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NASSAU COUNTY LEGISLATURE

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FULL LEGISLATIVE COMMITTEE

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RICHARD NICOLELLO,
Presiding Officer

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1550 Franklin Avenue
Mineola, New York

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Monday, September 27, 2021
1:40 P.M.

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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

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2 CHAIRMAN NICOLELLO: I would like
3 to invite all legislators to the
4 chamber to begin. I'm going to call
5 this meeting of the Nassau County
6 Legislature to order.

7 Before we start the meeting
8 today, we are looking for someone who
9 will be able to do sign language at
10 today's meeting. We are in the process
11 of hiring someone to do that on a
12 permanent basis but we have not been
13 able to get that done in two weeks. We
14 know there is at least one individual
15 here who is limited in their hearing,
16 hearing impaired.

17 If not, we are going to try to
18 get somebody from either upstairs or,
19 Katie, could you take a look and see if
20 there is any possibility?

21 We will make an effort to do
22 this. So we will have a pause for a few
23 more moments unfortunately and we will
24 then get started.

25 We are in the process of

1 Full Legislature/9-27-21
2 arranging to have a sign interpreter
3 for our meeting.

4 What we are going to do in the
5 interim is some of the ceremonial parts
6 of our meeting. To lead the meeting
7 off we will do our top cops. We will
8 do those presentations and hopefully
9 that person will be here before we get
10 into the substance of our legislative
11 meeting.

12 I invite all the legislators back
13 in. Again, I would like to call the
14 meeting to order.

15 I'm going to ask Legislator Bill
16 Gaylor to lead us in the Pledge of
17 Allegiance and ask everyone to please
18 remain standing for a moment of silence
19 after that.

20 I would ask Legislator Bill
21 Gaylor to lead us in the Pledge of
22 Allegiance and I would ask everyone to
23 please remain standing for a moment
24 after that.

25 (The Pledge of Allegiance was

1 Full Legislature/9-27-21

2 recited.)

3 CHAIRMAN NICOLELLO: Legislator
4 Birnbaum.

5 LEGISLATOR BIRNBAUM: I'm
6 requesting a moment of silence on
7 behalf of somebody I call a friend and
8 who is known to most of you and that is
9 the Honorable Howard Weitzman.

10 Howard Weitzman succumbed to a
11 serious illness of many years of
12 fighting valiantly. He served as
13 Nassau County Comptroller for two terms
14 and some will say he was responsible
15 for bringing the county back to fiscal
16 solvency.

17 He was appointed by the governor
18 to NIFA and he has been serving on that
19 since 2016. He has also been a mayor
20 and before that trustee in the Village
21 of Great Neck Estates. So he will be
22 missed dearly.

23 (A moment of silence was
24 observed.)

25 CHAIRMAN NICOLELLO: Thank you

1 Full Legislature/9-27-21
2 very much. We will again do the
3 ceremonial portion of our meeting and
4 wait for our sign language interpreter
5 to get here before we start the
6 substantive parts.

7 I would like to at this point do
8 the top cops and introduce President
9 John Wighaus and President Ricky
10 Facetti for the Detective's Association
11 and Superior Officers.

12 PRESIDENT WIGHAUS: Good
13 afternoon. I would like to thank
14 Presiding Officer Nicoletto, Minority
15 Leader Abrahams and the Full
16 Legislative Body for honoring today our
17 gang unit members, detective Sergeant
18 Hector Bourren, Detective Pete
19 Siskinger, Detective George Colby,
20 Detective Stew Cabinillas and detective
21 Joe Albergo.

22 On March 15, 2021 the detectives
23 were conducting a gang investigation
24 involving a murder and additional gang
25 shootings.

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2 The gang investigation squad
3 detectives were observing a group of
4 known MS-13 gang members in the Village
5 of Hempstead. The detectives then
6 observed a black Hyundai SUV with
7 Florida registration drive across a
8 parking lot without headlights on and
9 also making a turn without signaling.

10 The detectives activated their
11 emergency lights and conducted a VTL
12 stop. The suspect vehicle did attempt
13 to flee the scene, however, was blocked
14 by the detectives RMP forcing the
15 vehicle to stop.

16 As detectives quickly approached
17 the vehicle, the driver, Subject
18 Hernandez was apprehended. Both the
19 front and rear passengers fled on foot
20 and the detectives engaged in foot
21 pursuit.

22 During the foot pursuit the front
23 passenger, Subject Morales, did point a
24 loaded revolver handgun at the
25 Detective Sikinger's chest. Detective

1 Full Legislature/9-27-21
2 SIKINGER, due to his close proximity of
3 subject was able to knock the revolver
4 out of Morales' hands. While
5 attempting to place him under arrest he
6 did resist arrest. While there were no
7 injuries to the defendant, two
8 detectives were injured.

9 The defendants, Morales and
10 Hernandez were charged with murder
11 second degree, attempted murder first
12 degree of a detective, criminal
13 possession of a loaded gun, and other
14 various charges.

15 As a result of the many years of
16 experience in law enforcement and the
17 comprehensive training we receive at
18 the Nassau County Police Department,
19 these detectives displayed the utmost
20 restraint on the use of force while
21 encountering these individuals who had
22 previously committed a murder and
23 pointed a loaded handgun at the chest
24 of the Detective SIKINGER.

25 In this case, and as we've also

1 Full Legislature/9-27-21
2 heard last month with our top
3 detectives last month, they were
4 authorized to use deadly physical force
5 but again displayed the utmost
6 restraint. Thank you.

7 PRESIDENT FACETTI: Good
8 afternoon. I'm Ricky Facetti,
9 President of the Nassau County Police
10 Department Superior Officer's
11 Association. Thank you, John.

12 Not going to repeat what John
13 said so I'm just going to touch on a
14 couple of quick things. When I was
15 here last month I told everyone you
16 were going to hear a phenomenal story
17 as you do every month.

18 But this incident, this is
19 something that movies are made of. I
20 want to highlight the work and
21 leadership of Detective Sergeant Hector
22 Bourren. As a supervisor in charge,
23 Hector was tasked not only with
24 supervising but also coming up with a
25 tactical plan and, unfortunately, as we

1 Full Legislature/9-27-21
2 just heard, police work changes rapidly
3 and things do not always go as planned.

4 Hector, being the hands-on
5 supervisor that he is, he was there and
6 he was alone in the car when this
7 arrest occurred. Hector had no choice
8 but to either let the defendant's car
9 get away or block the car head on
10 knowing that the occupants in this car
11 were wanted for murder and were
12 probably armed.

13 While doing just that, Hector
14 jumped out of his car, began to pursue
15 one of the suspects at gunpoint, and
16 then stepped into a hole rupturing his
17 Achilles heal.

18 With his adrenaline flowing he
19 was still able to handcuff one of the
20 subjects. This subject was charged
21 with a homicide and a gun was also
22 recovered.

23 Hector was out of work for a
24 while but is now back on restricted
25 assignment due to his injury. He's

1 Full Legislature/9-27-21

2 still being treated for his injury and
3 the doctors are not sure if he will
4 ever heal properly.

5 These are the stories that the
6 public should read about and know about
7 every day. Hector and these
8 detectives, they put their life in
9 harm's way trying to arrest murderers
10 knowing that these guys were armed.
11 This isn't TV. This isn't make
12 believe. This is real life.

13 These men behind me have families
14 and loved ones. They do this to keep
15 Nassau County safe. So when people
16 come up before you and bad mouth us and
17 talk down to us, it would be nice if
18 this whole body would support us and
19 give us the respect we deserve. Thank
20 you, gentlemen, for your hard work and
21 dedication.

22 COMMISSIONER RYDER: Good
23 afternoon. Trying to work on that with
24 the language line. We're on it now.

25 First of all, the recognition

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2 that these detectives, all of our
3 detectives, all of our cops, our
4 supervisors, they go out every day you
5 all call them in and you recognize
6 them. What's important is that you
7 heard what Ricky said, they have
8 families. They have sons, daughters
9 wives that they go home to and their
10 mothers and fathers and they don't get
11 sometimes to get there because they are
12 in the hospital getting that injury
13 taken care of.

14 We just lost Officer Bruin two
15 weeks ago to the COVID-19 virus, a line
16 of duty death. Two months ago we said
17 goodbye to Matt Ferlunder who lost his
18 life to 9-11 cancer.

19 Right now there are two members
20 of our members fighting for their lives
21 in hospitals suffering from COVID that
22 they received on the job.

23 There is no such thing as a
24 routine car stop. You heard that
25 today. This is the challenges and

1 Full Legislature/9-27-21
2 risks that we take. We signed up for
3 it. We know what we got to do and we
4 hope and always do get the support of
5 this body so I always again say thank
6 you for supporting the men and women of
7 this department. Thank you.

8 DETECTIVE BOURREN: I'd like to
9 thank the County Legislature for this
10 acknowledgement. It really goes a long
11 way for our morale during these
12 difficult times in policing. I would
13 like to thank the commissioner, the
14 chiefs, and my commanding officers from
15 gang investigation squad John Schmitt
16 for all their support for what we do.

17 I have been in many units
18 throughout my career. I have to say
19 that the detectives in the gang
20 investigation squad is top notch. They
21 give 110 percent every single day to
22 keep the county residents safe. Thank
23 you very much.

24 LEGISLATOR FORD: Good afternoon.
25 Needless to say you are our heroes. I

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2 think we all agree. The work that you
3 do, when I'm listening to the details
4 of this arrest and what you went
5 through, just underscores the bravery
6 and even the restraint that you showed
7 despite the inherent danger of course
8 you are the best of the best, and you
9 have provided our residents with the
10 sense of safety and security in their
11 neighborhoods, in their communities
12 because of the work that you do.

13 It is a direct result of all of
14 you that you do not hesitate to go
15 after any, like I guess as the
16 commissioner said, even normal traffic
17 stops, whatever danger you are faced
18 with you do not hesitate. You don't
19 second guess yourself. You go in, do
20 what you have to do, and despite the
21 fact that you don't know what the
22 outcome will be and the potential
23 danger to yourself. That's really
24 tells the story.

25 All of you with the training that

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2 you have had, that you are seasoned
3 officers, just let's us know that we
4 are in good hands with all of you
5 patrolling our streets. I have to say
6 thank you very much.

7 I can't even expand on -- I can
8 probably say a million words to say how
9 great each and every one of you are and
10 I thank each and every single one of
11 you for the job that you do, for your
12 leadership under Commissioner Ryder,
13 your commanding officers, and I thank
14 your families for letting you continue
15 to do this job because, you know what?
16 You've made us the safest community in
17 America and I thank you very much for
18 all that you do.

19 CHAIRMAN NICOLELLO: Legislator
20 Bynoe.

21 LEGISLATOR BYNOE: Thank you
22 Presiding Officer. Good afternoon.
23 Wow. The story shows the heroics and
24 as Rick Facetti said, this is what you
25 guys do day in and day out.

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2 I much appreciate what occurred
3 back in March 2021 as the legislator in
4 service to that particular community, I
5 want to say thank you. You should be
6 lauded on a regular basis for all that
7 you do. I think that as Commissioner
8 Ryder said there is no such thing as a
9 routine traffic stop, but I will say,
10 and I know the officers on a daily are
11 placed in danger, but I will say when
12 you are working on that gang task
13 force. You really have taken your
14 gifts, your taking your gifts and
15 talents and all that you have been
16 trained to do and put it right in the
17 face of adversity, the most dangerous
18 situations that we can hear about. For
19 that I say thank you.

20 To your family, I say God bless
21 them and God keep them. I know it's
22 stressful to know that each day when
23 you leave the house, they don't know the
24 day will turn out.

25 So on behalf of the Second

1 Full Legislature/9-27-21
2 Legislative District, in particular,
3 the community of Hempstead, thank you.

4 CHAIRMAN NICOLELLO: I invite you
5 up to join us at the podium for a
6 presentation.

7 Our next presentation will Nassau
8 County correction officers, and I
9 invite up the president of the
10 Correction Officers Benevolent
11 Association, Sully. Brian Sullivan.

12 MR. SULLIVAN: Good afternoon
13 everybody. Thank you ladies and
14 gentlemen on the Legislature.

15 Correction Officer Joseph
16 Pascarella is a 36 year Nassau County
17 employee, 34 years as a Nassau County
18 correction officer.

19 Mr. Pascarella is also a life
20 long member of the Westbury volunteer
21 fire department, several members of his
22 family are also life long county
23 employees including his father Joe,
24 Sr., now deceased who was also a Nassau
25 County correction officer and former

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2 head of the Nassau County veteran
3 service agency. His sister Maureen is
4 the long time secretary of the county
5 sheriff department training academy,
6 and his mother and other sister are
7 also Nassau County employees.

8 To say there is obviously a long
9 record of public service in the
10 Pascarella family is an understatement.

11 As for why we are here today, Joe
12 Pascarella is not only a correction
13 officer, not only a volunteer fire
14 fighter, not only a member of a proud
15 family dedicated to public service,
16 he's also a member of the 9-11
17 community having responded to ground
18 zero as a first responder who answered
19 the call after those terrible events of
20 20 years ago.

21 Joe worked with his fire
22 department on the pile during the
23 search and rescue efforts alongside
24 many of our correction officers who
25 also responded in various law

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2 enforcement, fire department and
3 volunteer capacities.

4 If April of 2019, Joe Pascarella
5 was diagnosed with colon cancer. This
6 cancer was diagnosed, certified and
7 treated through the World Trade Center
8 Health Program and is directly related
9 to his service at Ground Zero.

10 Joe, being a very private person,
11 kept this diagnosis from the majority
12 of his coworkers and just dealt with
13 what life had thrown his way.

14 Then COVID hit in March of 2020.
15 As a correction officer, Joe works in
16 the fire safety unit. This unit is a
17 unit that oversees the enforcement of
18 fire regulations at the correctional
19 facility but is also responsible for
20 mitigating and correcting biohazards
21 that occur there.

22 When COVID hit, the fire unit was
23 and still is responsible for biohazard
24 cleaning and disinfecting of cells and
25 areas where COVID infected inmates are

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2 and were housed.

3 From March 2020 until November of
4 2020, while undergoing radiation and
5 chemotherapy for his cancer, Joe
6 Pascarella never once wavered or hid
7 from his responsibility as a
8 correctional officer in the fire safety
9 unit overseeing the biohazard cleaning
10 and disinfecting of hundreds of cells
11 that housed COVID positive inmates, he
12 this without ever complaining or asking
13 once for an accommodation from anyone.

14 I didn't know what Joe was going
15 through with his cancer diagnosis until
16 I learned from his sister Maureen of a
17 long and arduous surgery that Joe
18 endured, one that actually left him
19 permanently unable to work.

20 I called Joe basically I broke
21 his chops and said, why the hell did
22 you keep doing this risking repeated
23 exposure to COVID if you were going
24 through this medical problem?

25 His answer was simple. This was

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2 my job. I wasn't going to leave my
3 brother and sister officers hanging
4 with all this COVID stuff going on.
5 They were relying on me.

6 This is something you don't see
7 much in our world anymore and it's
8 certainly not something that the public
9 associates with Nassau County
10 correction officer law enforcement in
11 general. Complete and utter dedication
12 to his job. Complete loyalty to his
13 brother and sister officers during a
14 terrible time, putting aside his own
15 trials and tribulations and personal
16 health crisis and keep doing his job
17 because people relied on him.

18 For that we are here today to
19 honor and recognize Joe Pascarella as
20 our top correction officer and I'm
21 proud to call him my friend for over 30
22 years.

23 MR. PASCARELLA: I just want to
24 say I want to thank the Legislature for
25 taking time out of their busy schedule

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2 to honor me. It's been a long trip.
3 Hopefully I dodged the bullet but only
4 time will tell and I definitely want to
5 thank the sheriff, under sheriffs and
6 all my fellow correction officers,
7 lieutenants, supervisors, and captains
8 behind me for spending their day with
9 me.

10 The gentleman right here is my
11 supervisor if the unit, he was right
12 next to me in those COVID cells, so he
13 was in the trenches with me. So were a
14 lot of other officers. It wasn't just
15 me but in the fire service you learn
16 you leave no one behind.

17 I couldn't walk out on him then
18 and not now, but I wanted to say thank
19 you to every one.

20 MR. SULLIVAN: Thank you
21 everyone.

22 CHAIRMAN NICOLELLO: Sheriff, did
23 you want to say anything?

24 SHERIFF JAMES RENDER: Sheriff
25 James Render [sic] for the record. I

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2 just wanted to say this is something
3 that the public really doesn't see that
4 we do every single day. The correction
5 officers are there. They put their
6 lives on the line every day. It's a
7 type of work that actually nobody even
8 recognizes how important it is to the
9 safety of the community and how we rely
10 on each other to actually get home safe
11 every day.

12 It's not only thanks to him but
13 it's thanks to every correction officer
14 out there in this county. We rely on
15 you. We count on you and we thank you,
16 and we thank you, the Legislature, as
17 well.

18 CHAIRMAN NICOLELLO: Legislator
19 Schaefer.

20 LEGISLATOR SCHAEFER: Good
21 afternoon. I'm so happy to see you
22 here today, all of you.

23 As was just said by the sheriff,
24 this is not something that we see often
25 enough. We don't hear about what's

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2 going on in the jails except maybe hear
3 some negative things, but to hear about
4 the heroics and what you're doing there
5 to keep the community safe, you do much
6 more than most people realize. It's
7 really an honor to honor you.

8 Joe, you know I know you
9 personally. I know your family. I
10 don't know that I can even find the
11 words to say what I feel. Just thank
12 you so much.

13 You and your family are such
14 generous people, I certainly know that
15 like I said from a personal experience,
16 but here today so many more people get
17 to hear who you are and what you are
18 all about and the teamwork and the
19 leadership that you have shown and that
20 is so important. Again, just because
21 you deserve it and also because people
22 need to see what you guys endure and
23 how you keep us safe.

24 So thank you so much. I really
25 from the bottom of my heart I just

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2 really really appreciate all that you
3 have done for us and just for being
4 such a strong example of a human being
5 for all of us. Thank you.

6 CHAIRMAN NICOLELLO: I just
7 wanted to add that in the heart of the
8 pandemic when all of us were concerned
9 about our safety, concerned about our
10 families, sheltering in place, worrying
11 about what we were touching, worrying
12 about going to the supermarket, your
13 workers were going to work every day
14 inside the jail when we knew COVID was
15 inside that jail. Especially Officer
16 Pascarella, the fact that you were
17 going with your personal circumstances
18 is truly, we use the term heroic a lot,
19 but it truly is heroic.

20 So on behalf of the Nassau County
21 residents, we thank you for your
22 service.

23 LEGISLATOR WALKER: Joe, I just
24 want to thank you too and certainly
25 everyone that is standing there with

1 Full Legislature/9-27-21
2 you. For all you do day in and day
3 out. Certainly your work with the fire
4 service and certainly over in
5 corrections what you face each and
6 every day. Even when we were just on a
7 tour and we get a little glimpse of
8 what's being done, it's just amazes me
9 that you deal with this day in and day
10 out.

11 Then you dealt with it when you
12 were dealing with other issues too.
13 You and I shared a little bit that
14 those issues you're going to get
15 through those and I just pray for you
16 and God gives you the strength to keep
17 going and get through the rest of this,
18 and I know all your colleagues too,
19 they were there helping you get through
20 that each day too because I know that
21 my colleagues certainly were here for
22 me. I think positive, we're warriors
23 together and nobody fights alone.
24 We're here for you. God bless you and
25 thank you.

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2 CHAIRMAN NICOLELLO: Siela Bynoe.

3 LEGISLATOR BYNOE: Thank you,
4 Presiding Officer. Good afternoon to
5 you all and to Officer Pascarella, I
6 have to say, wow, you are courageous.
7 We didn't know what to do when COVID
8 came down, had us all running scared.
9 Having known firsthand how it is to
10 feel after chemotherapy and radiation,
11 I will tell you I have the utmost
12 respect for you, not only the
13 psychological impacts of dealing with
14 COVID and the disease and the treatment
15 but the physical. I know it had to be
16 hard to push through that. I say thank
17 you.

18 You kept hundreds of people
19 inside that facility who you were
20 entrusted for their custody and their
21 safety and care safe and all of your
22 brothers and sisters who also then
23 their risk was mitigated and they were
24 able to go home to their families.

25 So I'm happy to see you here

1 Full Legislature/9-27-21
2 today and I just pray for your
3 continued health. Thank you very much.

4 CHAIRMAN NICOLELLO: Please join
5 us on the dais for a presentation.

6 We are in the process of
7 developing a fix for the issue for
8 today and we just need a little more
9 time.

10 (A recess was taken.)

11 CHAIRMAN NICOLELLO: Please
12 invite back the members. I'm calling
13 the Legislature back into session.

14 Mike, would you like to call the
15 roll, please?

16 Deputy Presiding Officer Howard
17 Kopel?

18 LEGISLATOR KOPEL: Here.

19 CLERK PULITZER: Alternate Deputy
20 Presiding Officer Denise Ford?

21 LEGISLATOR FORD: Here.

22 CLERK PULITZER: Legislator Siela
23 Bynoe?

24 LEGISLATOR BYNOE: Here.

25 CLERK PULITZER: Legislator Carrie

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2 Solages?

3 LEGISLATOR SOLAGES: Here.

4 CLERK PULITZER: Legislator Debra
5 Mule?

6 LEGISLATOR MULE: Here.

7 CLERK PULITZER: Legislator C.
8 William Gaylor III?

9 LEGISLATOR GAYLOR: Present.

10 CLERK PULITZER: Legislator
11 Vincent Muscarella?

12 LEGISLATOR MUSCARELLA: Here.

13 CLERK PULITZER: Legislator Ellen
14 Birnbaum?

15 LEGISLATOR BIRNBAUM: Here.

16 CLERK PULITZER: Legislator Delia
17 DeRiggi-Whitton?

18 LEGISLATOR DERIGGI-WHITTON:
19 Here.

20 CLERK PULITZER: Legislator James
21 Kennedy?

22 LEGISLATOR KENNEDY: Here.

23 CLERK PULITZER: Legislator
24 Thomas McKeivitt?

25 LEGISLATOR MCKEVITT: Here.

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2 CLERK PULITZER: Legislator Laura
3 Schaefer?

