a lot of my questions have
16 been answered. But I did also want to echo
17 some of the sentiments earlier raised that I
18 want to commend the administration for getting
19 this done. I know I have been involved in
20 this for a couple of years now and I want to
21 commend my colleague Legislator Bynoe because
22 her commitment on this issue was very, very
23 instrumental as well. It was very important
24 that we get this done for the safety and
25 welfare of the children in our communities.

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2 But with that in mind, I want to
3 make sure that we are -- we're going to pass
4 this through but I would like the
5 administration to reconsider some of the
6 additional fees that are going to be tacked on
7 here because it does make it unworkable. I
8 think you said that you would be discussing it
9 with the administration, didn't you Mr. Rich?

10 MR. RICH: Yes, I did. Correct,
11 sir.

12 LEGISLATOR DRUCKER: So,
13 hopefully in two weeks we can have some
14 further details on that. Because it is
15 important. And I realize COVID-19 set us back
16 quite a bit on this issue and the RFPs that
17 went out. It was difficult. But with regard
18 to the RFPs, our backup shows that the New
19 York State Attorney General's Office in
20 reviewing the business history form for Verra
21 there were some issues disclosed in their
22 business form, business history form. Does
23 TPVA or the administration have any concerns
24 about these disclosures?

25 MR. GREGWARE: Dan Gregware,

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2 deputy county attorney's office. We actually
3 had some concerns particularly with respect to
4 one of the vendor's responses to question 13
5 of the business history form, the first
6 bulleted response. So, we actually reached
7 out to ATS to give us a further explanation
8 about that circumstance and after seeing their
9 response we were satisfied that it wasn't
10 something that we were overly concerned with.
11 I can give you some background on that if
12 you'd like.

13 LEGISLATOR DRUCKER: So they
14 amplified the complaint and satisfied you with
15 their explanation. Can you just summarize
16 what that was?

17 MR. GREGWARE: Sure. The
18 disclosure was the vendor had utilized a quote
19 from another municipality and the
20 municipality -- let me restart from the
21 beginning. The vendor had utilized an
22 endorsement quote attributing it to the city
23 of Chicago when in fact it was attributed to
24 another one of their customers. So, it was an
25 internal paperwork mistake on their part.

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2 They realized it. The city of Chicago found
3 out that was the issue. They did I think a
4 two-year administrative period where they
5 reviewed the vendor making sure there were no
6 further issues and they ultimately continued
7 the contract with the city of Chicago and that
8 administrative period is now over. I'd like
9 to emphasize that they continued, city of
10 Chicago continued with ATS during this
11 period.

12 LEGISLATOR DRUCKER: Our county
13 inspector general was she apprised of these
14 disclosure responses and what was her response
15 to that?

16 MR. GREGWARE: We haven't heard
17 from the inspector general's office. I
18 haven't shared these additional information
19 but I certainly can. I have information from
20 their counsel at ATS. Some back and forth
21 emails. I had several inquiries back and
22 forth with their counsel just to clarify the
23 circumstances. But I can certainly share that
24 with the IG's office. I don't know how in
25 depth the IG's office was able to review those

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2 disclosure forms. I know it was just filed on
3 Friday, so I understand that they may not have
4 enough time I just.

5 LEGISLATOR DRUCKER: The
6 disclosure forms were just filed on Friday?

7 MR. GREGWARE: The contract
8 package was with the disclosure forms.

9 LEGISLATOR DRUCKER: But that's
10 really within the purview of her office's role
11 here, right, is to review some of these
12 disclosures?

13 MR. GREGWARE: Sure. Absolutely.

14 LEGISLATOR DRUCKER: I would hope
15 that that would be the process here.

16 MR. GREGWARE: Absolutely. Like
17 I said, it was filed with the legislature.
18 I'm sure if the IG's office has any questions
19 I can share the information that I received
20 from ATS as well. If they have any further
21 questions the deputy general counsel offered
22 to be on a phone call as well with me or I'm
23 sure I can also invite the inspector general's
24 office as well if they have any questions.

25 LEGISLATOR DRUCKER: The vendor

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2 is going to allow for a \$500,000 allowance for
3 the public service announcement campaign; is
4 that correct?

5 MR. GREGWARE: Yes, that's
6 correct.

7 LEGISLATOR DRUCKER: What is
8 TPVA's plan with regard to that? How do they
9 plan on using that? Will they require an RFP
10 for the campaign, for the public service
11 campaign? How will that impact on the
12 deadline here for implementation?

13 MR. RICH: I can address that.
14 The \$500,000 is spread out over the five
15 years. They did provide a schedule in the
16 contract. But in general it's not going to be
17 solely a TPVA agreement to how the monies are
18 spent. It will be administrative input on to
19 how best to publicize the program.

20 LEGISLATOR DRUCKER: So, you're
21 not going to have -- who's going to make that
22 determination, the administration?

23 MR. RICH: Yes.

24 LEGISLATOR DRUCKER: And you will
25 do that internally or will that be something

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2 that the legislature has any involvement in?

3 MR. RICH: I believe Legislator
4 Ford had asked for some feedback on anything
5 that we were going to initially issue. So, I
6 would have defer to the administration.

7 MS. HORST: Katy Horst from the
8 administration. We would, of course, welcome
9 your input. I think we're still early into
10 this program. Nothing has been developed.
11 But we welcome your input and any thoughts you
12 may have on any campaign that we look to do in
13 the future.