4 LEGISLATOR SCHAEFER: Here.

5 CLERK PULITZER: Legislator John
6 Ferretti, Jr.?

7 LEGISLATOR FERRETTI: Here.

8 CLERK PULITZER: Legislator
9 Arnold Drucker?

10 LEGISLATOR DRUCKER: Here.

11 CLERK PULITZER: Legislator Rose
12 Marie Walker?

13 LEGISLATOR WALKER: Here.

14 CLERK PULITZER: Legislator
15 Joshua Lafazan?

16 LEGISLATOR LAFAZAN: Here.

17 CLERK PULITZER: Legislator Steven
18 Rhoads?

19 LEGISLATOR RHOADS: Present.

20 CLERK PULITZER: Minority Leader
21 Kevan Abrahams?

22 LEGISLATOR ABRAHAMS: Here.

23 CLERK PULITZER: Presiding
24 Officer Richard Nicolello?

25 CHAIRMAN NICOLELLO: Here.

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2 CLERK PULITZER: We have a
3 quorum, sir.

4 CHAIRMAN NICOLELLO: Thank you.

5 At this point in the hearing we
6 will be calling the public comment
7 portion, then we will consider the
8 consent calendar which takes a minute
9 or two and then we will jump into the
10 hearing on the proposed Advisory
11 Council for people with disabilities.

12 So with respect to the public
13 comment portion, if you are speaking on
14 that item, please wait until we get to
15 it, it will be right after the consent
16 calendar, but otherwise if you have
17 general comments you would like to make
18 I will call those individuals.

19 Let's start with Skylar Bader.

20 MS. BADER: Last month, this
21 Legislature voted to pass Legislator
22 Lafazan's ridiculous bill to give
23 police more hate crime protections than
24 I get as a member of the Orthodox
25 Jewish community or as a disabled

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2 person.

3 To win way more money from a
4 defendant, but more importantly to not
5 actually prove the intent to
6 discriminate as an element of the case,
7 the foundation of keeping hate crime
8 lawsuits from becoming political
9 attacks. Many of you are lawyers like
10 me and know better.

11 County Executive finally vetoed
12 this wildly illegal assault on free
13 speech only after the attorney general
14 gave her cover to do so, not because it
15 was the right thing to do.

16 We know that many of you are
17 planning to bring it up for an override
18 vote right before the November election
19 to make Curran look bad. This is a
20 direct cause for Curran's counter play
21 here today.

22 To your credit you are not trying
23 to hide anything. You are openly using
24 the crime narrative to consolidate and
25 strengthen your own power often in a

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2 bipartisan white legislator only way.
3 This brings us to County
4 Executive Curran proposing a \$45
5 million increase in the police budget.
6 This is a cheap election season ploy to
7 counter the fact that Curran and every
8 other Democrat on the ticket are being
9 hammered as soft on crime in over 30
10 GOP attack mailers this month, and
11 every political sign on our streets.

12 But the Nassau PD already has
13 nearly a billion dollar a year budget
14 and is the 12th largest police force in
15 the country. Even though Nassau County
16 is only the 30th most populated county.

17 We already have more cops per
18 capita than most of the country and you
19 want to hire more.

20 This isn't about individual cops,
21 this is about systems and policies and
22 funding.

23 The fact that so many people
24 still choose to think criticizing
25 police systems is an individual attack

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2 on officers is the problem.

3 If they can't keep Nassau County
4 safe with a small army for our
5 population size, and that massive trove
6 of our property taxes which funds 85
7 percent of their budget, then by golly
8 then throwing more money at them isn't
9 the answer.

10 Curran and the police department
11 already say we are one of the most
12 safest counties in the country. So why
13 are we scare mongered about rapists,
14 murderers and arsonists? Are we safe
15 or not?

16 Nassau PD's own statistics which
17 they fought like hell in court to avoid
18 releasing, proved they have a problem
19 with racist policing.

20 Commissioner Ryder has repeatedly
21 dodged all public questioning about why
22 their own statistics show that they
23 pull over five black drivers for every
24 one white driver. That Long Island
25 police only hire one percent of black

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2 applicants.

3 We have known for over one
4 hundred years that the number one
5 predictor of crime is poverty and
6 rarely have people been as impoverished
7 as they are right now, huge levels of
8 unemployment, evictions, decreasing job
9 benefits, new disabilities from long
10 COVID, and the costs and availability
11 of child care and medical care.

12 Yet, nothing Curran does can
13 satisfy her enemies from fly by night
14 police union contract approval votes
15 here to rejecting all public
16 accountability of the police department
17 last April.

18 No matter how much she betrays
19 the black, brown, and disabled
20 constituents who suffer most from the
21 Nassau PD's discriminatory policing,
22 she was never going to escape this
23 Democrats are soft on crime
24 disinformation campaign.

25 Throwing more at the PD's billion

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2 dollar property tax treasurer trove is
3 fiscally irresponsible and morally
4 wrong.

5 In no other government office
6 would we accept an office refusing for
7 years any public oversight or
8 accountability while simultaneously
9 demanding more huge amounts of taxpayer
10 money. That money could actually make
11 the lives of more Long Islanders
12 better, fighting poverty which would
13 actually lower crime, lowering the
14 property taxes that are driving the
15 residents away, hardening our grid
16 against hurricane, heat waves, and
17 flooding, mitigating the constantly
18 increasing risks of the climate
19 emergency.

20 One third of my massive property
21 taxes goes straight to the police
22 department. It's the second highest
23 property taxes in the country by
24 county, yet our fire fighters are
25 unpaid volunteers with other full time

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2 jobs.

3 When I was pregnant, I was told
4 not to rely on getting an ambulance
5 because we had only four ambulances
6 serving for the Five Towns of West
7 Hempstead which is not good stewardship
8 of our tax money.

9 Instead in May 2020, these police
10 threatened me in front of this building
11 from ten feet away with riot gear and
12 riot guns and an armored personnel
13 carrier parked down the block at the
14 CVS.

15 CHAIRMAN NICOLELLO: Please sum
16 up.

17 MS. BADER: During the peaceful
18 protests because it was late and they
19 wanted to go home.

20 Follow the science. Nassau PD's
21 own statistics. This is a bad use of
22 money and it is a political ploy scare
23 mongering, political propaganda trying
24 to make us vote out of imaginary,
25 racist, xenophobic fear of our

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2 neighbors. Thank you.

3 CHAIRMAN NICOLELLO: Richard
4 Clolery.

5 MR. CLOLERY: To the members of
6 the Legislature.

7 I know you think I'm some useless
8 SOB begging for charity in regards to
9 increasing funding for the buses. I'm
10 not such a person.

11 I worked in Nassau County ever
12 since I moved here. I pay my taxes, I
13 shop and eat here. I don't ask for
14 much except for maybe to have the buses
15 properly funded.

16 When I first came to Hicksville,
17 I was next door N73, 74, and had access
18 to the Hicksville LIRR station and the
19 Nassau County Mall which is in
20 Levittown.

21 I had to learn to walk through to
22 get to catch the M29 if I wanted to go
23 to the Nassau Mall or later on take a
24 bike trip to Hicksville railroad
25 station if I wanted to go on good

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2 weather days.

3 On bad weather days I had to take
4 a yellow cab and later on Uber which
5 became very expensive after a while if
6 you catch my meaning.

7 Concerning the well run buses
8 rather than a sub par one. You can go
9 shopping, to work, to play, while
10 reducing the affects of climate change.

11 I know I said this before, but I
12 feel this has become more important as
13 cars contribute to 30 percent of green
14 house gasses to our climate change
15 problem.

16 The people are encouraged to take
17 the bus instead of their cars, maybe
18 this can change.

19 Look, I understand why you are
20 reluctant, whether it has to be why the
21 suburbs were formed and the cars tend
22 to -- I want to say not after people's
23 cars, just a better future for every
24 one.

25 Today I'm including this article

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2 from MSNBC concerning climate change
3 and importance of walking and public
4 transportation in this changing world.
5 Please read before you make your budget
6 decision. Thank you.

7 CHAIRMAN NICOLELLO: Domenica
8 Califano.

9 MS. CALIFANO: Hello. Hi. How
10 are you? I'm here on behalf of the
11 Fourth Precinct in Nassau County. This
12 discrimination and the hate needs to
13 stop.

14 I have a niece that has an order
15 of protection against an individual.
16 She's going to get killed by it.
17 Nassau County courthouses do not care.
18 I spoke to Patrick Ryder today, I'm
19 hoping that he will be able to help me.

20 I can't say much because I have a
21 third lawsuit pending against Nassau
22 County Police Department and I'm going
23 to be winning it. All my charges were
24 dismissed. That's one thing.

25 The second thing is, Nassau

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2 County is doing roadways. I have a
3 great deal of concerning that I did
4 speak with Denise Ford, her office, I
5 never heard back from them.

6 There is one handicap ramp on the
7 corner of my office. It's horrendous.
8 It's slanted. No one came to fix it.

9 On the other side it's County
10 Road. There's no handicap ramp. No
11 ramps at all.

12 I have a great deal of concern
13 for people in wheelchairs that can't
14 move around on that corner.

15 The road that they did last year,
16 the county road they repaved, it's
17 already breaking. It's a split in the
18 road. I spoke with Denise Ford's
19 Office. Of course no one calls me
20 back. They were going to help me.
21 It's been over two months.

22 The other thing is, the fire
23 marshal has been giving violations to
24 Rough House Rescue in Island Park.
25 They're not standing behind their

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2 violations. These animals are going to
3 die.

4 The health department in Nassau
5 County is aware of thousands of dogs
6 coming over the border at Texas with no
7 health certificates, distemper, polo,
8 getting all our dogs sick here. The
9 health department does nothing about
10 it.

11 The other thing about the health
12 department is it is a disgrace. The
13 money that this county has that the
14 holding facility for inmates in Nassau
15 County has species, rodents, mice,
16 electrical wires hanging. No
17 individual should be in a holding tank
18 or in a facility in the county in these
19 conditions. These people will get very
20 sick including the Sheriff's Department
21 in East Meadow, that place is
22 absolutely disgusting with black mold
23 and white mold on their walls. Where
24 is this money going to?

25 The health department does

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2 nothing but sit back. The SPCA Rogers
3 does nothing. We have a place Rough
4 House Rescue in Island Park with
5 thousands of dogs that are sick. The
6 place in Kentucky will shut down.

7 We spoke at the Town of Hempstead
8 meeting. Maybe they will do something
9 about it. I'm hoping that the county
10 here will look into the health
11 department, the SPCA, the fire marshal,
12 to see what is going on with this
13 facility, Rough House Rescue, that's
14 all over the news. They're adopting
15 the dog, the dog dies. No one has
16 health certificates, the dogs are not
17 spayed. The police department doesn't
18 want to enforce their laws.

19 We need help here in the county.
20 I'm not sure who can handle the
21 handicap ramps by my building. It's
22 Long Beach Road. We have a lot of
23 disabled people coming off buses. They
24 can't walk.

25 On one side there is a handicap

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2 ramp that's all slanted, they have
3 been, yeah yeah yeah, the town of
4 Hempstead, but it's really county. I
5 need some kind of help, some kind of
6 direction to go into this.

7 I don't find it fair that we all
8 heard about this young lady that got
9 killed by her boyfriend. I don't need
10 this to happen to my niece that there
11 is an order of protection against this
12 individual that keeps coming around the
13 house and the Fourth Precinct does
14 nothing about it but harasses me and
15 discriminates against me and hates
16 against me and it needs to stop.

17 I would love to show you some
18 videos of Sergeant Crafford pulling his
19 gun out on me and an eight year old and
20 ten year old but unfortunately I can't
21 expose that video because I have an
22 ongoing lawsuit against Nassau County.
23 Nassau County is well aware of it. I
24 spoke about it several times.

25 Please bring attention to these

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2 poor girls that have orders of
3 protection and will be getting killed
4 and bring it to every one's attention
5 to get help. Your DA's Office does not
6 help.

7 CHAIRMAN NICOLELLO: I believe
8 that's the last general slip that I
9 have. Ma'am, did you submit?

10 MS. WERNER: My name is Paula
11 Werner.

12 CHAIRMAN NICOLELLO: You
13 submitted a slip? I don't have it.

14 CHAIRMAN NICOLELLO: After you
15 are finished speaking fill it out.
16 Okay, I have it.

17 MS. WERNER: I'm Paula Werner and
18 I'm here today to speak to you about
19 issues affecting animals in Nassau
20 County.

21 Last year this board passed a
22 law. It has been my experience and the
23 experience of others that on numerous
24 occasions issues and concerns have been
25 reported to Nassau County SPCA to no

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2 avail.

3 In 2019, Legislator Arnold
4 Drucker, thank you very much,
5 introduced a bill to change laws
6 regarding pet tethering in Nassau
7 County and the bill was passed
8 unanimously. Again, thank you. And
9 later served as a model for a very
10 similar bill passed in the Town of
11 Hempstead.

12 However, the SPCA claims to be
13 unaware of this law despite their
14 attendance in initial meetings during
15 the process and creation of this law.

16 Sadly, this has led to a well
17 meaning law but not being enforced. Any
18 law without enforcement is not worth
19 the paper it's printed on.

20 Residents across the county have
21 reported incidents regarding violations
22 of the law during the winter months.
23 Many of these reports have not been
24 investigated and outcomes have not been
25 provided.

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2 To give you an idea of the bigger
3 picture, I'm not alone in these
4 reports. These extend beyond
5 violations of tethering laws pertaining
6 to how and when animals can be kept
7 outdoors in cold winter months and
8 extreme weather.

9 In a little over a week, over 125
10 signatures have been gathered through a
11 changed dot.org petition imploring the
12 SPCA do their job.

13 As per the SPCA contract with
14 Nassau County, the SPCA is required to
15 enforce, not only at the state level,
16 such as article 26 of the New York AGRA
17 market laws, it says "but not limited
18 to" which "not limited to" means that
19 he's not supposed to just enforce
20 article 26 but the other laws as well.

21 Reporting animal abuse and
22 neglect are in many cases referred to
23 rescue organizations and to the police.

24 These include reports of dog
25 fighting, poor conditions at a pet

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2 store days prior to these reported to
3 the news stations and more.

4 I'm respectfully requesting an
5 audit and investigation into the SPCA's
6 investigation practices and reviews of
7 the county contract, with the SPCA
8 before more animals are needlessly
9 harmed.

10 I do have the contract between
11 the county and I do have other people
12 that I have printed out that have seen
13 and tried to contact the SPCA which I
14 have a copy for all of you.

15 What is the point of having a law
16 that you all passed and thought was
17 important if we're not going to enforce
18 the law? "Not limited to" means they
19 need to be called.

20 I have a young lady here that
21 called me at 9:00 at night. I'm Just
22 Rescue. I got the police over to the
23 house with so many puppies in horrible
24 conditions, but the SPCA was called all
25 day without a response.

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2 This is not something we want in
3 our county. We want our animals
4 treated with respect and the people
5 that are calling for help, I hope you
6 all agree on that. We also need to
7 find out why they are not enforcing.
8 How many tickets are given.

9 Speaking to Officer Gellar in
10 August, I have the email because I
11 spoke to him purposely, he was never
12 even aware that the law passed. This
13 is an SPCA officer. I had to send it
14 to myself. He also said he wanted to
15 get paid per ticket that they write.

16 The county offers a contract for
17 a reason. They don't get to pick and
18 choose what they want to enforce.
19 Nobody does. It's the law. At least
20 that's what we think as citizens.

21 120 citizens in less than two
22 weeks signed that petition. It's
23 important, we need to defend our
24 animals. There are a lot of laws that
25 need to be put in front of our county

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2 but animal welfare is one of them.

3 Do you know the dog fighting ring
4 that was called on, I gave it to the
5 Suffolk County police when they did
6 that raid last week. Nobody was even
7 aware that it even existed. How sad is
8 that? I gave them all the information
9 for the person and they're taking care
10 of it. Our DA should have had that.

11 Does anybody have any questions?
12 This is sad. The pet store that was on
13 the news asking for our public \$30,000,
14 they were called a week prior by rescue
15 people. These puppies were in that
16 store. Not one call.

17 The reason why he showed up
18 because we asked Channel 7 to call.
19 They should call.

20 CHAIRMAN NICOLELLO: Thank you,
21 Ms. Werner.

22 MS. WERNER: Okay. Do you agree?
23 Does anybody agree?

24 LEGISLATOR FORD: I don't want
25 you to go away dissatisfied. This

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2 legislation was passed unanimously and
3 we thank Legislator Drucker for
4 bringing it to our attention and it is
5 something we will look into. I promise
6 you that.

7 MS. WERNER: Thank you very much.

8 CHAIRMAN NICOLELLO: Meta
9 Mereday.

10 MS. MEREDAY: Meta J. Mereday,
11 Baldwin resident. Good afternoon.
12 Thank you for the opportunity to speak.
13 It's been a while. As a number of
14 people said, welcome back. That's kind
15 of interesting. I don't necessarily
16 always feel welcome in this building
17 but since I'm also a taxpayer it really
18 doesn't matter.

19 My concerns are many but I will
20 try to stick to specific issues in the
21 interest of time and I do want to be
22 able to speak during the hearings.

23 As it pertains to a number of the
24 Resolutions, I want to touch on those.
25 Particularly number 71, the Resolution

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2 to honor the rescue and recovery worker
3 that worked at or near ground zero.

4 As we all know, many of us have
5 experienced this firsthand with loss
6 with illness with other situations.

7 I myself am dealing with health
8 challenges because of my work at ground
9 zero and standing here representing the
10 hundreds of thousands of civilians and
11 civilian first responders out there
12 that are not part of a program, I
13 appreciate the fact that you want to
14 have a Resolution to honor that but we
15 need more than that.

16 There are hundreds of thousands
17 of people including Nassau residents
18 who are not part of the World Trade
19 Health Program which provides for even
20 specifically for me the resources that
21 have helped me to stand here with the
22 accumulated conditions that I am facing
23 because someone has to be that voice.

24 So, in addition to the
25 Resolutions and the recognitions and

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2 all of that which is important for
3 people to remember and for those to
4 heal and for those to move forward, we
5 need to actually initiate some true
6 legislation and not legislation like
7 the legislation that I worked
8 diligently with the current County
9 Executive to address the growing and
10 continued disparities for veteran
11 business that are still left out of the
12 mix, minority and women owned
13 businesses that are still left out of
14 the mix.

15 That law, that bill is sitting
16 somewhere on somebody's desk gathering
17 dust. Enough of that already. We need
18 to do more. Less talking about it.
19 Time to be about it.

20 This Resolution about changing
21 the mailing policy, I find it
22 interesting in this county prior to
23 elections, you come up with certain
24 Resolutions that are beneficial for
25 either the majority or if you have an

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2 issue with the current County Executive
3 and then as soon as the election is
4 over, and there's a party flip in the
5 leadership position, guess what, that
6 bill goes away.

7 I stood before this group to
8 advocate for an inspector general
9 before a primary election. The
10 majority was like, no, we don't need
11 it. As soon as their candidate lost,
12 the next month they voted for it.
13 Interesting, isn't it? So you can
14 decide what you want to do with the
15 postage.

16 You are all going to find a way
17 whether you're in control or in power
18 to get your mailings out and continue
19 to utilize or as most people think
20 waste taxpayer dollars.

21 Let's talk about the disparity in
22 taxpayer dollar. New York State
23 requires the disparity study as it
24 pertains to the lack of the advantages
25 and resources for the development of

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2 minority and women and veteran owned
3 businesses.

4 We have volumes of disparity
5 studies. We have yet to have any
6 proactive and productive initiatives to
7 address that the disparities that can
8 create jobs for our service disabled
9 veterans. I know for many of not being
10 able to have your parades and your
11 breakfasts due to COVID took away a lot
12 of the work you actually do for
13 veterans, but, guess what, they still
14 need a job. They still need housing.
15 They still need to maintain the pride
16 that they stood up there and defended
17 this country in foreign lands and
18 sometimes right at the capital of the
19 United States of America.

20 Let's talk about that. Now you
21 have agreements for not-for-profit
22 organizations and parks. There is a
23 trust 51 to address the application of
24 a trust for public land for a grant, an
25 Empire state trail extension project.

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2 Other than north Baldwin, we have
3 a preserve that is sitting there that's
4 often used as a dumping ground after a
5 super storm or a hurricane. That
6 preserve could get funding from the
7 state. Do you realize Nassau County
8 utilizes and seeks the lease amount of
9 state funding to reclaim properties
10 that can be used for its residents.

11 Again, we pay the second highest
12 taxes as was previously mentioned but
13 we are lease class citizens when it
14 comes down to the resources that we pay
15 for this \$3.3 billion budget -- and I'm
16 wrapping up, Presiding Officer.

17 But, again, if we don't stand up,
18 if we don't speak up, if we don't step
19 up, we're going to lose the vital
20 resources, the diversity, the inclusion
21 that's not an issue here. It's not
22 about a republican or democratic thing.

23 Right now it needs to be one
24 thing, it needs to be one people, and
25 we need to work together. Enough of

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2 the nonsense because people are dying
3 out here. We are dying out here.
4 Voices are not being heard. Let's make
5 a difference. Thank you.

6 CHAIRMAN NICOLELLO: Thank you,
7 Meta. Kevin McKenna.

8 MR. MCKENNA: Kevin McKenna,
9 Syosset, New York. I want to make the
10 legislative body aware of a few very,
11 very important investigations that are
12 going on right now with your inspector
13 general as well as hopefully with your
14 executive director of the Civil Service
15 Commission, Martha Krisel when I finish
16 up.

17 I wanted you to be aware of this,
18 you're supposed to represent the
19 public. Last August, what are we in,
20 last August you might have read the
21 Newsday story about how Laura Curran
22 was going to hire 23 new civil service
23 body camera individuals.

24 I hope that you read that article
25 because the article, whoever provided

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2 the information to Candice Ferrett from
3 Newsday lied to her.

4 I have provided facts and details
5 to your inspector general, to your
6 civil service director Martha Krisel,
7 who, right now, Martha Krisel, I asked
8 her specific questions in an email that
9 are clearly within the civil service
10 jurisdiction and she didn't answer the
11 email and then finally answered and
12 said it's not within her area.

13 So I want you to know it's been
14 brought to the Nassau County public
15 corruption unit's attention and your
16 inspector general, Jody Fransay,
17 actually acknowledged me this morning
18 and hopefully on top of it and if
19 necessary I will bring this to the
20 eastern district of New York as well as
21 the attorney general and, if need be, I
22 will take a ride up to Albany to see
23 Kathy Hochul because you have violated
24 civil service laws and Commissioner
25 Patrick Ryder is the one orchestrating

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2 the whole situation.

3 Secondly, and, by the way, I'm
4 sorry, in full disclosure, my name is
5 Kevin McKenna and I want you to know I
6 am a right-in candidate for town of
7 Oyster Bay supervisor and I also
8 founded, as you probably know, Town of
9 Oyster Bay news six years ago, and we
10 are being broadcast live right now.

11 The purpose of Oyster Bay news
12 was to expose corruption in the town of
13 Oyster Bay in the Venditto days, but I
14 have since expanded my horizons and
15 there is plenty of corruption going on
16 inside Nassau County.

17 So with 217, left I hope that you
18 go on my page, and I hope that you
19 watch the interview that I did, the
20 live interview I did with a gentleman
21 named Carl from Bethpage.

22 Carl, over the last five or six
23 years, Carl has been scammed by a
24 gentleman named Constantine Souserus, a
25 known scammer to the Nassau County

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2 District Attorney's Office. He has
3 been arrested by the Nassau County
4 District Attorney's Office and, guess
5 what, he is out on probation right now
6 and roaming around Nassau and Suffolk
7 County continuing to scam other
8 seniors. The Suffolk County DA's
9 Office is well aware as well.

10 What you need to know is that
11 your Sheriff's Department, our
12 Sheriff's Department, was given
13 judgments. There were judgments signed
14 by judges in Nassau County to get the
15 money. He scammed this guy Carl over
16 \$500,000. Watch my live interview with
17 him. Your sheriffs department is
18 supposed to be enforcing the judgments.

19 Carl called up the Sheriff's
20 Department Friday. The Sheriff's
21 Department said that because they
22 hadn't heard from Carl lately that they
23 closed the case.

24 The sheriff department does not
25 have the legal authority to close a

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2 judgement that's signed by a judge.

3 So you might want to find out
4 what our sheriff's department is doing
5 with our taxpayer money.

6 In my last 40 seconds you
7 Legislators are supposed to work for
8 us. I appreciate Legislator Rose
9 Walker. She is responsive when you
10 send her emails.

11 Legislator Drucker and Legislator
12 Lafazan, they continue to ignore
13 legitimate emails, not just from me,
14 but from other members of the Syosset
15 Hicksville area.

16 These two individuals do not
17 belong to the Legislators because they
18 hide when difficult questions are
19 asked. You can smile all you want
20 Legislator Drucker. I actually caught
21 him in a parking lot this past Sunday
22 and I went up to talk to him as a
23 gentleman and he ran away from me. I
24 called for Drucker and Lafazan's
25 immediate resignation from the

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2 Legislative body because they do not
3 represent the constituents in that
4 area.

5 Lafazan has a post on his page
6 saying he answers all -- you can smile
7 too, Josh, keep smiling. You are one
8 and done, buddy, have a nice day.
9 Thank you.

10 CHAIRMAN NICOLELLO: Thank you. I
11 believe there was a lady in the back
12 she had her hand up. Disability is up
13 next.

14 COUNCILWOMAN LIZ TRESTON: I'm
15 here today at this point in your
16 meeting to discuss the National Flood
17 Insurance Policy. I'm assuming each
18 and every one of you have a flood and
19 insurance policy. Do each and every
20 one of you know that it's going to
21 increase come October 1st?

22 Your residents and my residents
23 in the City of Long Beach cannot afford
24 to have these FEMA prices increase
25 without any input. They're utilizing

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2 maps that are outdated. They are going
3 to increase people that have not raised
4 their homes on the South Shore and also
5 the north shore because now rain is the
6 new hurricane.

7 The north shore got hit pretty
8 hard in Ida as did the city. We as a
9 collective have to start looking at
10 individual homes and what they need
11 from their flood insurance.

12 So I'm asking you today, I know
13 it's last minute and I am learning that
14 in government things happen at the last
15 minute, so I'm asking you to write a
16 letter to Dina Grizwald, our new FEMA
17 Czar as at the like to say in
18 Washington D.C. to not put risk 2.0 on
19 the books starting October 1st. Push
20 it back a year.

21 The senate has written a letter,
22 the house has written a letter, but
23 they're not hearing from the locals
24 that we are the ones that are going to
25 be impacted, more so, than anyone else.

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2 Thank you so much.

3 If you need Dina's address I will
4 email it to Legislator Ford who will
5 share it.

6 LEGISLATOR FORD: Thank you very
7 much, Liz. I'm surprised that they
8 have there have not been any public
9 hearings on this increase.

10 When they changed the maps how
11 many years ago, when they did the
12 elevation maps, we had a number of
13 hearings in regard to the different
14 neighborhoods and what the changes were
15 going to be.

16 We will write a letter and I will
17 also reach out to Senator Schumer's
18 office for a copy of his letter. Thank
19 you.

20 CHAIRMAN NICOLELLO: Are there
21 any other general comments?

22 (No verbal response.)

23 Hearing none, we will be calling
24 the Disability Advisory Council in a
25 moment, and you can tell him I have him

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2 on top the list.

3 The consent calendar consists of
4 items that went through committees a
5 couple of weeks ago. It has been
6 agreed by the majority and the minority
7 that no further debate or discussion is
8 required on these items at this time.

9 We will call them and have a
10 vote. Item 11, Ordinance 78; Item 12,
11 Ordinance 79; Item 13, Ordinance 80;
12 Item 15, Ordinance 82; Item 16,
13 Ordinance 83; Item 17, Ordinance 84;
14 Item 18, Ordinance 85; Item 20,
15 Ordinance 87; Item 21, Ordinance 88;
16 Item 22, Ordinance 89; Item 23,
17 Ordinance 90; Item 24, Ordinance 91;
18 Item 25, Ordinance 92; Item 26,
19 Ordinance 93; Item 27, Ordinance 94;
20 Item 28, Ordinance 95; Item 29,
21 Ordinance 96; Item 30, Ordinance 97;
22 Item 31, Ordinance 98; Item 32,
23 Ordinance 99; Item 33, Ordinance 100;
24 Item 34, Ordinance 101; Item 36,
25 Resolution 149; Item 38, Resolution

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2 151; Item 39, Resolution 152; Item 40,
3 Resolution 153; Item 41, Resolution
4 154; Item 42, Resolution 155; Item 43,
5 Resolution 156; Item 44, Resolution
6 157; Item 45, Resolution 158; Item 46,
7 Resolution 159; Item 47, Resolution
8 160; Item 48, Resolution 161; Item 49,
9 Resolution 162; Item 50, Resolution
10 163; Item 51, Resolution 164; Item 52,
11 Resolution 165; Item 53, Resolution
12 166; Item 54, Resolution 167; Item 55,
13 Resolution 168; Item 56, Resolution
14 169; Item 57, Resolution 170; Item 58,
15 Resolution 171; Item 59, Resolution
16 172; Item 60, Resolution 173; Item 61,
17 Resolution 174; Item 62, Resolution
18 175; Item 63, Resolution 176; Item 64,
19 Resolution 177; Item 65, Resolution
20 178; Item 70, Resolution 183; Item 73,
21 Resolution 186; Item 74, Resolution
22 187; 75, Resolution 188; Item 76,
23 Resolution 189; Item 77, Resolution
24 190; Item 78, Resolution 191; Item 79,
25 Resolution 192; Item 80, Resolution

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2 193; Item 81, Resolution 194; Item 82,
3 Resolution 195.

4 Any debate or discussion among
5 the legislators?

6 LEGISLATOR KOPEL: So moved.

7 LEGISLATOR ABRAHAMS: Second.

8 CHAIRMAN NICOLELLO: Motion by
9 Deputy Presiding Officer Kopel,
10 seconded by Minority Leader Abrahams.

11 Any debate or discussion?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 Those items pass unanimously.

19 Item one is a hearing on a local
20 law to establish the Nassau County
21 Advisory Council on people with
22 disabilities.

23 LEGISLATOR RHOADS: So moved.

24 LEGISLATOR BYNOE: Second.

25 CHAIRMAN NICOLELLO: Moved by

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2 Legislator Rhoads, seconded by

3 Legislator Bynoe.

4 All in favor of opening the

5 hearing signify by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 Carries unanimously.

10 The hearing is open. Did you
11 want to say anything about the council
12 before we have public comment?

13 LEGISLATOR RHOADS: Thank you,
14 Mr. Presiding Officer. We did have the
15 opportunity to discuss the purposes and
16 intents of the legislation during
17 committees, but I did just want to
18 state that the real purpose behind this
19 bill is making sure that we listen to
20 the voices of those in the disability
21 community to ensure we are providing
22 proper services to ensure they have
23 full and equal access.

24 The best way for us to be able to
25 do that is not trying to imagine for

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2 ourselves but by actually listening to
3 those who are walking that walk and
4 living that life every single day and
5 having to deal with special challenges
6 and issues they have to face in
7 accessing county properties, and
8 accessing county services and providing
9 valuable input to us and the County
10 Executive in ways that we can try to
11 make our county more inclusive for all
12 of them.

13 I spoke about my personal
14 experience and my dad, John, was a
15 teacher over at Island Trees Junior
16 High School for 32 years and dealt with
17 Multiple Sclerosis for most of my life
18 time before his passing in 1994.

19 Being wheelchair bound for the
20 last 15 years of his life, we got to
21 see as a family firsthand many of the
22 challenges that he faced.

23 He was fortunate in that he had
24 family that he had access to and an aid
25 that he had access to, a handicapped

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2 vehicle that enabled him to get to and
3 from doctor appointments. What happens
4 to individuals that don't have access
5 to those services?

6 We want to make sure that as a
7 county we are listening to the voices
8 of those that are dealing with that on
9 a daily basis to make sure we are doing
10 all we can to guarantee the promises
11 that we made when the Americans with
12 Disabilities Act was passed 31 years
13 ago to provide full and equal access to
14 the extent possible.

15 I hope that by creating this
16 Advisory Council by listening to those
17 voices and listening to a wide cross
18 section of those from that community
19 and those that work in that field to
20 try and provide those services, that it
21 will make us better as a county, make
22 us more effective as Legislators and,
23 most importantly, make our county more
24 accessible to all of our residents.

25 I would urge my colleagues to

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2 support the bill.

3 CHAIRMAN NICOLELLO: Thank you.

4 Other legislators may want to speak but
5 I would like to listen to the residents
6 waiting patiently. Let's start with
7 Darryl Godfry.

8 MR. GODFRY: Good afternoon. My
9 name is Darryl Godfry. I'm going to
10 tell you a little bit about me. I know
11 I spoke to you before. First I want to
12 thank you for providing me with an
13 interpreter today and for working
14 diligently to get me one.

15 My name is Darryl Godfry. 1969 I
16 was born in East Meadow New York. I'm
17 a Long Islander from the day of birth
18 to now. So I'm also a New Yorker from
19 the day of birth until now.

20 I just want to say to you that
21 I've been disabled from birth until now
22 but growing up in my social life being
23 a person who is disabled kind of
24 ashamed at one point.

25 As I got older, I became proud to

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2 be disabled. Not only am I proud to be
3 disabled, also proud to meet people who
4 are in some similar situation that I
5 am.

6 I want to say, I want not only us
7 to be proud to be disabled but I want
8 you guys to be proud that we are
9 disabled and to be able to work with
10 us.

11 They passed many laws in the past
12 for people who are disabled. Nassau
13 County as much as I see it, it's like
14 they don't know how to approach people
15 with disabilities.

16 And I understand number one I
17 applaud you to start with we didn't
18 start yesterday. We've been disabled
19 from the beginning of time, people with
20 disabilities have been on this earth
21 from the beginning of time as well.

22 What I'm trying to say is not
23 only do you need people who are
24 disabled, but when you have people that
25 work in people -- excuse me, I'm a

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2 little nervous, when you have people
3 that work inside public service
4 offices, and others like hospitals,
5 etcetera, etcetera, you know that's
6 when we need our services the most.

7 If people are not trained to deal
8 with people who are disabled, it
9 becomes a very difficult task for
10 people who are disabled.

11 I don't know if that makes sense
12 to you if I said it, but we are
13 disabled. We don't have to be treated
14 like we're kids, actually treat us like
15 our disability are.

16 You know we have problems with
17 our social lives and we have problems
18 coming into dealing with official
19 members and specifically the police
20 department.

21 I've been pulled over at times
22 and told the police officer I'm hard of
23 hearing, deaf. They wouldn't know how
24 to deal with people like me because
25 they're hearing. So they would not

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2 know. They were not trained in that
3 manner with people who are disabled.

4 So I'm hoping that 303-21 will
5 help enhance the difficulties for us.
6 I mean, really, it's really like today
7 now that you got me an interpreter, I'm
8 in my element now.

9 Thank you I appreciate that, but
10 like I said this is not the first time
11 I've been here and I told last time, I
12 told everybody last time I was here I
13 was coming from now on. I'm late
14 arriving but I'm not gone.

15 And neither of these individuals
16 that are disabled, they're not leaving
17 either. And we're hoping that, listen,
18 I don't see anybody up here on your
19 panel that are disabled and we need
20 people who are in a political
21 atmosphere to be disabled.

22 If you all can help us create a
23 panel that would be able to represent
24 the county and the state of New York
25 just like you are. I'm not saying you

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2 have no disability, everybody has a
3 disability once in their life.

4 But, that being said, I'm proud
5 to be a disabled citizen of the United
6 States and pretty sure everybody else
7 here who are disabled are proud as well
8 and we will continue to show our
9 appreciation. We are going to continue
10 to show our support for people who are
11 disabled.

12 We hope that you join aboard with
13 us to help us achieve our goals in the
14 future.

15 Next time I come here, I will be
16 at every meeting from now on. I'm
17 going to need an interpreter. I need
18 two, three interpreters, because she
19 gets tired and it's by law she's
20 supposed to have two or three depending
21 on how long the meeting is going.

22 Now I want to do my general. I
23 tried, what I do want to say is, it's
24 going to be real quick. You people
25 here have some type of authority. I

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2 think you can exercise your authority
3 on the local level and state level as
4 well.

5 I'm having a situation now that I
6 wanted the DP to get involved. I
7 wanted the highway department etcetera,
8 etcetera. Instead of everybody saying,
9 go to this department, go to that
10 department, go to this department. It
11 should be one source that people can
12 come together and bring everybody
13 together, get a lot more done that way.

14 Instead of sending somebody to
15 this department, sending them to that
16 department. You have to create some
17 type of system, something, to help
18 these residents feel like their voices
19 are heard in this meeting. That
20 anywhere in Nassau County, home, they
21 want their voices to be heard. They
22 are New Yorkers like you and they want
23 the best just like you.

24 So I would appreciate it if we
25 can somehow come together, come to some

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2 type of a solution to exercise your
3 authority to get a lot more done than
4 what's getting done now.

5 I'm not saying you guys are not
6 doing anything. You guys are doing
7 better than some other agencies that I
8 have dealt with, some other government
9 levels that I have dealt with.

10 But I just wanted to say, please,
11 please, help me have an interpreter
12 every meeting, get money from the
13 government for the support for her to
14 come her and all the others to come
15 here it would be helpful to me, and,
16 everybody, whatever service you have.

17 I have one more thing, I had a
18 very difficult time parking. We see
19 parking numbers out there with number
20 signs, but disabled parking, I have
21 seen like count total in this area
22 right now in that parking lot, two, out
23 of all Nassau County two that want to
24 come to this building. We need more.
25 If you guys can please help us and

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2 provide disabled parking for us.

3 The last thing there are disabled
4 parking going on right now that you
5 have, that you have provided throughout
6 the county and throughout the Town of
7 Hempstead. We have a problem. People
8 who don't have the placards are parking
9 in that area and they are not giving
10 people who are disabled the opportunity
11 to park there.

12 We have to wait until they leave
13 or whatever it is. We have to suffer.
14 I think just to take that seriously for
15 a second. Imagine if that was you.

16 CHAIRMAN NICOLELLO: Thank you,
17 Mr. Godfry.

18 MR. GODFRY: I apologize.

19 CHAIRMAN NICOLELLO: Thank you
20 very much. Kim Brussell.

21 MS. BRUSSELL: My name is Kim
22 Brussell. Good afternoon. I'm just
23 going to speak very briefly. I did
24 have the honor of speaking to you two
25 weeks and I felt the support for this

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2 Advisory Council from all of you so I'm
3 here once again from the Viscardi
4 Center and the thousands of individuals
5 we have served for over 70 years here
6 in Nassau County asking you once again
7 to have this council put in place and I
8 would also like to ask you to consider
9 having a representative of the Viscardi
10 Center as part of the council as we can
11 bring some much expertise.

12 Sir, can you step back. Just
13 asking if you could consider having the
14 center as representative since we have
15 been serving people with people with
16 disabilities on so many levels for so
17 many years and I thank you this
18 afternoon.

19 CHAIRMAN NICOLELLO: Thank you.
20 Councilwoman Treston.

21 COUNCILWOMAN TRESTON: Thank you.
22 I will be quick as well. I'm Elizabeth
23 Treston, Long Beach, New York. I'm
24 again very appreciative this is finally
25 happening.

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2 I was here two weeks ago and I
3 gave my tale of trying to get into the
4 building with the help of your county
5 clerk and his assistant and that should
6 not be.

7 I'm going to ask and make a
8 request of you today that you adapt.
9 We have all adapted during COVID with
10 zoom meetings which is something people
11 with disabilities have been doing for
12 years and now it's a new thing.

13 So now I want you to when you are
14 leaving this building today or coming
15 in tomorrow, don't come in the door you
16 usually come in. I want you to go up
17 the ramp if you can find it, if you can
18 find it, because the sign is again not
19 there. I beg you to try to come into
20 the door and push it and push it
21 because it will not open. It's been
22 this way for years.

23 But now we're going to put a stop
24 to it. We are moving forward. You are
25 moving forward with this task force.

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2 We're going to change policies that
3 will impact everyone for the better.
4 And I appreciate that. God bless you.

5 Thank you very much and have a
6 good day. Thank you.

7 LEGISLATOR FORD: Thank you very
8 much, Liz. I think that it should be
9 noted that Liz Treston is an elected
10 official. She represents the City of
11 Long Beach on the city council, elected
12 four years to a four year term and we
13 are blessed to have her as one of our
14 city representative.

15 I did want you let you know we
16 did speak with Katie Horst from the
17 administration with regard to that
18 entrance.

19 We are going to -- I guess we
20 never realized that none of us never go
21 out that door so we never realized
22 there was a ramp in all honesty.

23 We had designated on the back of
24 the building on the other side as the
25 handicapped accessibility. Because

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2 this entrance is closer to the visiting
3 parking lot, we are going to have that
4 looked at so that we can have the
5 button work with the security so that
6 the police officer will be able to see
7 who is coming into the building, that
8 they have to go out and escort so it's
9 a safe entrance and a safe handicap
10 accessible entrance as well.

11 We are going to work on it. It
12 might take a little bit of time to do
13 it but it will be done.

14 CHAIRMAN NICOLELLO: We will also
15 be looking at the handicap spaces in
16 our parking lot to make sure there is a
17 sufficient number by law and make sure
18 the people are accommodated who are
19 coming to visit these meetings.

20 The next speaker is Nadia.

21 MS. HOLUBNYCZJ: Good afternoon.
22 My name is Nadia Holubnyczj. I'm here
23 to address the Legislature as a private
24 citizen as an advocate for the disabled
25 community.

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2 As someone who has been disabled
3 for my entire life and knowing no other
4 way to live, advocacy is part of my
5 personality and indoctrinated into my
6 moral and ethical beliefs.

7 I wish there was a day when
8 advocacy was not needed. A day where
9 everyone was treated equally with
10 respect, dignity, empathy and
11 compassion.

12 Here we are debating a bill that
13 requires lawmakers, administrators, and
14 commissioners to consider disabled
15 citizens in all matters of Nassau
16 County.

17 It demonstrates the lack of
18 diversity in this legislature and the
19 inability to inherently see through the
20 lens of others.

21 Each and every department within
22 Nassau County should have a capacity to
23 consider all needs of its residents and
24 not just do it because the law tells
25 them to do so.

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2 Nassau County's Office of the
3 Physical Challenged has a mission
4 statement that reads in part, it plays
5 a leadership role in the provision of
6 programs and services to enhance the
7 independence and productivity of
8 citizens with disabilities.

9 Developing and advocating on the
10 local, state, and federal levels of
11 government.

12 The mission statement of this
13 department is echoed in the preamble of
14 this bill. Talk about government
15 redundancy.

16 Be that as it may, as this
17 Advisory Council comes together, I
18 would like to see the Office of the
19 Physically Challenged leading this
20 council and not being an enumerated
21 participant.

22 This office should be presiding
23 over the council, advocating the advice
24 and recommendations and continually
25 presenting the findings and guidance to

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2 the Legislature.

3 Without putting the Office of the
4 Physically Challenged at the helm of
5 this Advisory Council, you are under
6 mining its purpose.

7 I do also have serious
8 reservations regarding the composition
9 of this bill. It lacks important
10 considerations, details and
11 accountability. Without including the
12 police department, planning commission,
13 community development, human rights
14 commission, information technology and
15 Department of Labor into this Advisory
16 Council, you demonstrate the lack of
17 insight and inability to truly
18 understand the level of systemic
19 integration needed in Nassau County.

20 I believe that if not executed
21 with sincerity and robust intent, it
22 could potentially stall any progress in
23 creating a more inclusive society for
24 the disabled in Nassau County.

25 Instead, I reckon this bill will

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2 provide a scapegoat for complacency and
3 disfunction.

4 I surely support any intention to
5 create a more inclusive community for
6 everyone. I know the approach for the
7 inequities for the disabled should have
8 been handled differently.

9 I question the motives and timing
10 of this legislation as well.

11 The manner in which this bill
12 came to be, its contents and lack of
13 true bipartisanship makes it nothing
14 more than an election year showpiece
15 and I truly hope you prove me wrong.
16 Thank you.