14 LEGISLATOR DRUCKER: Thank you.
15 Just one final question. Getting back to some
16 of the mechanics of the equipment. So, how
17 does the automatic, the silent alarm button
18 work? Can anyone tell me about that and how
19 it's going to be connected to warn authorities
20 of law enforcement of an emergency?

21 MR. RICH: We can obtain
22 additional information. I don't actually have
23 the details of how that would operate. We can
24 provide it once we get more information from
25 the vendor.

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2 LEGISLATOR DRUCKER: I think it
3 was explained earlier that the camera goes on
4 automatically as soon as the bus is
5 operational; is that correct? So, if that's
6 the case, so the bus driver has no ability to
7 disconnect it or do anything involving its
8 operation; is that correct?

9 MR. RICH: That is our
10 understanding.

11 LEGISLATOR DRUCKER: Thank you.

12 LEGISLATOR KOPEL: I did hear at
13 the earlier committees when you had a question
14 on the fact that some school buses might, for
15 instance, pull up too early before a child is
16 ready and they may sit there for a while.
17 You're going -- did I hear that you're going
18 to have some sort of training program prior to
19 full implementation where drivers would be
20 told not to do this? Not to put out their
21 signs?

22 MS. MALHAME: There will
23 definitely be a training program. I think the
24 situation that was discussed was when a driver
25 actually has the stop arm out. Drivers who

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2 are just pulled along the side of the road
3 without with the stop arm out there's no
4 issue.

5 LEGISLATOR KOPEL: That was
6 precisely the question. Because some drivers
7 might pull over and put out the stop arm as
8 just as a matter of habit when they're, as I
9 say, vastly premature. They're just waiting.

10 MS. MALHAME: Yeah, they'll be
11 trained.

12 LEGISLATOR KOPEL: Ms. Birnbaum
13 you had another question?

14 LEGISLATOR BIRNBAUM: Yes. Back
15 to the payment of the fees. The county
16 actually issues the fine and collects the fine
17 and then one-third of that goes back to the
18 vendor, correct?

19 MS. MALHAME: Yes.

20 LEGISLATOR BIRNBAUM: So, in our
21 red light camera program right now was this
22 changed to -- I think it had been set as a fee
23 as well, something similar. But did it get
24 changed over the years that we don't pay that
25 way anymore?

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2 MR. RICH: The initial red light
3 camera contract used to be per pole. We paid
4 a fix price and then at some point we
5 renegotiated to a percentage of the fine and
6 penalty. I think it started out at 38 percent
7 and right now it's down to 35 percent of fine
8 and penalty.

9 LEGISLATOR BIRNBAUM: Do we have
10 any idea right now how much or how many
11 penalties like this are issued in the county
12 per year? Do we know how widespread problem
13 this is and the potential for how much money
14 will be collected?

15 MR. RICH: Unfortunately, we have
16 the two tests that were done I think within
17 the past year. We can't accurately forecast
18 how widespread this is. We looked at how many
19 tickets were issued by the police department
20 for this type of violation but it will be much
21 lower than what you could get through a photo
22 enforcement program.

23 LEGISLATOR BIRNBAUM: Do we know
24 what goes on in other counties? Do our
25 surrounding counties have a program in place

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2 like this?

3 MR. RICH: Suffolk County
4 actually just started issuing their violations
5 I think May 1st but they did a 60-day warning
6 period in which the press announcement showed
7 that there were 10,000 violations issue in --
8 I'm sorry, 10,000 warning letters issued in a
9 60-day period.

10 LEGISLATOR BIRNBAUM: For those
11 school districts that didn't answer the survey
12 and so, it's about half you said, how are we
13 going about contacting them? Has this been
14 ongoing? Have you been in touch with all the
15 school districts?

16 MS. MALHAME: We haven't formally
17 been in touch with every school district but
18 we did reach out to the Nassau County Counsel
19 of School Superintendents and we shared with
20 them the participation agreement. They made
21 comments. They gave it back to us and we plan
22 to reach out to them again once the contract
23 is approved so that we can discuss the
24 business rules and what we plan to do. And
25 then they can go back to their school

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2 districts and talk to the school board and
3 pass and approve the participation agreement
4 opt in.

5 LEGISLATOR BIRNBAUM: Do you have
6 a feeling for what their prime concern might
7 be? The ones who are a little hesitant to
8 join in at this point? Is there some
9 commonality why some school districts might
10 not want to do this?

11 MS. MALHAME: I've not heard from
12 a school district that has not wanted to do
13 it. There was I think one or two from the
14 survey a year and a half ago that said they
15 may not be interested but that was a long time
16 ago and I think the climate has changed.

17 LEGISLATOR BIRNBAUM: Thank you.

18 LEGISLATOR KOPEL: Anyone else?
19 Hearing none, all those in favor of item 172
20 please so indicate by saying aye. Any opposed
21 that? That item is unanimously.

22 We have one more item on the
23 addendum two which actually ought to have been
24 included at the outset with the consent
25 items. I'm advised that that ought not to

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2 have been placed on our agenda, so we're not
3 going to do it.

4 There are no further items.

5 Mr. Muscarella moves to adjourn. Mr. Lafazan
6 seconds that motion. All those in favor of
7 adjourning say aye. Any opposed? We are
8 adjourned then. We are back to Rules.

9 (Committee adjourned at 4:42 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 18th day of
May, 2021.

FRANK GRAY