17 CHAIRMAN NICOLELLO: Clinton
18 Brown.

19 MR. BROWN: My name is Clinton
20 Brown. If I come here next week I
21 might as well take a spot behind the
22 desk. I feel like I almost work here
23 at this point. Just to lighten the mood
24 a little bit.

25 I'm not here for a PR stunt or to

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2 get on any sort of buddy's bad list but
3 I'm here to represent at Viscardi
4 school and Viscardi Center and to
5 represent people with disabilities.

6 I introduce who I was last time,
7 my family, our long another Nassau
8 County, and Hicksville. The fact that
9 I don't see disability as a liability.
10 I see it as just another facet of
11 Clinton Brown the III. It's every one
12 of your responsibilities to represent
13 people who look like me and are
14 disabled.

15 The council is great. It's going
16 to be a support service, but I just
17 want to make it known that it should be
18 a group that supports the facilitation
19 of what people with disabilities need
20 which is equal. We're not special
21 needs. We have the same needs
22 everybody else does.

23 I think the mindset and the way
24 we speak about disability needs to
25 change. From what I heard today, there

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2 were a lot of words that I didn't
3 appreciate, not a knock on anybody, but
4 maybe a wake up call for us to do a
5 little homework. Sometimes you come to
6 work and we get told, you didn't do too
7 good today. It happens to me. That's
8 fine there is nothing wrong with that.

9 I'm here to help and support. I
10 would love the Viscardi, which has a 60
11 year history of helping people with
12 disabilities in the New York area gain
13 employment, gain independence, and
14 become equal members of society.

15 I'm excite and I hope that I'm
16 considered to be on this auxiliary
17 committee because I think I'm somebody
18 who is a solution based individual and
19 not somebody that dwells in the past
20 but somebody who wants to make the
21 future brighter and better for people
22 with disabilities.

23 So I appreciate that the council
24 is looking at this. I hope we pass it
25 and I look forward to becoming a change

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2 maker in this community. Thank you
3 very much.

4 CHAIRMAN NICOLELLO: Legislator
5 Walker.

6 LEGISLATOR WALKER: I want to
7 thank everyone here who has spoken so
8 far, I know there are others to speak.

9 I want to give a big shout out to
10 Clinton. I know him since he's a baby,
11 Clinton has always been a go getter and
12 has been a change maker his whole life.

13 So, Clinton, thank you very much
14 and appreciate all you do and I
15 appreciate things that you brought to
16 me that I try to make a difference in,
17 but I really wouldn't have known them
18 other than you bringing them to my
19 attention so thank you very much.

20 CHAIRMAN NICOLELLO: Laura Nugent
21 Carter.

22 MS. NUGENT-CARTER: Good
23 afternoon, legislators. My name is
24 Laura Nugent Carter.

25 First I want to thank you for the

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2 opportunity to speak with you today
3 about the proposed bill to create the
4 Advisory Council on people with
5 disabilities.

6 I'm a life long Nassau County
7 resident and I come to you today
8 because I envision a world where
9 wheelchair users in Nassau County can
10 live as freely as able bodied people.

11 Before I continue with what I
12 prepared to write, I just want to say
13 that the scrambling of you trying to
14 find an interpreter and, Legislator
15 Rhoads, I'm going to address you. You
16 said in the beginning that you are
17 listening to what the disabled people
18 said, two weeks ago, Darryl stood here
19 two weeks ago before you and spoke
20 before you and said I can't hear what
21 you're saying. I have thought of
22 Darryl every day and wondered if you
23 would have an interpreter here.

24 You have had two weeks. He stood
25 here and said, I'm not word for word.

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2 This is not a government that just
3 began. The ADA was passed 30 years
4 ago. He should have had an
5 interpreter. I thought about him every
6 day. Did any of you think about him
7 and what he said?

8 Legislator Rhoads, you just said
9 you're listening to the disabled
10 community. I pulled you aside after
11 last week's hearing and I said please
12 don't use the word wheelchair bound,
13 the correct term is wheelchair user.
14 Today you said my father was wheelchair
15 bound.

16 So you're saying that you want to
17 listen but are you really listening
18 with an open heart and open ears and
19 open eyes.

20 Because, like I said, I thought
21 about Darryl for two weeks. Did any of
22 you think to get him an interpreter?
23 It's unacceptable to come here and
24 scramble and scramble and you know
25 what? Not just for Darryl. I watch

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2 the legislative hearings online after,
3 what if somebody who is hearing
4 impaired wants to listen, wants to
5 hear, wants to watch. The interpreter
6 should be standing in front of the
7 camera so everybody can hear. That's
8 that.

9 But I'm going to continue, I
10 apologize. So I'm here to tell I and
11 this is very timely that anyone can
12 become disabled in a blink of an eye.
13 In an instant your life can change. It
14 doesn't matter what age, what gender,
15 what race or socioeconomic status. It
16 can happen to any one of you, anybody
17 in this room.

18 No one thinks it's going to
19 happen to them. I didn't. You know
20 what? In 2007, I was hit by a car and
21 today I stand here on two prosthetic
22 legs. I was an athlete, extremely
23 active independent person and it could
24 happen to anyone. Trust me.

25 So although I stand here on two

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2 prosthetic legs today, I have spent
3 most of the last 14 years as a
4 wheelchair user, please write that term
5 down, I beg of you please, I want to
6 see your pens moving, wheelchair user,
7 do you hear me, shake your head, raise
8 your hand. I don't want to come here
9 and hear wheelchair bound, confined to
10 a wheelchair. I don't want to hear it.

11 Okay, so I used the last 14 years
12 as a wheelchair user and when I take my
13 legs off every day I obviously use a
14 wheelchair.

15 The challenges I have faced over
16 the past 14 years reach far beyond any
17 physical capabilities. I was unable to
18 continue my career and needed temporary
19 public assistance. In addition, I had
20 to navigate inaccessible houses and
21 infrastructure, medical expenses,
22 transportation challenges, as well as
23 emotional, mental, and spiritual
24 distress.

25 I'm excited and moved to know

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2 that Nassau County wants to improve the
3 lives of its disabled residents who are
4 often not seen or heard.

5 The potential of this life
6 changing council that you will be
7 voting on is a great start but it's
8 only a start.

9 I beg of you, please do not make
10 this council something that is just for
11 political show. Make it count. Make
12 it powerful. Enable this council to
13 improve, truly improve people's lives.
14 The council must be set up to be
15 meaningful, that starts with who will
16 be on the council.

17 Like most able-bodied people, I
18 have no clue how difficult and far
19 reaching living with a disability is.

20 CHAIRMAN NICOLELLO: Ms. Nugent,
21 please wrap up.

22 MS. NUGENT-CARTER: The council
23 must also be empowered to have a strong
24 voice in shaping programs and policies
25 that will result in specific tangible

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2 benefits. Thank you for your time.

3 CHAIRMAN NICOLELLO: Thank you.

4 Nicole Weingartner.

5 MS. WEINGARTNER: Good afternoon.

6 My name is Nicole Weingartner. Today

7 I'm representing Helen Keller Services

8 who unfortunately couldn't make it last

9 minute.

10 They are strongly supporting this

11 bill to establish at Nassau County

12 Disability Advisory Council.

13 Helen Keller Services aligns with

14 the values of such an important council

15 to improve the lives of individuals

16 with disabilities addressing quality of

17 life issues such as transportation,

18 accessibility and a number of areas

19 such as communication, emergency

20 response, employment and community

21 services.

22 Helen Keller is committed to

23 working together with the council to

24 remove barriers which may prevent

25 anyone with a disability living a fully

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2 integrated life here in Nassau County.
3 The comprehensive duties of the
4 council outlined in the bill will
5 surely ensure that Nassau County has a
6 matter in which to gain much needed
7 input from its residents who are often
8 marginalized and least considered when
9 proceeding with decisions and
10 priorities that will impact their
11 lives. Thank you very much.

12 CHAIRMAN NICOLELLO: Thank you,
13 Nicole. Teresa Hasster.

14 MS. HASSTER: My name is Theresa
15 Hasster. I'm going to take my mask
16 off. I'm fully vaccinated.

17 I am the vice president of
18 government affairs at SEO Family of
19 Services, which is in its 126th year of
20 existence. We are headquartered here
21 in Nassau County in Glen Cove.

22 We have six core services; early
23 childhood education; foster care;
24 family services; special needs;
25 campuses and community education and

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2 support along with a comprehensive
3 point of service, essential mental
4 health care.

5 I am here in support of Nassau
6 County's legislation to establish an
7 Advisory Council on people with
8 disabilities.

9 I stand here on behalf of Keith
10 Little, our president and CEO and I
11 want to highlight a few of the things
12 we are doing in that area.

13 Like I said, one of our core
14 services is special needs. To that
15 end, we operate five A53 schools. A53
16 schools are established by state law as
17 schools, they're actually governed by
18 the state Department of Education for
19 students with special needs. Those
20 students who are not able to
21 matriculate through the public school
22 system but have other needs. So we
23 actually operate five of those schools.

24 Along with those schools we have
25 residential treatment facilities as one

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2 of those students aged 5 to 21 often
3 need to be housed close to where they
4 are schooled. We have those schools in
5 the Bronx, Queens, Brooklyn and here on
6 Long Island.

7 Here in Nassau County we are
8 pleased to operate the Tirey Learning
9 Center at the Robert J. McCann Campus
10 in Sea Cliff. That school particularly
11 caters to and serves the needs of young
12 people, kids and young adults who have
13 an IQ of less than 50. Some of them
14 have an IQ of about ten. A lot them
15 are also medically fragile.

16 You can only imagine when the
17 pandemic hit, you can't give those kids
18 tablets and computers and say operate
19 remotely. I'm proud to know that SEO
20 stepped in and went the extra mile to
21 make sure we were able to accommodate
22 those students' needs 24 hours a day,
23 seven days a week.

24 We also operate and manage the
25 Westbrook Preparatory School which you

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2 may be familiar with. It's actually
3 the first school of its kind in the
4 state of New York to serve the needs of
5 youth, again, five to 21 who have been
6 diagnosed with as Asperger's, high
7 functioning autism, and other similar
8 needs, diagnoses. So those students
9 also learn and learn on a campus.

10 We are really focused on these
11 needs so I'm so proud to be here with
12 supporters of the legislation who are
13 adults. But here as an adult myself, I
14 want to definitely emphasize the needs
15 of the youth.

16 We have so many people here
17 living with disabilities all of their
18 lives or most of their lives and so I
19 really wanted to make sure as you
20 consider this Advisory Council that you
21 do not neglect those children who are
22 growing up having to adjust and
23 navigate to life, of course as adults
24 but also as children.

25 So, again, representing SEO

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2 Family Services, I'm happy to be
3 headquartered here in Nassau County, we
4 have a workforce of approximately 3,500
5 individuals.

6 We operate over 80 programs with
7 over 100 locations, again, that is in
8 New York City but also in Nassau and
9 Suffolk County.

10 But, again, wanted to emphasize
11 the programs here in Suffolk, Tirey
12 Learning Center and Robert J. McMann
13 Treatment Center in Sea Cliff and the
14 Westbrook Preparatory Academy.

15 I would be happy to answer any
16 questions that you may have and I would
17 be happy to leave my card here and
18 thank you so much for allowing me to
19 present today in support. Thank you.

20 CHAIRMAN NICOLELLO: Thank you.
21 Gina Barbara.

22 MS. BARBARA: Good afternoon,
23 Legislature, thank you for giving me
24 the opportunity this afternoon to speak
25 before you.

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2 We come before you today for
3 passage of the Disability Advisory
4 Council for Nassau County and I am
5 very, very excited to be moving forward
6 on this bill. I think it's going to do
7 very, very good things for the entire
8 disability community and Nassau County
9 as a whole.

10 It's more than overdue. We have
11 the Americans with Disability Act, that
12 was passed 30 years ago. All 19 of
13 you, shame on you for allowing that
14 interpreter to not be here at the very
15 beginning of this meeting. Any
16 government meeting, any government
17 meeting requires a sign language
18 interpreter.

19 I was just in contact with
20 somebody and they are telling me
21 there's also not closed captioning on
22 the website. Once again, shame on you.

23 We came here two weeks ago. We
24 presented this bill more than a month
25 ago on the steps of this very

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2 Legislature. Shame on you.

3 Let's get it together. Let's
4 make Nassau County at county it should
5 be and let's stop playing the party
6 politics that are being played behind
7 that dais right now.

8 We have full support from the
9 Legislature on a bipartisan matter from
10 the 13th which I'm grateful for.

11 But the nonsense if we're going
12 to move forward needs to be collective
13 between the council, the Legislature,
14 and the County Executive.

15 I have one question for you.
16 We've been here three times. Where is
17 Matt Dwyer from the Office of the
18 Physically Challenged? He has not
19 commented. He has not said anything.
20 He has not put anything on the public
21 record. Enough.

22 We're not doing this as a
23 political show of support. We're doing
24 this to better our community. If we're
25 not going to do that, why are we here?

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2 We are here to better Nassau County.
3 Everybody. Government officials,
4 County Executive, and I know that
5 there's more people that are in support
6 of this bill but it needs to be done
7 correctly.

8 Right now we face the facts of we
9 do not have clearer structure as to how
10 to apply for this committee, that was
11 never spoken.

12 There are issues with the fact of
13 what is the function of the committee?
14 And, as somebody said earlier, maybe
15 the Office of the Physically Challenged
16 should be in charge of focusing on this
17 committee because considering the fact
18 that he can't show his face here today,
19 at that press conference or on the 13th
20 is very sad.

21 Where are the disabled community
22 in the county of Nassau if the Office
23 for the Physically Challenged cannot
24 oversee what is going on here?

25 Now, moving forward, there must

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2 be an interpreter at every meeting.
3 Not a question. We cannot get caught
4 in this situation again.

5 I thank you for your time. I
6 look forward to be considered for the
7 committee and look forward to working
8 with everybody to make Nassau County
9 the county it should be. Thank you.

10 CHAIRMAN NICOLELLO: Thank you.
11 That is all the slips I have on this
12 item.

13 Any legislators would like to
14 make any comments?

15 MS. MEREDAY: Meta J. Mereday,
16 Baldwin resident. I'm in support of
17 this legislation but it's clear that by
18 the voices that were heard previously
19 and I appreciate anyone who comes and
20 steps up and speaks to their issue, but
21 there are unfortunately similarities to
22 the structural defects in this bill
23 that have been so eloquently spoken
24 prior, and I'm just trying to give
25 everybody a wake up call but more so

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2 not the 19 in front of me but the
3 residents who took the time to come
4 out.

5 We are in budget season. So it's
6 important. If you're saying you're
7 coming to the meetings, I encourage you
8 to do so.

9 If you want structure, you want
10 the initiatives, you want this to be a
11 true task force as opposed to an
12 obligatory committee for someone's
13 photo op, you need to be here you need
14 to be heard. You need to see the
15 numbers as it speaks to now what
16 funding is being allocated or any
17 increase possibly for the Office of the
18 Physically Challenged.

19 I, too, as you said, seconds
20 away, July 12, 2018, I was sideswiped
21 by a tractor trailer on I95. Inches
22 away. I have six herniated disks. So
23 when a person say they see a person
24 with disabilities, it's not always
25 someone who is a wheelchair user.

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2 I also have COPD, PTSD, most days
3 I can barely get out of the bed. But
4 because there are others, and I've been
5 before this body, and because I have
6 advocated for service disabled veterans
7 who still don't get the just desserts
8 that they need.

9 I've advocated to get more
10 handicapped parking, not only here but
11 at other county and town locations.
12 Crickets. Crickets.

13 But there is a new process that
14 we can all think about. Because
15 lawsuits is what generated the 19 that
16 we have here who still don't represent
17 the diversity of Nassau County even
18 though we pay the second highest taxes
19 in the country.

20 So it's lawsuits that got most of
21 you here and Nassau County can't win
22 most of the lawsuits that are pledged
23 against them.

24 Then you have legislation which
25 is what you are attempting to have here

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2 which is lacking in many aspects but
3 it's a start. Sometimes you have to
4 have that start but you have to be the
5 spark to get it where you need it to
6 be.

7 But the legislation is not enough
8 because, again, four years ago I stood
9 before this body and I implored them to
10 step up their efforts for again service
11 disabled veterans, for resources
12 support and inclusion and equity,
13 equitable distribution of the resources
14 to better serve that distinguished
15 community. Crickets okay?

16 The layer of dust that's sitting
17 on that legislation, the committees,
18 the advisories, the conversations, deaf
19 ears. Deaf ears.

20 The last L that most people don't
21 think they have the power to enforce is
22 losing elections. You don't like what
23 your representative is doing, you don't
24 hear from them, reach out to vote them
25 out. Vote them out. It's voices that

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2 toppled situations in the Town of
3 Hempstead. After 150 years of one
4 party rule, voices of the public.

5 So, again, I implore, I urge,
6 strongly encourage all those who are
7 involved in this, hear the voices that
8 stepped up today, that stayed here for
9 two hours, and for me to be in this
10 room in this temperature, I'm in
11 physical pain from the head to my toe.
12 Right now I can't even feel my toes.

13 But I have to walk all the way to
14 the side, because, as they say, there
15 are two parking places even the spots
16 for the able bodied, you can't get into
17 the visitors parking for all of the
18 employees that park in those spaces. I
19 brought that up before. Crickets.
20 Crickets.

21 We need to do something about the
22 crickets because the crickets don't pay
23 the taxes here, the residents do.

24 If anybody is listening you need
25 to make this something that is viable.

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2 Again, to make it inclusive. You need
3 to define something and make a true
4 difference with this. Because you
5 haven't done it with the minority
6 business process. You divided that up
7 and now you have four different groups
8 fighting over the same less than one
9 percent of county contracts. Make this
10 one work. Thank you.

11 CHAIRMAN NICOLELLO: Any
12 legislators wish to discuss this?

13 MR. GODFRY: I'm handicapped. We
14 are all and I would like to --

15 CHAIRMAN NICOLELLO: Mr. Godfry,
16 you've had your opportunity.

17 Mr. McKenna.

18 MR. MCKENNA: Kevin McKenna
19 again. I have been very, very moved
20 and I'm sure as well you have by what
21 we have heard over the past half hour
22 maybe 45 minutes. A lot of what I've
23 heard and what lot of what you've
24 heard, a lot of it has to do with the
25 different departments within Nassau

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2 County unless I misheard.

3 Ms. Mereday just triggered a
4 thought, and I always love listening to
5 her. Is Laura Curran listening? Laura
6 Curran, you guys are not in charge of
7 the different departments in Nassau
8 County.

9 Laura Curran is responsible for
10 the departments the way that they're
11 run in Nassau County.

12 I'd like to know and I'd like an
13 answer and maybe Legislator Drucker may
14 know, I know he pals around with her.

15 Does anybody here in this room
16 right now from Laura Curran's office, I
17 would like to know the answer to that,
18 I'm sure the public would like to know
19 the answer to that, from Laura Curran's
20 Office.

21 And I'll take it to the next
22 extent, will Laura Curran listen to the
23 comments of the public at this meeting?

24 Why does every Nassau County
25 Executive hide? Why do they hide? How

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2 come we the public -- why isn't Laura
3 Curran sitting right there listening to
4 this meeting? She's not the president
5 of the United States. She's the County
6 Executive of a county on Long Island
7 and I'd like to know Legislator Drucker
8 if anybody is in this room from Laura
9 Curran's Office so that she'll hear the
10 importance of what has been conveyed in
11 this meeting. I give you my three
12 minutes.

13 MS. MEREDAY: I hear crickets.

14 CHAIRMAN NICOLELLO: This is not
15 a question and answer session.

16 MR. MCKENNA: That's another
17 problem. I have two minutes and 45
18 seconds, Mr. Nicolello and I'm glad you
19 brought that up. It's not a question
20 and answer session. I understand. I
21 understand.

22 Where do taxpayers that pay your
23 salaries, in what setting, where can we
24 ask questions and get answers? Because
25 for the past three months I have an

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2 email into Legislator Drucker's office
3 about an environmental issue in Syosset
4 that he continues to ignore.

5 It's a simple question. I want
6 you all to know what the question is.
7 The question is, you guys heard about
8 Amazon. This is a quick story.

9 CHAIRMAN NICOLELLO: Mr. McKenna,
10 this is a hearing on this legislation.
11 You want to speak to this legislation,
12 speak to the legislation or your time
13 is up.

14 MR. MCKENNA: Okay. As far as
15 the legislation I'll be honest with
16 you, maybe in my last 1:20 seconds,
17 maybe Mr. Nicolello, or Mr. Drucker,
18 maybe he can give us an explanation for
19 the public because I wasn't given any
20 agenda before I walked into this
21 meeting.

22 When I walked into this meeting,
23 even at the Town of Oyster Bay, you go
24 into the meeting and you get an agenda.
25 When I walked into here today, unless I

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2 missed it, did I miss it? I missed it.
3 I apologize.

4 Legislator Drucker, explain to us
5 at a high level what this legislation
6 is about. Do you even know? For the
7 last few weeks all you've been doing is
8 taking pictures out in neighborhoods.
9 Do you know what this legislation is
10 about? Thank you very much.

11 CHAIRMAN NICOLELLO: Are there
12 any legislators that would like to have
13 a discussion at this point or have any
14 comments? Go ahead Legislator Rhoads.

15 LEGISLATOR RHOADS: Just to give
16 a thumbnail sketch. Couple of things
17 were taken into consideration when
18 creating the legislation for the
19 Advisory Council.

20 First of all, the membership and
21 the mission of the council is actually
22 defined. As far as what the council --
23 what we're looking for the council to
24 review; advise the County Executive and
25 Legislature on issues regarding

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2 individuals with disabilities and
3 recommend legislation; review policies
4 for the import or their impact on
5 persons with disabilities and provide
6 recommendation to the County Executive
7 and the legislature; review the budget
8 four year plan; capital budget; four
9 year capital plan and make
10 recommendations to the County Executive
11 and to the Legislature; and reviews
12 parks and preserve infrastructure and
13 make recommendation on improving
14 accessibility to programs and to
15 locations to programs and to services.

16 How the committee goes about its
17 work was left intentionally vague, not
18 because we don't think it's important
19 but because we want the Advisory
20 Council to have a role in determining
21 its own frequency of meetings, how it
22 goes about conducting its business.

23 The Office of the Physically
24 Challenged is not the head of the
25 Advisory Council because the Office of

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2 the Physically Challenged may be the
3 subject of the some the discussions of
4 the Advisory Council as to how that can
5 be improved. That was the rationale
6 behind not putting it under the Office
7 of the Physically Challenged auspices.
8 So there was a rationale behind it.

9 I don't think this is going to be
10 the final word on the structure and as
11 the Advisory Council on people with
12 disabilities begins its work, if it
13 finds there are structural changes that
14 are needed through the legislation, I'm
15 sure the Legislature will be open to
16 making those structural changes to make
17 sure that the council functions as it
18 was intended to function.

19 If there are ideas out there as
20 to how it can function better through
21 legislation, we want to hear those as
22 well.

23 There was a thought and a
24 rationale behind it. I know someone
25 turned this as some sort of political

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2 stunt. It's really not.

3 We want the Advisory Council to
4 give us some guidance and input on ways
5 we can improve accessibility and ways
6 we can make Nassau County accessible to
7 everyone including wheelchair users,
8 and I apologize for using that
9 terminology. Sometimes habits are hard
10 to break. Wheelchair bound was a term
11 that dad used often. I have to get
12 myself out of that reflex habit. So I
13 appreciate the reminder.

14 I just wanted to give you some
15 background.

16 As far as the majority and the
17 minority have appointments as you know.
18 The County Executive's Office will make
19 recommendations as well.

20 Other than providing guidance on
21 having individuals with intellectual
22 developmental disabilities, physical
23 disabilities, blindness, legal
24 blindness, deaf or hard of hearing,
25 mental health disabilities, we kind of

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2 left it open to the majority, minority,
3 and the County Executive's Office how
4 they go about filling that.

5 So, the encouragement on the part
6 of the majority side is to make sure
7 they submit resumes, and we will be
8 going through those. It's really up to
9 each individual body how they go
10 through that process, and I'm sure that
11 will be made known, obviously, so that
12 people have an opportunity to apply and
13 organizations have the opportunity to
14 apply.

15 I hope that answers at least some
16 of the questions that were raised.
17 Obviously if there are other questions
18 you have, feel free to speak to me at
19 any time.

20 We're trying to be open and
21 transparent about it. We really want
22 it to work. I know, Gina, you got your
23 hand up. They're going to ask you to
24 come to the microphone.

25 CHAIRMAN NICOLELLO: Yes.

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2 MS. BARBARA: Just for a point of
3 clarity, where are those resumes being
4 sent to? You said to send resumes.
5 Where do we send those resumes to?
6 That's what we need clarity on. Thank
7 you.

8 CHAIRMAN NICOLELLO: At this
9 point the council has not been formed,
10 so we once the council is formed
11 obviously there is an entity that can
12 receive them. But in the meantime, I
13 believe you can send them to your
14 legislators, the County Executive's
15 Office, better send them to your
16 legislator. They will be gathered and
17 kept.

18 So if you want to send them to
19 us, Minority Leader, Majority Leader,
20 clerk, we will all accept those
21 resumes.

22 LEGISLATOR KOPEL: Motion to
23 close.

24 LEGISLATOR WALKER: Second.

25 CHAIRMAN NICOLELLO: Legislator

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2 Kopel makes a motion to close the
3 hearing, Legislator Walker seconds
4 that.

5 All in favor of closing the
6 hearing signify by saying aye.

7 (Aye.)

8 The next item is 6 which is a
9 vote on a local law to establish the
10 Nassau County Advisory Council on
11 people with disabilities.

12 LEGISLATOR RHOADS: So moved.

13 LEGISLATOR MULE: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Rhoads, seconded by
16 Legislator Mule. We had full debate
17 and discussion. So at this time I'm
18 going to call for a vote.

19 All in favor signify by saying
20 aye. (Aye.)

21 Those opposed?

22 (No verbal response.)

23 That passes unanimously.

24 The next three hearings relate to
25 the proposed local law with respect to

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2 elimination of various fees.

3 So I'm going to call all three
4 hearings at the same time. We will
5 vote separately on the local laws.

6 2, a hearing on proposed local
7 law to amend the Nassau County
8 administrative code in relation to the
9 public safety fee.

10 3, a hearing on a proposed local
11 law to amend the Nassau County
12 administrative code in relation to fees
13 charged by the county clerk to any
14 individual who represents documents or
15 recording and indexing or satisfaction
16 or cancellation of claims and liens.

17 Number 4 is a local law to amend
18 the Nassau County administrative code
19 in relation to the verification of the
20 section, block, and lot information in
21 instruments presented for recording.

22 So I'm going to call to open
23 those hearings.

24 LEGISLATOR KOPEL: So moved.

25 LEGISLATOR GAYLOR: Second.

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2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Kopel, seconded by
4 Legislator Schaefer to open the
5 hearings.

6 All in favor of opening the
7 hearings signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 The hearings are open. These
12 three items will do the following. We
13 will remove the so-called public safety
14 fee which is now \$55 and will now go
15 down to zero. That is a fee taxed on
16 top of the other fees that people pay
17 with respect to for example red light
18 tickets.

19 Tax map verification fee will be
20 eliminated entirely. That's currently
21 \$355. The mortgage recording fee will
22 be reduced from \$300 to \$50.

23 The county's financial position
24 has changed for the better largely
25 because of sales tax revenues which

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2 have done very well but also because
3 the county has refinanced its debt and
4 has greater ability in terms of its
5 finances at present.

6 The tax map verification has
7 specifically been ruled to be unlawful
8 and unconstitutional. We are, by a
9 Nassau County Supreme Court judge, and
10 New York State supreme court sitting in
11 Nassau County.

12 We understand that that's before
13 the appellate division. Yet, as we sit
14 here today, it's been ruled unlawful
15 and unconstitutional.

16 The reason for that, the court
17 ruled, is because it is not connected
18 to a service. In other words, the fee
19 does not actually pay for the actual
20 service. Which calls into question the
21 other two fees as well.

22 So, to go forward with these
23 fees, to rely upon them in budgeting,
24 to rely upon revenues of these fees
25 under these circumstances is an

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2 extremely risky proposition for this
3 county. But, more importantly, as I
4 said it gives relief to our residents.
5 In particular, with respect to the tax
6 map verification fee, with respect to
7 the mortgage recording fee, people are
8 closing on their house within the next
9 couple of days, tomorrow. People are
10 filing instruments.

11 There is uncertainty over these
12 fees whether they are going to exist,
13 certainties of whether the county is
14 ever going to have to repay all these
15 fees if the appellate division supports
16 the local court. It's important to get
17 this certainty back into the equation,
18 it's important to get these fees off
19 the books and give our residents some
20 relief.

21 That's my statement. Does anyone
22 want to speak to the item? Legislator
23 Ferretti.

24 LEGISLATOR FERRETTI: Thank you,
25 Presiding Officer. I just wanted to

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2 state my strong support for these three
3 proposals. This is something that I
4 know from working in her office, at
5 county clerk, Maureen O'Connell is
6 opposed to these fees from the outset,
7 working in her office as her deputy and
8 chief deputy I joined her in being
9 opposed to these fees years ago.

10 But now I think that it's pretty
11 clear based on the recent decision from
12 the supreme court judge, Judge Brown,
13 that these fees are not only
14 excessively high and a burden on our
15 residents and constituents, does also
16 illegal.

17 So we are able to do something
18 now. We need to do something now. As
19 the Presiding Officer said, if this is
20 to pass today, I would urge the County
21 Executive to sign it immediately.

22 Failing to do so, waiting weeks
23 or a month or even days is going to
24 really disrupt the real estate
25 transactions in Nassau County.

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2 Already there are people that
3 know this bill has been filed and title
4 company attorneys are not recording
5 documents. They're holding off to see
6 if this is going into effect. I'm an
7 attorney. I do some real estate. I
8 have a deed right now that I'm holding
9 off on recording because I don't know
10 what the County Executive is going to
11 do in the best interest of my client of
12 course I'm going to see what the fees
13 are going to be.

14 So it's imperative that not only
15 this passes but we have to do right by
16 our residents, by the title industry,
17 and the County Executive needs to sign
18 this immediately. Thank you, Presiding
19 Officer.

20 CHAIRMAN NICOLELLO: Yes.

21 LEGISLATOR ABRAHAMS: So, a
22 couple of things. As we have indicated
23 before, and I know Mr. Ferretti and
24 Mr. McKevitt were not here, but we were
25 against the fees almost five years to

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2 the date, five years to the month. We
3 were against them every time since
4 then.

5 I find it astonishing that the
6 majority has chosen now I guess it's 30
7 some odd days before the election to
8 propose this fee removal from the
9 budget. So just to correct for the
10 public, the folks that are here, what
11 we're witnessing is the majority
12 attempting to correct their wrong.

13 They all passed this, except for
14 Mr. Ferretti and Mr. McKeivitt, they all
15 passed it and Mr. Kopel, thank you,
16 Howard, they approved it.

17 But now they want to correct it.
18 And it's funny you are seeing the
19 timing of when they want to correct it.
20 We are ready to stand with them but
21 however it is our understanding today
22 that, procedurally, every single bill
23 that needs to be before us or in this
24 case this particular Resolution, or
25 ordinance, I'm not too sure, local law,

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2 needs to have been vetted for 17 days.
3 Their bill doesn't even meet that
4 criteria.

5 So here we are again at the 11th
6 hour. We don't know what exactly they
7 want to put in place to replace the
8 revenue, they haven't talked about that
9 part. They have talked about basically
10 fixing or addressing the fees.
11 Absolutely, the public safety fee has
12 been a nuisance since you passed it.
13 It's been awful. The tax verification
14 fee, it's been awful since you passed
15 it. We voted no.

16 Last, but not least, the mortgage
17 recording fee has onerous on our
18 residents since you passed it.

19 So from that standpoint, I get
20 the passion and the velocity that
21 you're trying to push this through
22 today.

23 We would support it obviously if
24 not for the procedural manner that it's
25 been presented to us today, but at the

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2 same time, there is some fiscal
3 responsibility that goes with stewards
4 of the county.

5 I would love to be able to hear,
6 even though it's not an issue of these
7 hearing items today, I would love to
8 hear how you plan to plug the hole that
9 these fees that you passed, the
10 majority has passed five years ago, I
11 would love to hear what ideas you have
12 to plug that hole.

13 Secondly, it took five years. I
14 mean, we went through how many budgets,
15 2017, '18, '19, '20, and now we are in
16 '21. We are in our fifth budget cycle.
17 Not once did we care about folks that
18 were being charged a public safety fee
19 that you passed. Not once did we care
20 about a mortgage recording fee for the
21 folks that are closing on a home that
22 you passed. We never cared about them.

23 Now we care about them five years
24 later when the County Executive has
25 changed. Now we care about these folks

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2 even more.

3 From our standpoint the budget
4 has been submittd and though we see
5 this as two separate parallel tracks, I
6 would like to hear your ideas on what
7 you're proposing that is going to have
8 the recurring revenue or expenditure
9 cut that is going to be in place to be
10 able for the county to go forward and
11 be solvent.

12 To me, it's reckless. We would
13 have loved to have seen this proposal
14 never get done, but I would have loved
15 to seen the majority propose this four
16 years ago. I'm not too sure of the
17 timing.

18 That being said, as I said
19 before, we in the minority, we have
20 been steadfast against this fee from
21 day one. To me, it seems a little bit
22 disingenuous to say we are against the
23 fee and even, in your case,
24 Mr. Ferretti, you had four years. I
25 don't know when you were elected, I'm

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2 sorry. You had time to do this every
3 single cycle. You had time to do this
4 quite frankly before the County
5 Executive presented her budget, but you
6 chose to do it today. Or we chose to
7 do it a few weeks ago which to me it
8 seems to be more about political
9 theatre rather than serving people.

10 Again, from our standpoint, and I
11 will defer to counsel if I'm incorrect,
12 but we believe -- and we would love to
13 hear from someone from the county
14 attorney's office if that's possible,
15 but we are under the understanding with
16 all the fiscal concerns and constraints
17 surrounding this bill and the timing
18 and everything, it was not filed timely
19 during the 17 day period.

20 If I'm incorrect in saying that,
21 I would love to have someone from the
22 county attorney's office or potentially
23 maybe from your counsel, or you can
24 advise me on that in particular.

25 CHAIRMAN NICOLELLO: I have one

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2 point to make. As the Minority Leader
3 spoke about all of these years that
4 have gone by and how we have not taken
5 any action.

6 On January 1st, 2018 the County
7 Executive became Laura Curran. In all
8 the days of more than 1,000 days since,
9 she has not proposed a change to these
10 fees.

11 In all of those days, not one of
12 those colleagues to the left of me have
13 proposed a change to the fees. So when
14 he talks about we, he's referring to
15 themselves.

16 They had the County Executive at
17 any point during that time period, the
18 minority could have proposed a bill,
19 the County Executive could have
20 supported it, the fees would have been
21 eliminated, number one.

22 Number two, we have gone through
23 three budget cycles. The County
24 Executive had the opportunity in every
25 one of those budget cycles to withdraw

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2 and remove these fees and chose not to.
3 The minority had the ability
4 during every one of those budget cycles
5 to submit an amendment to withdraw
6 those fees, eliminate those fees, but
7 chose not to.

8 So to say we have done nothing
9 for four or five years, they are
10 talking about themselves. They had the
11 opportunity. They had the County
12 Executive.

13 Every time we made amendments in
14 the last three years, they have been
15 vetoed and supported by the minority.
16 So we didn't have the ability to change
17 this. They do. They railed against it
18 in an illegal motorist tax it was
19 called.

20 Guess what, when they got in
21 control, they kept it. Now they're
22 upset because we want to remove it. It
23 doesn't make any sense at all.

24 We should be voting to remove
25 these fees in a 19 to nothing vote. We

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2 should not be throwing up procedural
3 obstacles. We can wait another week.
4 We can schedule a meeting next week to
5 do this.

6 Unfortunately there are tons of
7 people out there who are closing on
8 their homes next week so, again, they
9 are in a state of limbo.

10 The County Executive, who knows
11 what she's going to do because she has
12 chosen not to reveal her hand.

13 Those people who again are
14 closing on their houses, filing
15 instruments are in a state of limbo
16 because they just won't tell you where
17 they stand. You know where we stand.
18 We submitted this and we will vote
19 today if we can get the support of the
20 minority in this, they can waive that
21 procedural rule.

22 But, if not, we will put it off,
23 do it next week. Legislator Gaylor.

24 LEGISLATOR GAYLOR: Thank you,
25 Presiding Officer. I support this bill

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2 and it's a necessary local law, truly
3 necessary because we have so many
4 people in the county on fixed incomes;
5 our seniors, our veterans, our low
6 income families, they're all affected
7 by this. Those that want to buy a
8 house, try to live the American dream
9 are paying such exorbitant fees at the
10 County Clerk's Office to get their
11 deeds recorded.

12 At a time when 65 percent of
13 homeowners saw a tax increase, this
14 timing is perfect.

15 I heard the Minority Leader and
16 theatrics, and that's all it is,
17 theatrics, when he fails to recognize
18 he had the last four plus years to
19 introduce a bill from the minority
20 concerning the fees, and has failed to
21 and then can sit there and say that
22 this is some kind of game playing by
23 Republicans is simply absurd. We
24 recognize that fact that it's absurd
25 theatrics coming from our democratic

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2 colleagues.

3 But, in any case, at a time when
4 we saw 65 percent of homeowners see a
5 tax increase due to a failed
6 reassessment, we see low income folks,
7 seniors and veterans who are calling
8 our office pleading for help, we hear
9 it and we're doing something about it.

10 There was a recent ruling from a
11 judge that said these fees were
12 questionable and may even be improper.
13 The county has taken that to appeal
14 now.

15 We hear that. We hear what's
16 going on around us at this particular
17 moment in time and we're reacting.

18 LEGISLATOR ABRAHAMS: Mr. Gaylor,
19 I'm listening to you --

20 LEGISLATOR GAYLOR: Excuse me but
21 I'm talking --

22 LEGISLATOR ABRAHAMS: Mr. Gaylor,
23 you are talking like you are --

24 LEGISLATOR GAYLOR: You're
25 talking over me. And that's

1 Full Legislature/9-27-21
2 inappropriate. I have not yielded the
3 floor to you, sir.
4 LEGISLATOR ABRAHAMS: You are
5 restating facts and are talking about
6 somebody who voted no.
7 LEGISLATOR GAYLOR: You will have
8 your turn but until that time sit back
9 down be quiet. Let me finish speaking.
10 LEGISLATOR ABRAHAMS: So I'll
11 just take my place, I guess, right,
12 Mr. Gaylor.
13 LEGISLATOR GAYLOR: Be quiet and
14 sit back down and be quiet.
15 LEGISLATOR ABRAHAMS: I should be
16 quiet and I should take my place?
17 LEGISLATOR GAYLOR: I know.
18 LEGISLATOR ABRAHAMS: We take our
19 place. I totally understand
20 Mr. Gaylor.
21 LEGISLATOR GAYLOR: We see the
22 real you. You should be quiet.
23 LEGISLATOR ABRAHAMS: The reality
24 is you voted for it. That's the part
25 you can't deny. Did you vote for it,

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2 Mr. Gaylor? Five years ago?

3 LEGISLATOR GAYLOR: Join us now.

4 LEGISLATOR ABRAHAMS: That's the
5 point. You didn't care. Did you vote
6 for it five years ago.

7 LEGISLATOR GAYLOR: What is the
8 point?

9 LEGISLATOR ABRAHAMS: Where was
10 your compassion then, Mr. Gaylor?

11 CHAIRMAN NICOLELLO: Settle down.

12 LEGISLATOR GAYLOR: Just be quiet
13 for a --

14 LEGISLATOR ABRAHAMS: Where was
15 your compassion then? You're trying to
16 pull the wool over their eyes.

17 CHAIRMAN NICOLELLO: Mr. Gaylor
18 has the floor, Legislator.

19 LEGISLATOR ABRAHAMS: You can
20 tell me to sit where ever you want me
21 to sit and be quiet, but I'll tell you
22 I'm not going to let you dupe the
23 taxpayers and residents of this county.

24 LEGISLATOR GAYLOR: We are not
25 duping the taxpayers. It's you.

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2 LEGISLATOR ABRAHAMS: We voted
3 against it. And I'm not going to let
4 you chastise our caucus. You created
5 the obstacle. You voted for it.
6 Except for McKevitt and Ferretti.

7 You voted for it and now you want
8 to correct it. That's what it's about.

9 CHAIRMAN NICOLELLO: Legislator
10 Kopel and Legislator Ford.

11 LEGISLATOR ABRAHAMS: I know it's
12 five weeks from the election. That's
13 the reality. Focus on that. We voted
14 no, remember that part.

15 CHAIRMAN NICOLELLO: Let Mr.
16 Gaylor finish his comments.

17 Mr. McKenna, would you please go
18 sit in the audience and not stand
19 there. You're not allowed to stand
20 there. Please stand back or go to the
21 side. Mr. McKenna, I'm going to ask
22 you nicely one more time.

23 MR. MCKENNA: I am a
24 representative of the Town of Oyster
25 Bay, part of the news media.

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2 CHAIRMAN NICOLELLO: Mr. McKenna,
3 I will ask you nicely one more time.
4 We ask the media to stand to the side.

5 In the meantime, please stand to
6 the side.

7 LEGISLATOR GAYLOR: In any case,
8 it's time to pass this law. Thank you,
9 Presiding Officer. I will leave it at
10 that.

11 CHAIRMAN NICOLELLO: Legislator
12 Ford and Legislator Kopel and
13 Legislator Ferretti.

14 LEGISLATOR FORD: I just want to
15 put on public record that I did not
16 vote for the public safety fee when it
17 was passed. But in all fairness it was
18 passed and I did vote for the mortgage
19 recording tax and the others but I
20 think now it's time for a change. We
21 have the ability to be able to reverse
22 this decision based on the supreme
23 court rulings.

24 And, for one thing too, and in
25 all the years I support what our

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2 Presiding Officer has said, in four
3 years since 2018, when we had
4 opportunity to take a look at this tax,
5 these fees you called so onerous, that
6 they were like basically taxes on the
7 people, that not once did anybody
8 present any legislation to reverse them
9 in the past four years.

10 Our Presiding Officer has allowed
11 many of your proposals, many of your
12 suggestions, your recommendations, your
13 legislation to be put forth before this
14 Legislature.

15 We passed many of your laws and
16 considerations. I agree. If it was
17 that onerous, it was not just our
18 responsibility to make a change, but
19 it's the responsibility for all of us.
20 I think the Presiding Officer has kept
21 an open administration, he's very open
22 minded, and has allowed all thoughts to
23 be considered.

24 I would say that it is time for
25 us to take a look at this, to eliminate

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2 these fees and to give some sort of
3 relief to our residents. Thank you.

4 LEGISLATOR ABRAHAMS: I'm sorry.

5 CHAIRMAN NICOLELLO: Legislator
6 Kopel, Legislator Abrahams, Legislator
7 Rhoads and Ferretti and Drucker.

8 LEGISLATOR KOPEL: Look, as
9 somebody who actually voted against
10 some of these real estate, large fees,
11 hopefully I'll have a little bit of
12 credibility and I'll speak to you. You
13 asked some fair questions which was,
14 how do we pay for this?

15 Let's think about this. First of
16 all, we have a fairly good indication
17 that these fees are going to be knocked
18 out regardless. It's a matter of how
19 to pay for it, yes, but we all have to
20 worry about it; whether it's now or a
21 few months from now, we are going to
22 have to worry about that.

23 If we continue to collect these
24 fees, notwithstanding the initial
25 ruling of the supreme court, and it's

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2 other supreme courts in other counties
3 which seem to suggest the same, we may
4 actually have to not only stop
5 collecting it, but we may have to start
6 reimbursing some fees that we are
7 collecting now.

8 So, we ought to really stop
9 sitting here pointing fingers at each
10 other when we are all on the same side
11 of it. You should have done it, you
12 should have done it first, you made
13 your case. Every one here has made
14 their case about that. You're bad
15 guys, you're bad guys. We are on the
16 same page here. We all want the same
17 thing.

18 So, how do we pay for it? Let's
19 work together on that. I think we've
20 put that forward. There is enormous
21 increase in sales tax over what was
22 anticipated and over what was budgeted.
23 We do have some resources and we can
24 use those things here.

25 As I said, my final word is, look

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2 we're all on the same page. We made
3 our cases, political cases. The
4 reporters have heard it. Everybody has
5 heard it. We know where we all stand.
6 Let's work together to get it done.

7 CHAIRMAN NICOLELLO: Minority
8 Leader Abrahams and Legislator Drucker.

9 LEGISLATOR ABRAHAMS: I think
10 Deputy Presiding Officer Kopel
11 addressed some of the issues or some
12 the concerns but not directly with all
13 due respect, Deputy Presiding Officer
14 Kopel.

15 I think to have a very prudent
16 and focused discussion, we need to have
17 more concrete items.

18 If this local law was to move
19 forward assuming that procedural
20 matters were not in place today, is if
21 this local law was to move forward, you
22 would be knocking out tens of millions
23 of dollars out of the budget for the
24 fiscal year 2022.

25 I understand the issue in regard

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2 to the GIS maps in terms of the tax
3 verification and how that will probably
4 be struck down in court at some point.

5 I wasn't aware of those matters
6 as it pertains to the mortgage
7 recording fee. I don't believe you
8 were addressing the public safety fee
9 when you were talking about the court
10 decision.

11 But that being said, I haven't
12 heard any concrete ideas, maybe that's
13 going to come out in your budget
14 proposals of how you're going to
15 demonstrate recurring revenue or
16 expenditure cuts to marry what we are
17 seeing today.

18 From that standpoint, I do know
19 the public safety fee, though we
20 thought it was reckless when the
21 majority approved it, we didn't like
22 it. We didn't like the fact that it
23 went up, but I do know the public
24 safety fee which is generated from TPVA
25 does pay for public safety in the

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2 police department.

3 So I would love to hear from the
4 commissioner on how he plans to make up
5 the transfer that goes to his
6 department which is I believe \$25
7 million? \$23.5?

8 I would love to hear from his
9 department. It sounds like, to me
10 again, the majority has chosen to take
11 this very bluster and I heard from
12 Mr. Gaylor in terms of his remarks,
13 very blustery and tough, and we're
14 going to help the taxpayers, but really
15 what they're not doing, they're not
16 helping the taxpayers, they know
17 ultimately, if they can't go forward,
18 because fiscally if there is no money
19 to do it, when they passed it there
20 were resources to do it, there is no
21 money to do it today, no solution here.
22 There's no ideas.

23 What can help taxpayers is a
24 proposal that's in the County
25 Executive's budget that's going to

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2 reduce everybody's taxes.

3 What can help taxpayers is a \$375
4 direct deposit for checks mailed, but
5 they sat on their hands for almost two
6 months.

7 So they're going to try to
8 pretend that they are the defenders of
9 the taxpayers but they're really not.
10 They had five years, and don't get me
11 wrong, five years to correct this.

12 Now they're going to say you
13 could have done something in the
14 minority. We were at times seven,
15 eight, potentially. You had the
16 majority all that time, and not once
17 thought about correcting it, not once
18 in five years. You never thought about
19 doing it.

20 We know the reasons why, because
21 the county wasn't flush with cash. We
22 couldn't have done it. We understand
23 that.

24 At some point you got to roll up
25 your sleeves and you have to take on

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2 the fiscal responsibility. You just
3 can't come up with ideas. No
4 disrespect to my good friend Howard
5 Kopel, but not once did I hear a
6 proposal to replace the money. Not
7 once. The County Executive has put
8 forward what we believe is a fiscally
9 responsible budget that has a tax
10 decrease in it. It's balanced.

11 We're going to wait to see what
12 NIFA decides, but from our standpoint
13 and from our analysis and we look
14 forward to the budget hearing next
15 week, the budget is balance and there
16 may be some risks like there are every
17 year. We believe the budget is
18 balanced.

19 This would send the budget into
20 chaos. Maybe that's what they want.
21 Maybe they want a little chaos before
22 the election to show taxpayers we are
23 going to reduce your fees, and, oh, by
24 the way, that we instituted. Do they
25 really think the taxpayer is that

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2 foolish? That they're not going to
3 realize -- it's like hitting someone
4 over the head and taking them to the
5 hospital. Who does that?

6 If you hit somebody over the head
7 you're not going to take them to the
8 hospital. Doesn't make sense. Thanks
9 for cutting in too. I showed you --
10 Can I finish?

11 LEGISLATOR GAYLOR: No, you
12 can't.

13 LEGISLATOR ABRAHAMS: Thank you,
14 Mr. Gaylor. You showed your colors
15 today and that suits you.

16 LEGISLATOR GAYLOR: So did you.

17 LEGISLATOR ABRAHAMS: That's why
18 you voted for it and can't even say --

19 CHAIRMAN NICOLELLO: One at a
20 time.

21 LEGISLATOR ABRAHAMS: You can't
22 defend it.

23 LEGISLATOR GAYLOR: You are just
24 pontificating now. Be quiet.

25 LEGISLATOR ABRAHAMS: Mr. Gaylor,

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2 honestly, you can sit there and throw
3 out pontification and throw out
4 insults, but the bottom line is, you're
5 running away from your record. You
6 voted for it. You are running away.
7 Why are you trying to change it today?
8 Do you not believe in the public safety
9 fee five years ago? Did you not
10 believe in the mortgage recording tax
11 five years ago?

12 You voted for it and now you're
13 trying to make that wrong right. You
14 are trying to make it right 30 some odd
15 days before the election. What a
16 coincidence. You really think the
17 taxpayers are that foolish.

18 I trust you that the folks in the
19 Sixth District are smarter than that.
20 They see right through your game.

21 So the bottom line is you can
22 keep nodding your head and you can keep
23 throwing out insults but it's very
24 clear what's happening today.

25 Number one, procedurally, this

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2 cannot happen. That's a fact of the
3 matter. This needed to be aired for 17
4 days and it was not. It was
5 haphazardly done they had no clear path
6 other than the fact, let's try to get
7 it all in and hope that it sticks to
8 the wall. That was the map today.

9 Now they're going to say, well,
10 there's a little technical matter and
11 if the minority will join us, then
12 great. A little technical matter is
13 called the law and the charter that we
14 follow. We can waive that today.

15 But even if we did that, they
16 have not once today given one idea on
17 how they're going to plug a hole that
18 creates ten of millions of ideas.

19 Mr. Gaylor, since you like to
20 talk, what's your idea of filling the
21 hole. I will relinquish the
22 microphone.

23 CHAIRMAN NICOLELLO: I'm going to
24 answer. It's not a violation of the
25 charter, not a violation of rules, it's

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2 an issue with the procedures of the
3 rules of the Legislature.

4 However, legislative procedural
5 rules allow the Legislature to suspend
6 the rules by a vote of 12 members.

7 So, if you really want to stand
8 on this procedural technicality, you
9 can make us wait for a week, you can,
10 okay, we'll do it.

11 But if you want to say this is
12 going to be voted on in a week, let's
13 give the residents some certainty now,
14 you will give us the votes to suspend
15 the rules. But we will see if you do
16 that or not. Legislator Drucker.

17 LEGISLATOR ABRAHAMS: First of
18 all, Rich, we believe it's longer than
19 a week. Second of all, I still want to
20 hear your ideas. I will be happy to
21 relinquish the microphone since he was
22 so intelligent and I would be happy to
23 give it to him so he can give me his
24 ideas.

25 CHAIRMAN NICOLELLO: You will see

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2 our budget proposal.

3 LEGISLATOR ABRAHAMS: So you
4 agree this is two separate parallel
5 tracks. Again, we would love to be
6 able to have this, since we're doing it
7 that way, we would love to hear your
8 ideas on how you plan to plug a hole
9 that you are creating today, not in a
10 week when we have budget hearings and
11 not by the 11th to submit your
12 amendments for the 18th.

13 CHAIRMAN NICOLELLO: So we will
14 submit our amendments on the 11th and
15 then they'll be the opportunity to vet
16 it.

17 LEGISLATOR ABRAHAMS: But you
18 understand, Rich, that you're plugging
19 the hole today, that's what you want to
20 do, Mr. Gaylor?

21 CHAIRMAN NICOLELLO: Obviously
22 there's a flush for 2021 so there will
23 be an issue for 2022 which there is
24 going to be anyway. This is an illegal
25 thing, so we can argue all we want, but

1 Full Legislature/9-27-21
2 when the Appellate Division rules, we
3 are going to have a huge hole in our
4 budget.

5 LEGISLATOR ABRAHAMS: We agree
6 with that sentiment as it pertains to
7 the tax verification, the mortgage
8 recording, and the public safety we
9 have not seen that level of
10 documentation from the court to
11 establish this is an illegal fee.

12 That being said, we are against
13 all fees like we were five years ago.

14 We would have loved to have the
15 support of the majority during that
16 time, but that's okay, like Howard
17 said, that's water under the bridge and
18 move on together.

19 That's being said, let's move on
20 together today by telling this
21 legislative body how you plan to fix
22 the hole that you are creating today
23 with this local law.

24 CHAIRMAN NICOLELLO: Why don't
25 you tell us since January 1st, 2018 you

1 Full Legislature/9-27-21

2 have been silent.

3 If these were such dreadful fees
4 that were illegal, you sat there
5 silent, you had every opportunity, you
6 and the County Executive had every
7 opportunity to repeal these fees and
8 you didn't.

9 Now you're saying you should have
10 done it then, done it now. You had
11 four years to do it and join us, let's
12 get rid of these fees now.

13 LEGISLATOR ABRAHAMS: I
14 understand the politics. I've been
15 doing this a long time. I know that's
16 what you have to say today because I
17 know there is no way you can defend
18 your record voting for a fee five years
19 ago and then come back today.

20 CHAIRMAN NICOLELLO: How can you
21 defend your record, it's four years?

22 LEGISLATOR ABRAHAMS: I'm very
23 happy with my record. I voted no. I
24 listened to my residents.

25 CHAIRMAN NICOLELLO: You got real

1 Full Legislature/9-27-21
2 quiet when the County Executive
3 changed. Silent.

4 LEGISLATOR ABRAHAMS: You got
5 really vocal when the County Executive
6 changed because you voted for an
7 inspector general and before you didn't
8 want to do it. So you guys got very
9 vocal.

10 CHAIRMAN NICOLELLO: January 2nd,
11 you should have proposed eliminating
12 these fees.

13 LEGISLATOR ABRAHAMS: We are
14 getting to the wrong history here.

15 CHAIRMAN NICOLELLO: But you
16 didn't want to do anything about it.

17 LEGISLATOR ABRAHAMS: The fees
18 passed in November of '16. We were
19 against the fees again in '17. We've
20 been against the fees for every single
21 chance we got.

22 CHAIRMAN NICOLELLO: But you just
23 didn't want to do anything about it?

24 LEGISLATOR ABRAHAMS: No. The
25 bottom line is, the County Executive

1 Full Legislature/9-27-21
2 came over in 2018. You were still in
3 the majority. So you guys claimed to
4 be the defenders of residents, but you
5 didn't --

6 CHAIRMAN NICOLELLO: You didn't
7 also. What did you do?

8 LEGISLATOR ABRAHAMS: But, Rich,
9 don't you think it's a bit disingenuous
10 that today we're 30 some odd days from
11 an election and you're proposing it?

12 CHAIRMAN NICOLELLO: I think it's
13 completely disingenuous your entire
14 argument. You had four years to do it.

15 LEGISLATOR ABRAHAMS: So did you.
16 You opposed it. That's the crazy thing
17 about this. I'm defending your
18 position.

19 CHAIRMAN NICOLELLO: Here's the
20 problem. We can pass anything with 11
21 or ten votes. The County Executive can
22 veto. You guys won't give us the
23 votes.

24 LEGISLATOR ABRAHAMS: That wasn't
25 your problem in 2016. You passed it

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2 with no problem.

3 CHAIRMAN NICOLELLO: It has been
4 with everything since then.

5 LEGISLATOR ABRAHAMS: You gave it
6 to County Executive Mangano the fee.

7 CHAIRMAN NICOLELLO: Let me tell
8 you what the County Executive called
9 the fees. They are just another tax
10 hike gouging residents and potential
11 businesses, Laura Curran said in 2018.
12 Now they're a tax hike. She said it.
13 I agree. Let's get rid of it.

14 LEGISLATOR ABRAHAMS: Let's have
15 a debate and discussion. Mr. Gaylor, I
16 would love to hear from you like a
17 fountain of inspiration. Can you tell
18 me, Mr. Gaylor, how you plan to fill
19 the hole?

20 CHAIRMAN NICOLELLO: Legislator
21 Drucker.

22 LEGISLATOR ABRAHAMS: That's what
23 I thought.

24 LEGISLATOR DRUCKER: All right.
25 I'm going to come at it in a little bit

1 Full Legislature/9-27-21
2 of a different direction.

3 There's no one on this
4 Legislature who finds the fees
5 pertaining to the recording of
6 documents relating to real estate
7 transactions more abhorrent.

8 As a real estate attorney, those
9 fees, in particular, tax map
10 verification fee, the deed, the
11 mortgage recording fees, are
12 incomparable to other jurisdictions.
13 Myself and this caucus have decried the
14 consistent increase in these fees since
15 2012 and certainly since I have been on
16 the Legislature.

17 But, we as Legislators, have the
18 duty to provide the necessary critical
19 oversight to legislation that has a
20 significant fiscal impact on the
21 county's budget and, by extension, the
22 taxpayers' wallets.

23 This politically fueled
24 legislation has been dropped on our
25 laps prematurely without any semblance

1 Full Legislature/9-27-21
2 of showing how the \$600 million hole
3 blown in the budget will be plugged.

4 By the way, Deputy Presiding
5 Officer Kopel, sales tax is not a
6 recurring revenue so we can't use that.
7 In my opinion it is fiscally
8 irresponsible to pass this now without
9 allowing the budget process to be
10 completed or how the fiscal impact will
11 be effected. I plan on abstaining on
12 this item until full disclosure is
13 given.

14 CHAIRMAN NICOLELLO: Legislator
15 Rhoads.

16 LEGISLATOR RHOADS: Thank you,
17 Mr. Presiding Officer. It seems as
18 though many of my colleagues on the
19 other side are engaging in a little bit
20 of a revisionist history.

21 While the fees did pass in 2016,
22 they neglect to mention the
23 circumstances under which those fees
24 pass. Members of the minority caucus
25 at that time had the opportunity to

1 Full Legislature/9-27-21
2 vote against it because they could --
3 had the opportunity to vote against it
4 because they could vote against it.
5 You did vote against it. You voted
6 against it because you could. Because
7 you were in the minority at that time.

8 You were able to take that stand
9 because your vote and the failure to
10 pass those fees ultimately didn't have
11 any budgetary impact.

12 For those of us sitting in the
13 majority, we remember what NIFA was
14 doing back in 2016 when there was a
15 Republican County Executive.

16 The Minority Leader mentioned
17 recurring revenue and a concern about
18 recurring revenue. Back in 2016 we had
19 those same recurring revenue issues.

20 Back in November of 2016, NIFA
21 which was concerned about that back
22 when there was a Republican County
23 Executive, NIFA sat there and said, if
24 you didn't pass additional recurring
25 revenue, we were going to cut youth

1 Full Legislature/9-27-21
2 services, we were going to cut training
3 for volunteer fire fighters, and a
4 whole laundry list of discretionary
5 items that NIFA was going to cut
6 automatically if we didn't plug the
7 hole that they created by eliminating
8 \$36 million I believe was the amount at
9 the time, \$36 million in revenue out of
10 County Executive Mangano's budget.
11 Nobody wanted to vote for these fees.

12 But the bottom line is, we didn't
13 have a choice but to vote for those
14 fees otherwise youth services, training
15 for volunteer fire fighters and all of
16 those discretionary funds were going to
17 be cut by NIFA.

18 What's different today? Is the
19 county in better financial position
20 today? Why?

21 So, for example, in last year's
22 budget we had a County Executive and
23 actually had in the budget hearings
24 last year a whole discussion about
25 sales tax revenue. I believe my

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2 comment to Andy Persich was, Andy, you
3 couldn't possibly be that bad at your
4 job by saying we are going to forecast
5 sales tax revenue being at 20 percent
6 less than we were in 2020.

7 It turns out that the
8 administration was that bad at their
9 job and sales tax revenues have come in
10 at \$354 million better than what was
11 forecasted. They are actually 13
12 percent, not only 2020, they're 13
13 percent over 2019 before the pandemic.

14 So the bottom line is that the
15 county is in a financial position today
16 to pass this right now because right
17 now our revenues as a result in the
18 2020 fiscal year from these fee
19 collections actually have already met
20 budget expectations.

21 So the next three months, if we
22 eliminate these fees today, the next
23 three months are already paid for.

24 Going forward when we present our
25 budget plan, you will see that we are

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2 able to pay for the lost revenue as a
3 result of these items.

4 Last year NIFA, who was concerned
5 about recurring revenue and was
6 concerned about the county's borrowing,
7 insisted that they were going to blow a
8 hole in our budget if we didn't approve
9 \$1.4 billion, \$1.4 billion in borrowing
10 so that the county could achieve short
11 term revenue savings at a cost of
12 future taxpayers.

13 That was a decision as a
14 Legislature that we were put in a
15 position that we had to make. The end
16 result is that has given us the cash to
17 be able to pass this fee cut right now.
18 There is no reason to wait. This isn't
19 a major procedural issue that we're
20 talking about.

21 It's a procedural issue that we
22 by a vote of 12 with the assistance of
23 the minority on a regular basis waive
24 that procedural rule.

25 So we have the opportunity today

1 Full Legislature/9-27-21
2 to fix fees that are no longer
3 necessary from a county standpoint and
4 to a certain extent, right or wrong, if
5 was forced upon us by NIFA and by the
6 budget situation at the time.

7 Look, however we got to this
8 point, and we can argue all day whether
9 it was the majority should have had the
10 proposed legislation to repeal the fees
11 or whether the minority had the
12 opportunity to repeal the fees, you got
13 the right to submit a bill also as part
14 of your budget amendments, either one
15 of us could have done it.

16 But the bottom line is, it's
17 never too late to do the right thing.
18 It's never the wrong time to do the
19 right thing. We have the opportunity
20 to do it now. We shouldn't wait any
21 longer. We should do it today. We
22 have the opportunity to do it today.
23 All we need is one vote from the
24 minority to be able to pass that today.
25 And I would encourage my colleagues on

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2 the other side to be that vote and make
3 it happen. Thank you, Presiding
4 Officer.

5 CHAIRMAN NICOLELLO: Legislator
6 Ferretti and Legislator
7 DeRiggi-Whitton.

8 LEGISLATOR FERRETTI: Thank you,
9 Presiding Officer. We saw some
10 theatrics this afternoon. I don't
11 know. Maybe the Minority Leader is
12 forgetting. I'm not. I was here with
13 the county clerk sitting right over
14 there back in 2015 when there was an
15 item on the agenda to raise the
16 recording fee from \$150 to \$300. It's
17 not true that that was a partisan vote,
18 in fact, that was an 18 to one vote.

19 I'm not sure which legislator on
20 the other side of the aisle was not
21 elected at that time, I don't think
22 Legislator Drucker, obviously
23 legislator Lafazan, Mule, not there,
24 I'm not sure who was there in 2015, but
25 the idea that you are sitting there

1 Full Legislature/9-27-21
2 saying this was all one side voting for
3 it is factually incorrect.

4 It was an 18 to 1 vote November
5 23rd, the recording fee, November 23,
6 2015, you might want to check on that.
7 It was in my head. It was a vote that
8 was 18 to 1. I remember because I was
9 sitting right there.

10 I went back and looked because I
11 remember, maybe you're not remembering,
12 maybe you forgot, but you were implicit
13 in that as well.

14 To sit here today holier than now
15 and throw the theatrics, and you're off
16 the hook, News 12 left already, but
17 it's disingenuous, it's inaccurate, and
18 you have to correct your own wrong
19 today for your constituents. Like I
20 said, go back and check the record.
21 Obviously you forgot.

22 LEGISLATOR ABRAHAMS:
23 Mr. Ferretti, you are talking and we
24 understand what you're saying. Did we
25 vote for the public safety fee?

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2 LEGISLATOR FERRETTI: All I can
3 tell you is that on November 23rd,
4 2015, there was an 18 to 1 vote. You
5 sat here for the last hour saying you
6 never voted for it. That's not true.
7 Let's correct it. You did.

8 LEGISLATOR ABRAHAMS: Mr.
9 Ferretti, we didn't vote for the tax
10 verification, the public safety. What
11 you're saying about the mortgage
12 recording fee, I will speak to counsel
13 about that, but the bottom line is my
14 statement is accurate.

15 In November of 2016, those fees
16 that were presented, we voted no.
17 Maybe you should check the record.

18 LEGISLATOR FERRETTI: I'm not
19 disputing that. I didn't sit here --

20 LEGISLATOR ABRAHAMS: That's why
21 I'm --

22 LEGISLATOR FERRETTI: I'm not
23 going into a back and forth. I'm
24 making an allegation that you voted for
25 an increase in the recording fee. Can

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2 I finish, please?

3 I'm saying you voted for an
4 increase. If I'm wrong I apologize,
5 but I was sitting right there I
6 remember it.

7 If you want to hold this up on
8 procedural grounds, that's your
9 prerogative. You tell the senior in
10 your district who just finished paying
11 off their mortgage when they march over
12 to the County Clerk's Office and are
13 told they have to pay \$900 to record
14 the document just to show that they
15 paid off their mortgage. You tell them
16 you are holding it up on procedural
17 grounds.

18 Maybe the County Executive, wants
19 to sign, she can tell them that, or the
20 property -- or the first time home
21 buyer that has to pay north of \$1,000
22 to record a mortgage and a deed.

23 Or somebody who's selling their
24 house and buying a house having to pay
25 close to \$2,000 for that transaction.

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2 I'm glad you agree, but
3 unfortunately you voted to raise the
4 fee from \$150 to \$300. So let's
5 correct that wrong today and let's stop
6 pointing fingers when both sides have
7 participated in these fee increases.
8 Thank you.

9 LEGISLATOR DERIGGI-WHITTON: Thank
10 you. You know, we all don't like the
11 idea of fees. However, timing is
12 everything in life and the fact that
13 the County Executive submitted her
14 budget, I think it was two days before,
15 maybe the day of, the day you submitted
16 this, day after, so you changed all the
17 rules basically a day after she
18 proposed her budget, which, as you
19 know, one day difference, but it takes
20 a long time to make a budget.

21 I know speaking with the
22 administration and the County Executive
23 they would love to get rid of a number
24 of these fees.

25 We have to be realistic here.

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2 The last thing we want to do is end up
3 in a situation where all of a sudden we
4 have a huge tax increase and we cut the
5 programs as you said for the fire
6 department and everything else.

7 I spoke to the comptroller. I
8 read Maurice's report. It's not a
9 mature financially responsible way to
10 act other than the fact there is an
11 election coming and I said that.

12 But I do want to see us -- I'm
13 very proud of the fact that we are
14 going to have the tax break. That's
15 going to go to every one.

16 We were happy to have the \$375
17 tax break also and we would like to
18 address these fees. It's a matter of
19 doing it in a financially responsible
20 way.

21 Again, the Minority Leader
22 mentioned, we really haven't heard how
23 we're going to have that hole filled.

24 So how do we enter into budget
25 season with what? \$140 million budget

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2 without any plan?

3 Again I would love to see the
4 fees go away as everybody up here would
5 but it's just too -- we're in the
6 middle of the budget season. There is
7 no solution. No way to handle this in
8 a professional mature way. This is all
9 emotion based. You're right.

10 I think that we need to say we
11 would like to eliminate these fees or
12 at least some of them and let the
13 County Executive decide how she can do
14 it.

15 It can't be done without any
16 solution other than with tax increases
17 or cuts in services. I'm not going to
18 vote for that. It has to be done in
19 the right way. You don't want to go to
20 the fire department and see that
21 there's a cut in your budget because we
22 have a hole in our budget because we
23 did it emotionally without any answers.
24 That's not what you want either.

25 You're right. Let's work

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2 together. This isn't the way to do it
3 though. We need to do it in a
4 rational, mature, not emotional way
5 which is to come up with different
6 revenues or eliminate some fees, who
7 knows? But it can't be done with just
8 one knee jerk reaction to something
9 right after -- or the day of or day
10 after the budget was submitted. It's
11 not even possible to do it. It's not.

12 You don't have one idea as to how
13 to fill the \$140 million hole. And
14 deferring different things is not the
15 right way to do it either.

16 So I think the County Executive,
17 I can't speak for her, but she would be
18 very interested in also coming up with
19 better solutions but the knee jerk
20 reaction right before an election right
21 after a budget is proposed is not the
22 answer.

23 CHAIRMAN NICOLELLO: Legislator
24 DeRiggi-Whitton, both you and
25 Legislator Lafazan have announced

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2 you're going to change your vote --

3 LEGISLATOR DERIGGI-WHITTON: I
4 never announced anything. I never did.

5 CHAIRMAN NICOLELLO: I will
6 withdraw that. Legislator Lafazan,
7 he's going to change his vote on the
8 discrimination bill against police
9 because there was as advisory opinion
10 that it might be unconstitutional.

11 There was a court order, a
12 decision of a New York State supreme
13 court judge saying these fees, the tax
14 verification map fee is illegal. I'm
15 not done yet. It is not mature. It is
16 not rational, it is not responsible to
17 continue to have the revenue from that
18 fee in the budget because a judge has
19 already ruled it's unconstitutional.

20 You can play out the game as long
21 as you want and hope the appellate
22 division, the delays last another
23 couple of years, but, A, the appellate
24 division could rule before that, and,
25 B, there is a risk here that at some

1 Full Legislature/9-27-21
2 point a court is going to say you have
3 to refund these fees.

4 I don't see how it's rational,
5 mature or responsible to keep this in
6 the budget.

7 LEGISLATOR DERIGGI-WHITTON: But
8 we're not talking about a number of
9 years. No one is talking about that.
10 I never said that.

11 CHAIRMAN NICOLELLO: 2022.

12 LEGISLATOR DERIGGI-WHITTON: But
13 we need to take a look at it. You
14 can't cut that much of a budget in one
15 swoop and have no way to keep our youth
16 programs and everything else even just
17 our basic budget intact. If this was
18 even a couple of months ago, maybe we
19 could have figured a few things out,
20 but the budget is already submitted,
21 we're in budget hearings.

22 To think about even revamping
23 that budget would be impossible. I
24 would love to see these fees go away.
25 I would love to start with that one

1 Full Legislature/9-27-21
2 because I am concerned about it, but we
3 need to that one but we need to
4 rationally and maturely and financially
5 responsibly find a way to fill in the
6 gap before we cut this.

7 There are young kids here today.
8 The bottom line is a budget is
9 something that we are dependent upon
10 spending. Before we make a knee jerk
11 slash, we need to show how we are going
12 to fix it.

13 Again there is nobody up here
14 that would love to see these fees go
15 away more than I would and I know
16 Mr. Drucker has expressed it for years.
17 We are willing to work with you on this
18 but we're not going to do it in a
19 reckless way. We're going to do it in
20 a very thought out planned way and I
21 know one thing for sure I can say the
22 County Executive is looking forward to
23 working with us to see what solutions
24 we can come up with.

25 CHAIRMAN NICOLELLO: Anyone else?

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2 Legislator Rhoads.

3 LEGISLATOR RHOADS: I was just
4 curious how proposing \$95 million in
5 fee cuts is reckless and irresponsible
6 but then the following day proposing
7 \$70 million in tax cuts is a fantastic
8 proposal.

9 I know there is a difference of
10 \$25 million there. That's not what our
11 numbers show.

12 CHAIRMAN NICOLELLO: They're
13 right. What the County Executive is
14 doing is taking back the tax decrease
15 over the next three years. This year
16 it dwindles because tax rates are going
17 to go up and make up for that revenue,
18 yes, it's \$150 million, but, again,
19 she's taking money back in the out
20 years.

21 Motion to close the hearing.

22 First any public comment?

23 MR. MCKENNA: Very interesting.

24 Earlier --

25 CHAIRMAN NICOLELLO: Let me just

1 Full Legislature/9-27-21

2 talk for a second. Deputy Presiding
3 Officer Kopel has to leave for a
4 religious observance so unfortunately
5 he will not be here to vote.

6 MR. MCKENNA: Okay. It sounds to
7 me like, and I come from the business
8 world and in was in sales management
9 and managed a \$20 million office in
10 Manhattan.

11 If I was the County Executive
12 right now, I would be taking a look, I
13 would have had her colleagues come here
14 and, if you're in need of money for
15 something that you obviously probably
16 almost all want to get rid of, this
17 taxing, why isn't the County Executive
18 taking a look at the waste within
19 certain departments in Nassau County?

20 I'm going to give you an example
21 of one. In the Nassau County budget,
22 and this is something that I know that
23 you all don't want to take a look at
24 because how you all stay elected, you
25 have what's call the Nassau County

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2 Board of Elections. The Nassau County
3 Board of Elections, do you know, you
4 probably don't know, they do not have
5 any job descriptions documented in the
6 Nassau County board of elections.

7 Do you know that the Nassau
8 County Board of Elections' budget is
9 close to \$20 million?

10 Do you know that if you cut the
11 Nassau County Board of Elections and
12 got rid of half of the employees that
13 walk around all day doing nothing half
14 the year, that you would probably have
15 an immediate \$10 million to go towards
16 this plug that you need. Right?

17 Not only does the Nassau County
18 Board of Elections not have job
19 descriptions, and this is in writing
20 from the Board of Elections attorney,
21 they do not even have an organizational
22 chart.

23 Laura Curran approves the budget
24 for the Board of Elections without an
25 organizational chart for the Board of

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2 Elections.

3 With two minutes and 50 seconds
4 left, I'm going to give you another
5 area that right now, as Mr. William
6 Gaylor -- no, actually Mr. Ferretti
7 earlier, I think he used the term,
8 maybe Mr. Gaylor, that we're not flush
9 with cash. You know what, you are
10 flush with cash in the Nassau County
11 Police Department/forfeiture fund. The
12 Nassau County forfeiture fund, fact, it
13 has not been audited by Mr. Jack
14 Schnirman from the day that he came to
15 Nassau County. Fact.

16 You have millions and millions of
17 dollars in the Nassau County Police
18 Department forfeiture fund that nobody
19 knows about. So maybe you should take
20 some of that money and plug this hole.

21 As I started out, if I was Laura
22 Curran, I would be working with all of
23 you and hire a consultant to eliminate
24 the waste within different departments
25 and take that savings and put it

1 Full Legislature/9-27-21
2 towards this where we're trying to plug
3 a hole.

4 And, by the way, the Nassau
5 County forfeiture topic, I just got
6 confirmation back from the inspector
7 general of Nassau County that she'll be
8 taking a look at that. I urge you to
9 all take a look at it because the
10 authorities are also going to be taking
11 a look at it. Thank you very much.

12 MS. MEREDAY: Meta J. Mereday.
13 First of all I am in support of the
14 legislation not necessarily as it
15 stands.

16 I think someone mentioned earlier
17 I believe to the Minority Leader to ask
18 the senior in his district or the
19 veteran in his district how they feel
20 about this situation.

21 I'm not a senior yet, but
22 representing those who are in those
23 districts that are being consistently
24 disadvantaged with regard to this and
25 having had situations where residents

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2 had to put off getting information
3 about their homes for the most part in
4 jeopardy of losing because of the
5 onerous fees, I am in support of this.

6 But I believe what the minority
7 leader was bringing to the table speaks
8 to those residents who can't come to
9 these meetings in the daytime because
10 they have to work two or three jobs to
11 basically keep a roof over their heads
12 and their family members; many of whom
13 are in wheelchairs or other
14 disabilities or other situations that
15 preclude them to be able to work so
16 that one caregiver has to maintain a
17 number of jobs.

18 So having an actual answer,
19 having information, with regard to what
20 you're going to use or what you're
21 going to supplement that hole, because
22 you take money out of one pocket under
23 the guise that you're putting money in
24 the other pocket, most of these people
25 now don't have any more pockets.

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2 There's no more lint to get anything
3 else from.

4 So if we are asking to have the
5 answers and if the elected officials
6 are asking to have answers before you
7 just make these decisions that sound
8 good in Newsday that this county also
9 pays advertising to, or News 12 or
10 whatever, we expect our elected
11 officials to give us those answers.

12 We've already had the step and
13 fetch it, dice and slice opportunity
14 where we have more residents living on
15 the streets or living in fear of being
16 evicted.

17 Nassau County again continues to
18 be least funded with other resources
19 outside of taxpayer pockets. That's
20 the reason why we pay the second
21 highest taxes in the country.

22 We don't pursue the federal and
23 state funding. The American Rescue
24 Plan, American Recovery Act. No. We
25 continue to go to the taxpayer pockets.

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2 And one of the few people who
3 have been in those meetings before
4 Laura Curran became County Executive,
5 when Ed Mangano was here, when you had
6 that minority that said these fees are
7 onerous and the majority said we're
8 going to put them in any way, even with
9 the NIFA restrictions and regulations,
10 yes, there were those few voices
11 including my own that said that was
12 going to be a problem and continue to
13 be a problem because once again you are
14 putting something out there that's
15 going to look good in the photo opp and
16 going to get some of you reelected who
17 probably don't need to be, but once
18 it's over and the smoke clears and the
19 balloons are popped and the champagne
20 has gone flat, we the taxpayers are
21 again going to be once again suffering
22 with the lack of services.

23 As the previous speaker said, you
24 got a whole lot of departments, a whole
25 lot of departments that are flush with

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2 cash. Also flush with relatives,
3 political appointees, and those who
4 can't get reelected who are getting
5 nice salaries.

6 You had made a political
7 decision, not a practical decision, to
8 divide the Office of Minority Affairs
9 into distinctive departments that still
10 have yet generated over three, even
11 three percent. The state requirement
12 is five percent.

13 You don't have minority
14 businesses in Nassau County that have
15 40 percent collectively of the billion
16 dollars in contract opportunities.
17 Forget the lack of respect and
18 resources for disabled veterans for
19 jobs and for housing. But now you're
20 going to add an Advisory Council for
21 those with disabilities to provide
22 what, possibly a ramp for them to get
23 to the park? What about their housing
24 needs, what about their parking needs,
25 what about their actual occupational

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2 needs to get to the jobs they need?
3 All of them are not on support
4 services; many of them still work and
5 they're very productive residents in
6 this community.

7 So, yes, I support the
8 legislation but get it right for
9 goodness sake for the young people that
10 are sitting, but the seniors whose
11 shoulders we stand on, we have an
12 opportunity and a responsibility to get
13 it right. Thank you.

14 CHAIRMAN NICOLELLO: We have
15 Legislator Ferretti.

16 LEGISLATOR FERRETTI: I just want
17 to follow-up something that Ms. Mereday
18 said and I just want to get these quick
19 points out so that everyone has the
20 practical ramifications of the tax map
21 bill and the recording fee.

22 I'm sure Legislator Drucker and
23 Legislator Muscarella can confirm,
24 doing some real estate, when you talk
25 about seniors, talk about young people,

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2 when seniors go to pay off their
3 mortgages, get a satisfaction, I can't
4 tell you how many senior working in the
5 Clerk's Office say, I'm not paying this
6 and walk the other way. Just not going
7 to record my satisfaction.

8 One day when that house gets
9 sold, you need a satisfaction.
10 Unfortunately, as we all know, we
11 misplace important things sometimes.
12 So what do you do when Astoria Bank
13 turns into Sterling and you can't get
14 that satisfaction. You have got a big
15 problem.

16 A lot of the seniors are not
17 going to pay a thousand bucks, they're
18 just put satisfaction under the bed.

19 Number two, when you talk about
20 young people, there are plenty of young
21 people trying to start families, trying
22 to live here in Nassau County that are
23 not putting down 20 percent on houses.
24 Putting down small amounts, might be
25 \$3,000, might get FHA loan or other

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2 types of loans, and they're actually
3 financing these fees. They are paying
4 interest on these fees. It's not \$10,
5 \$50. It's thousands of dollars.

6 Time is of the essence with this.
7 I really strongly hope that everyone
8 thinks about their vote with this.

9 In light of the fact that it's
10 probably going to pass, I hope the
11 County Executive really signs this very
12 quickly.

13 LEGISLATOR FORD: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRMAN NICOLELLO: Motion by
16 Legislator Ford to close the hearing,
17 seconded by Legislator Walker.

18 All in favor of closing the
19 hearing signify by saying aye.

20 (Aye.)

21 Those opposed?

22 (No verbal response.)

23 The hearing is closed.

24 I will accept a motion to suspend
25 the rules.

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2 LEGISLATOR RHOADS: So moved.

3 LEGISLATOR KENNEDY: Second.

4 CHAIRMAN NICOLELLO: Motion by

5 Legislator Rhoads, seconded by

6 Legislator Kennedy. We have a motion

7 and a second.

8 Before we vote on it, I will

9 remind you of one thing.

10 If you're going to insist on

11 these procedural rules, in less than an

12 hour we will be passing the entire tax

13 roll of Nassau County by emergency.

14 So we can insist on these rules

15 if you want. You have that right as a

16 Legislator. I urge you to vote for the

17 motion to suspend the rules.

18 All those in favor of suspending

19 the rules signify by saying aye.

20 (Aye.)

21 Those opposed?

22 (Nay.)

23 Abstentions?

24 (Abstain.)

25 Legislator Lafazan is one

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2 abstention.

3 Legislator Kopel has left so we
4 have ten votes in the affirmative,
5 seven votes in the negative and one
6 abstention. So the motion to suspend
7 fails.

8 I am not going to call the vote
9 on these items. I will leave the
10 meeting in recess. We will be back.

11 (Whereupon, a recess was taken by
12 the Full Legislative Committee.)

13 LEGISLATOR FORD: Good evening
14 everybody. I just want to take some
15 time out so that we can extend a warm
16 welcome to Cub Scout pack 51 from Long
17 Beach. Tonight they are earning a
18 badge of involvement in government and
19 I hope their cub master will correct me
20 if I'm wrong.

21 But they're here with their
22 parents as well as I said Cub Scout
23 Master Patrick McGuire and Michelle
24 Tannahan.

25 So I would like to -- and I hope

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2 I say the names right, but I would like
3 to introduce all of you to our cub
4 scouts; Ryan Kennahan, Patrick McGuire,
5 Luke Wright, Finn Spiro, Bobby Reed,
6 Mason Reki, Lucas Coobler, Brendan
7 Dekker, Liam Lappy, Cameron Cryly and
8 Tyler Cryly. I apologize if I didn't
9 say your names right.

10 I do want to thank you all for
11 coming tonight. I know we are a little
12 crazy up here but we are all very good
13 friends and sometimes we like to get
14 some energy as we sit up here in the
15 dais.

16 I want to thank the parents for
17 letting your Cub Scouts come here
18 tonight. It's very important to see
19 government in action and understand
20 some of the issues that we face and
21 that we decide upon and vote upon.

22 But before I stop, I just want to
23 ask everybody to please join me in
24 wishing Mason Recoy a very happy
25 birthday because today is his birthday

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2 and I hope Mason will stand up. Let us
3 know how old you are today? Ten years
4 old.

5 Mason, I really can't remember
6 when I was ten because it was really a
7 very, very long time ago. But maybe
8 Legislator Ferretti, maybe Legislator
9 Lafazan probably can recall ten years
10 old much better than I can.

11 But once again thank you very
12 much for coming and I thank all my
13 Legislators for extending a warm
14 welcome.

15 Just to let you guys know I'm not
16 going to starve you, we have pizza for
17 you and Patty will be coming to get you
18 so you can have some dinner on us.
19 Thank you very much cub master and
20 please come up.

21 CUB MASTER MCGUIRE: Legislator
22 Ford and other members of the
23 Legislature, we would like to thank you
24 for taking the time to greet our
25 scouts. They're here today working on

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2 building a better world adventure.
3 Learning about the legislative process
4 I thought it was very good how you guys
5 disagreed, but you did it gracefully
6 and that's a great lesson for us.

7 LEGISLATOR FORD: Pat, I just
8 want to let you know, we're just
9 chuckling because if you had come here
10 a little bit earlier you probably
11 wouldn't be saying that, but, you know,
12 I think that it is important that even
13 when you heard us we may have our
14 disagreements and different ideas,
15 different thoughts.

16 I think we hope to demonstrate to
17 our young cub scouts who are our future
18 leaders that you don't always have to
19 think alike, everybody can have their
20 own opinions, but it's important that
21 we listen to the other people's
22 opinions and we respect what they to
23 say. I think that is really the basis
24 of how a good government can work.

25 I hope you take that away there

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2 are times, if everybody thought the
3 same way, what a wonderful world it
4 would be.

5 So I do truly like all these
6 different thoughts because it's just
7 very creative and very dynamic, but
8 thank you very much for coming. I
9 really appreciate all you do.

10 The parents, it's a great
11 commitment for your children to be in
12 scouting and all you scouts, God bless
13 you. I think it's a wonderful
14 organization and I can't wait some day
15 to come when you are an eagle scout.
16 Thank you. Good night.

17 CHAIRMAN NICOLELLO: The next
18 item is five, a hearing on a proposed
19 local law to amend the administrative
20 code of Nassau County in relation to
21 the prohibition of discriminatory anti
22 competitive business practices by
23 companies that participate in boycott
24 diverse sanctions activities.

25 LEGISLATOR RHOADS: So moved.

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2 LEGISLATOR BIRNBAUM: Second.

3 CHAIRMAN NICOLELLO: Legislator

4 Rhoads makes a motion to open the

5 hearing, seconded by Legislator

6 Birnbaum.

7 All those in favor of opening the

8 hearing signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 The hearing is open. You want to

13 say a word or two?

14 LEGISLATOR RHOADS: In 2016, this

15 Legislature became the first county in

16 the entire country that passed a law

17 that prohibited businesses that had a

18 contract with the county from

19 participating in boycott or boycott

20 divest sanction or BDS activities.

21 BDS is political movement

22 designed to inflict economic damage

23 upon Israel through a boycott of its

24 goods and services.

25 We realized, obviously, during

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2 the Ben and Jerry's controversy this
3 past summer that there was a loophole
4 in that law that products can still be
5 provided on county property by our
6 vendors from companies that actually
7 engage in BDS activities so this
8 Legislature prohibits a business with a
9 county contract from selling or
10 distributing products procured or
11 provided by a company that participates
12 in BDS activities on county property.
13 Hows's that?

14 CHAIRMAN NICOLELLO: Very good.
15 Legislator Drucker.

16 LEGISLATOR DRUCKER: I just want
17 to say that I commend the majority for
18 this bill and wholeheartedly support
19 it.

20 CHAIRMAN NICOLELLO: Great. Any
21 other debate or discussion?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Hearing none, motion to close the

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2 hearing?

3 LEGISLATOR DRUCKER: So moved.

4 LEGISLATOR LAFAZAN: Second.

5 CHAIRMAN NICOLELLO: By

6 Legislator Drucker, seconded by

7 Legislator Lafazan. All those in favor

8 of closing the hearing signify by

9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 That item carries unanimously.

14 The hearing is closed.

15 We move on to Item 10 which is a

16 vote on the local law to amend the

17 administrative code of Nassau County in

18 relation to the prohibition of

19 discriminatory anti competitive

20 business practices by companies that

21 participate in boycott divest sanction

22 activities.

23 LEGISLATOR RHOADS: So moved.

24 LEGISLATOR FORD: Second.

25 CHAIRMAN NICOLELLO: Moved by

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2 Legislator Rhoads, seconded by
3 Legislator Ford.

4 Any further debate or discussion?

5 (No verbal response.)

6 Hearing none, all those in favor
7 signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 Carries 17, zero, one.

12 Next item, actually we're not
13 calling item 14 that relates to the
14 items which we did not call.

15 We are moving on to Item 19, it's
16 an ordinance supplemental to the annual
17 appropriation ordinance in connection
18 with the Office of Management and
19 Budget.

20 LEGISLATOR ABRAHAMS: So moved.

21 LEGISLATOR DERIGGI-WHITTON:
22 Second.

23 CHAIRMAN NICOLELLO: Moved by
24 Legislator Minority Leader Abrahams,
25 seconded by Legislator DeRiggi-Whitton.

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2 I see Sean Sallie. You want to come
3 up? This is at direct payment.

4 MR. SALLIE: Good afternoon,
5 legislators. Sean Sallie, Nassau
6 County Department of Public Works.

7 Presiding Officer, would you like
8 me to read the introduction into the
9 record or questions?

10 CHAIRMAN NICOLELLO: I don't
11 think you have to go through the full
12 presentation but there was obviously
13 some correspondence back and forth,
14 maybe you can start off with that.

15 MR. SALLIE: I will just read
16 into the record the brief introduction
17 and then go back and forth.

18 The administration has refined
19 its plan from the version presented
20 back in May which provides much needed
21 economic relief now to owner and rental
22 households.

23 Nearly 85 percent of all
24 households in Nassau County may qualify
25 for this program.

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2 Nearly two thirds of all
3 households will fall under presumptive
4 eligibility, those are households with
5 incomes up to 130 percent of AMI or
6 \$168,900. Households earning between
7 \$168,901 and \$500,000 will be required
8 to document direct economic harm.

9 The second category includes up
10 to an additional 100,000 households.

11 The proposed program was
12 developed with the goal of accepting,
13 reviewing, and issuing cash assistance
14 to eligible households as expediently
15 and efficiently as possible.

16 The proposed program will be
17 continuously evaluated to ensure these
18 goals are met in accordance with all
19 available applicable guidance. It is
20 important to note that nearly 42,000
21 households will receive checks without
22 the need to apply to the county.

23 The county's database of senior
24 enhanced STAR, limited income and
25 disability or LID and senior tax

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2 exemptions will be used to create the
3 first tranche of cash relief checks.

4 The definition of household is
5 generally uniform across agencies. The
6 US Census and HUD define household as
7 essentially all persons living within
8 one housing unit.

9 For HAP or the county's HAP
10 program, it is about which households
11 are eligible to apply, who from that
12 household may apply and how does that
13 household apply.

14 Renters in ownership households
15 in the two income eligibilities may
16 apply. The head of the housing unit is
17 eligible to apply. The head of the
18 housing unit will be required to submit
19 an application through the county's
20 boost HAP portal. The head of the
21 housing unit is verified by submitting
22 a mortgage statement, primary lease
23 holder document, utility bill,
24 homeowners or rental insurance, and the
25 name of the person applying. The

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2 person applying must also submit his or
3 her IRS 1040 form. Only one form per
4 household unless filing as married
5 filing separately then both married
6 persons will submit their respective
7 1040.

8 The address on the 1040 form must
9 match the address being claimed in the
10 application.

11 The program includes one check or
12 calls for one check per household and
13 it is on a first come first serve
14 basis. There may be exceptions; there
15 may be application where further review
16 is required. Those exceptions will be
17 remedied as part of the review process.

18 That concludes my introduction.
19 We do have Conal Denion from the County
20 Attorney's Office on the line today who
21 is prepared to summarize the outside
22 legal firm's opinion on the legal
23 questions posed by the Legislature and
24 questions that were posed during the
25 Rules Committee meeting two weeks ago.

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2 Conal, if you're on the line I
3 will turn it over to you.

4 MR. DENION: Thank you, Sean.

5 Conal Denion, County Attorney's Office.
6 As Sean said, in response to a request
7 from the Legislature, the acting county
8 attorney has received an opinion upon
9 request from a law firm, Barnes and
10 Thornberg, who has been retained to
11 provide responses to a series of
12 questions regarding the legality of the
13 household assistance program under the
14 ARPA and the interim final rule.

15 I assume everyone on the
16 Legislature has received a copy of the
17 opinion and if you have any questions I
18 would be happy to answer them.

19 In general, there are positive
20 responses to all the questions, that
21 the county's proposed program is in
22 compliance with the law and the rules.
23 Any particular questions I will be
24 happy to go over them with you.

25 MR. SALLIE: Thank you, Conal.

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2 Some of the overarching questions aside
3 from those that were strictly
4 pertaining to legal issues and
5 questions that came up during the
6 hearing two weeks ago, I'm prepared to
7 answer them. And, please, if I'm
8 leaving something out please let me
9 know.

10 But there were questions that
11 came up about the ability for the
12 county to process these applications in
13 a timely manner and basically manage
14 this type of program.

15 So we can say at this point that
16 we have procured the firm of KPMG to
17 assist us as the county contractor in
18 reviewing the applications that come
19 through the portal and recommending
20 approval.

21 Their fee will not be taken out
22 of the \$100 million appropriation.
23 Their fee based on doing \$100 million
24 worth of applications will be roughly
25 4.6 percent, that's generally within

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2 the acceptable administrative fee
3 percentages for these types of
4 programs.

5 Certainly below the ten percent
6 cap we often see and certainly below
7 the five percent we see from the FEMA
8 grants, separate program for a separate
9 agency, but to get a sense of where we
10 are in terms of the resource load.

11 Of course KPMG has a tremendous
12 track record in this type of work. We
13 are competent they will work hand in
14 hand with us that applications are
15 reviewed in a timely manner, households
16 are verified, addresses are verified,
17 all the data that comes in is verified,
18 and, again, we are making sure that we
19 roll out this program as efficiently as
20 possible.

21 There are other questions that
22 came up, again, the legal questions I
23 will leave to Conal to bring up.

24 Just going through my notes here
25 if there any other questions.

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2 In terms of households, right,
3 this is meant to be a one check per
4 household program. We are trying to
5 get that money into the hands of
6 households as quickly as possible.

7 There will be a multitude of
8 scenarios of household configurations,
9 familial configurations; ultimately
10 though it all boils down to one
11 applicant from that household applying.
12 That household we're asking for that
13 applicant to be the head of the housing
14 unit.

15 Again, how that is verified is by
16 that applicant submitting proof of
17 mortgage statement or a lease with the
18 name of that applicant on that
19 document, a renters or homeowners
20 insurance, again, so we can verify that
21 that person is head of the housing
22 unit.

23 So, again, it's another data
24 point for us. The address on those
25 bills will need to match up with the

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2 address on the 1040 and the address
3 that the person is applying for, so
4 again, it's another data point to
5 validate that it is in fact an
6 acceptable application.

7 We've been working with the
8 comptroller very closely. Of course
9 they will need to approve the payments,
10 they audit or approve before those
11 checks can be cashed. We have been
12 working with them hand in hand to
13 develop a strategy to make that happen
14 as quickly as possible.

15 As far as how checks will be
16 issued, it's not going to be every time
17 we get an application we zap a request
18 to the comptroller to approve. We need
19 to batch applications. Again, this is
20 from an efficiency standpoint.

21 We expect the curve of
22 applications to be front loaded of
23 course. So those batches will be
24 frequent in the first we expect in the
25 first couple of weeks of this program.

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2 We also have an outside vendor
3 working with the treasurer who will be
4 responsible for issuing the checks.

5 So, again, we're not issuing
6 checks in-house/ that will be done by
7 an outside contractor.

8 So, again, it's a big program but
9 it's a program that we feel confident
10 that we can roll out seamlessly and
11 help the residents of the county.

12 CHAIRMAN NICOLELLO: We have a
13 bunch of questions. I'm going to go to
14 the process itself, the process by
15 which people submit their applications,
16 another way of putting it.

17 You mentioned a portal. Tell me
18 what happens when someone submits a tax
19 return. Who is that going to go to?
20 What county agencies are going to deal
21 with that paperwork?

22 MR. SALLIE: Right. So when the
23 applicant submits the application which
24 includes the 1040, that would be
25 through an online portal, so that

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2 information will come in to what we
3 call the back end and the portal is
4 being developed in house by our IT
5 professionals.

6 KPMG will have a direct portal,
7 direct link in to the portal to start
8 reviewing that information.

9 We made sure and IT was very
10 adamant that we're not distributing
11 information via email. This is not
12 over the -- the back end is not on the
13 internet.

14 KPMG staff will need to remote in
15 via VPN secure connection directly into
16 the portal. That's a safety measure.

17 So once that 1040 is received
18 along with the application and other
19 documents accompany the 1040, they will
20 be reviewed directly by KPMG staff at
21 the first level.

22 If there are -- in KPMG's review,
23 if there are issues that arise or
24 circumstances that they feel
25 uncomfortable making a call, they will

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2 reach out to IT who will then
3 distribute to which department what we
4 call exceptions. It may happen. We
5 don't know all the different household
6 configurations that could potentially
7 exist.

8 Again, simple, the back end of
9 the portal will be accessed directly by
10 KPMG who will do the reviews.

11 CHAIRMAN NICOLELLO: Which county
12 agencies will have access to the tax
13 returns and other documentation that's
14 submitted?

15 MR. SALLIE: There will be no
16 other agencies reviewing the
17 information.

18 The backup, the 1040, the proof
19 of residency, all of that back up
20 documentation will form the back end,
21 if you will, of the claims that go to
22 the County Comptroller as for auditing
23 and QAQC-ing and other controls.

24 We're working on, again, we are
25 not looking to send via email these

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2 files, these packages, we will be
3 looking to do so in a secure fashion.
4 If it had to be emailed, there is a way
5 to encrypt emails so that sensitive
6 information is protected.

7 But as far as agencies, we are
8 really just looking at the comptroller
9 and the treasury who will communicate
10 with the outside vendor.

11 CHAIRMAN NICOLELLO: My question
12 wasn't who is going to review, which
13 agencies will have potential access to
14 the tax returns and other
15 documentation? You mentioned
16 comptroller and treasurer's office.
17 Any other departments in the
18 administration?

19 MR. SALLIE: No.

20 CHAIRMAN NICOLELLO: What
21 safeguards will be in place for
22 safeguarding that information?

23 MR. SALLIE: Sure. KPMG, of
24 course, they are a big four accounting
25 firm. They have internal controls to

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2 ensure that the information that the
3 reviewers are seeing as part of their
4 review is kept confidential.

5 They have again internal
6 controls. They have developed policy
7 in concert with Microsoft to make sure
8 that information is kept confidential.

9 At the time that information goes
10 from the county to the comptroller or
11 to the treasury, we will be developing
12 whether it's nondisclosure forms or
13 other internal policies to insure that
14 that confidential information does not
15 leave the eyes and ears of the folks
16 who see it from the county side.

17 But we're very confident that
18 KPMG has the policies in place, the
19 protocols, and the wherewithal to
20 review this information in the utmost
21 of confidentiality.

22 CHAIRMAN NICOLELLO: So KPMG
23 obviously will have access to the
24 documents as well as the comptroller,
25 treasurer's department and IT. Anyone

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2 else in the administration who will
3 have access to these documents?

4 MR. SALLIE: Not as it's
5 currently structured.

6 CHAIRMAN NICOLELLO: You
7 testified at the committee level but we
8 just went through months ago with the
9 vaccine, thousands of people, tens of
10 thousands of people who had difficulty
11 navigating the county's and the State's
12 existing means by which we can schedule
13 a vaccine; difficulty in navigating the
14 voice mail system.

15 There is a mass of people out
16 there who are not just going to be able
17 to upload a document onto the portal.
18 What is the plan for those people?

19 MR. SALLIE: Sure. For folks who
20 are -- and I will just start by saying,
21 we will be issuing information through
22 social media through other electronic
23 media to ensure that those that are
24 comfortable and are able and proficient
25 in using the internet to submit data

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2 will be able to do so and will know how
3 to do so. That's okay too.

4 We are training up our Boost
5 Resource Center staff. They are housed
6 in Eisenhower Park. We are also
7 training up our outreach offices so
8 they can go out into the community and
9 assist with not only getting the word
10 out but actually having a physical
11 location where folks can come in and
12 actually submit their applications and
13 be coached through the application
14 process in real time.

15 So we will be looking to set up
16 another in person center at 40 Main
17 Street in the Village of Hempstead as a
18 county, an existing county facility.

19 So, again, there will be at least
20 two locations where you can walk in in
21 person and get assistance with applying
22 through the portal and, in addition to
23 that, our outreach office will make
24 sure to get the word out as to how to
25 apply if you are uncomfortable or how

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2 to do it online, you will know where to
3 go to submit that application to get
4 the help you need.

5 CHAIRMAN NICOLELLO: Tell me
6 about the Boost Nassau Resource staff,
7 how many people are we talking about?

8 MR. SALLIE: We currently have
9 seven staffers at the resource center.
10 There is a plan to staff up if need be.

11 We are also training our office
12 of constituent affairs so if there is a
13 surge of applications we can allocate
14 those resources accordingly. And by
15 that I mean we can send people to that
16 resource center to essentially help
17 with the intake if we do get -- I don't
18 want to say flooded but if we get a
19 large influx of folks looking for
20 assistance. So there is some
21 flexibility there on our side.

22 CHAIRMAN NICOLELLO: Tell me
23 about constituent affairs, how many
24 people are you going to dedicate to
25 this.

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2 MR. SALLIE: I don't have a
3 number for you right now. I know the
4 training is tomorrow morning with their
5 entire office. I don't have a number
6 for you, I apologize I don't have a
7 number for you now, but we can
8 certainly get that to you.

9 CHAIRMAN NICOLELLO: I have no
10 further questions for now.

11 LEGISLATOR FORD: Good evening,
12 Sean. Thank you very much.

13 I guess just as a follow-up on
14 some of the questions by the Presiding
15 Officer.

16 So we're going to have two
17 physical locations that seniors will be
18 able to get to be able to apply or
19 anybody will be able to go to apply in
20 person. 40 Main Street and what was
21 the other location?

22 MR. SALLIE: The Boost Resource
23 Center in Eisenhower Park.

24 LEGISLATOR FORD: So we currently
25 have staffers there that will be

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2 working with our restaurants and non
3 profits to help them be able to apply
4 for the grants. It was an excellent
5 presentation, Dr. Regina Williams came
6 to one of the chambers and she
7 indicated, they allocated an hour for
8 each restaurant or not-for profit.

9 So if you have seven people and
10 you have all these businesses coming
11 down, how will you be able to handle
12 all of a sudden, because if it's 42,000
13 residents that are on enhanced STAR, I
14 guess the rest of the \$85 million would
15 go towards -- could be allocated
16 towards 226,000 people, I think was my
17 calculation, so what would happen if --
18 because we seem to only have the
19 centers open during the workday not at
20 night.

21 But if it's an hour per person or
22 entity or whatever it is, how are we
23 going to be able to process all of
24 that?

25 A lot of people will be online

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2 but you will also have a lot of people
3 who may not. They may want to go to
4 the center or to 40 Main Street.

5 Are we comfortable that we will
6 be had able to handle these people in a
7 timely fashion?

8 MR. SALLIE: Yes. I think we
9 can. I think we can allocate and
10 redistribute resources to those
11 centers, whether it's 40 Main, the
12 Eisenhower Center.

13 In order to handle these surges
14 or these peak times that may occur, I
15 think it's important not to put HAP
16 over the other Boost resource programs,
17 right, we don't want to compete against
18 ourselves, but I think that we do have
19 and we will have after we trained our
20 staff significant forces to be able to
21 handle the influx.

22 LEGISLATOR FORD: Right. So when
23 you talk about seven staffers that can
24 handle 35,000 businesses, what if
25 100,000 people decide they want to make

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2 reservations and go down have it put
3 in? Maybe they would feel better if
4 they met in person, or couldn't as the
5 Presiding Officer said, sometimes they
6 get confused in going through some of
7 the applications because they may feel
8 it's daunting.

9 So I just don't want that we're
10 giving these people this money, give
11 them this opportunity and it becomes a
12 source of frustration for them.

13 All of a sudden, because I know
14 after Sandy, when everybody had to
15 apply for things, even the stimulus
16 checks, something not too long ago, how
17 frustrating it was for people to see if
18 they were getting a stimulus check to
19 put the information in for the stimulus
20 check, or applying for unemployment,
21 they couldn't get through to the New
22 York State website. They didn't know
23 or whatever.

24 I want to know, passing this, we
25 need to make sure we are not adding a

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2 stress factor in their lives. Because
3 we have now made it, it's very
4 important that these people get their
5 money, with the holidays coming up, I'm
6 sure a lot of people would say, maybe
7 it's going to buy a Thanksgiving dinner
8 or something like that.

9 I'm just concerned about the
10 number of personnel that we have at
11 these sites and whether or not we
12 should even expand it or try to get
13 some more into other areas too so
14 people don't have to travel as far.

15 I'm just concerned -- I'm going
16 to jump around a bit. Even with the
17 seniors that they are enhanced STAR, I
18 know that they always fall for scams.
19 Are we going to like if we mail the
20 check out, they may not realize people
21 who got the stimulus checks, remember,
22 they threw them away, but it was for
23 real.

24 How are we going to make sure
25 that we don't have seniors or anybody

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2 who is in that 42,000 number, that they
3 don't mistake it for something else?
4 Because what happens if somebody claims
5 they never got the check? How long
6 would it take to get a replacement?

7 MR. SALLIE: That's a very good
8 point. I think through our outreach
9 offices, we can put that word on the
10 street essentially that this program is
11 launching, you may be receiving check
12 or a check if you do receive one of the
13 benefits, STAR LID, so that it doesn't
14 come as a surprise when the check does
15 arrive, so I think some advance
16 notification on our part to seniors
17 will I think help with that.

18 LEGISLATOR FORD: We also need to
19 do a public outreach about scams
20 because I can almost imagine somebody
21 calling up and saying, hi, I'm with the
22 county and with your \$370, if you send
23 me your information, if you give me
24 your social security number or
25 whatever, they do this. It's

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2 everywhere.

3 So we need to make sure that we
4 don't give an opportunity for anybody
5 to be scammed by this thinking that if
6 they give whatever it is that they can.
7 I just want to make sure. I really
8 don't want that type of story to come
9 back.

10 Now, KPMG, all right, their
11 purpose is that on the Boost Nassau
12 portal once they do that they're going
13 to send their information in and KPMG
14 is going to review that information?

15 MR. SALLIE: They are acting as
16 an extension of the county, in this
17 case in the capacity of the reviewer.
18 So they are able to staff up. They
19 have the controls and the protocols in
20 place to review these applications.

21 LEGISLATOR FORD: Because I guess
22 when you say \$4.6 million we're going
23 to be paying them, correct?

24 MR. SALLIE: If we extend the
25 full \$100 million, get applications in,

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2 exactly.

3 LEGISLATOR FORD: Are we going to
4 require them to have dedicated
5 employees? Meaning, not just anybody
6 that works at KPMG; on Monday it's
7 going to be Sean and Denise, Wednesday
8 it's going to be Rich and Rose dealing
9 with everyone; is there going to be
10 consistency?

11 So they have like a certain group
12 of employees that will be handling
13 these applications and reviewing them,
14 so that it's not everybody, but it
15 would be like say 30 people? I don't
16 know how many people, whatever, 30
17 people that would be dedicated just to
18 working on this program?

19 MR. SALLIE: So we know that in
20 terms of the frequency or the rate at
21 which applications come in, they will
22 staff up and down to meet that demand,
23 right, we don't want to pay people to
24 just sit around and hope an application
25 comes in the portal or the other way

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2 around.

3 So we will know -- they are going
4 to give us their pool of employees,
5 their staffers who are going to be
6 assigned to this assignment. So it
7 might be a list of 100 at any given
8 time, but we will know who those people
9 are, that universe of staffers.

10 LEGISLATOR FORD: Will they have
11 dedicated numbers, direct numbers?
12 Sometimes people will call, they want
13 to follow-up, they want to know the
14 status or whatever, did they get the
15 application. Will there will be
16 dedicated numbers so residents can call
17 them?

18 MR. SALLIE: Yes. We will not
19 patch them directly into KPMG. They
20 will come to the county those
21 questions.

22 LEGISLATOR FORD: Then the
23 legislators -- will the Legislator have
24 a liaison over there? So if I have a
25 question on behalf of one of my

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2 residents I'll be able to call over?

3 MR. SALLIE: Absolutely.

4 LEGISLATOR FORD: The one thing I
5 like about the Boost Nassau, the
6 business type, is the staffer stays
7 with the applications so it's
8 consistent all the way through. I'm
9 hoping that maybe there's a way we can
10 sort of carry that through for them.

11 MR. SALLIE: That's a good point.
12 We have seen other programs, non county
13 programs that have seen the switching
14 of case managers and that's a concern.

15 LEGISLATOR FORD: And it does and
16 it creates a lot of confusion, they
17 have to keep sending in the
18 information.

19 But on the comptroller, when you
20 say the batch, does he have enough
21 staffing to be able to go through all
22 these applications, we're talking like
23 42,000 on our hands, right, and then if
24 you have 226,000 other people, how long
25 is that going to take? He also has

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2 other jobs to do. He doesn't sit
3 around doing nothing.

4 MR. SALLIE: Well, their claims
5 review staff, they will fully
6 understand the ins and outs, but they
7 basically sample a number of
8 applications per batch. They're doing
9 that now for us for the 42,000. So
10 this is -- not a test case but they're
11 getting up to speed on what the
12 information -- the data is going to
13 look like that they need to sample and
14 audit. They're doing that now. They
15 have been very cooperative, very
16 helpful.

17 LEGISLATOR FORD: I just wanted
18 to make sure there was enough personnel
19 there.

20 So my last issue then would be
21 the households. I know we define it as
22 all persons living in one unit. Of
23 course if it's a two family house, it's
24 two units or whatever.

25 I guess the head of household

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2 would have to show some sort of
3 identification to show that they're --
4 like a 1040 I guess would be the head
5 of the household on the form, right?

6 But I thought this program wasn't
7 really just geared to homeowners but
8 for residents in Nassau County that
9 basically suffered some sort of
10 hardship as a result of the pandemic
11 and that you may have somebody -- and I
12 know that maybe we can't recognize
13 illegal apartments, but they're there.
14 You have people in great need so they
15 may be renting a room in a house with
16 the head of a household that will get
17 that money because they are entitled to
18 it, so how do we work around that?

19 Like, you can have people who
20 file for their taxes and whatever so
21 maybe they happen to be living in this
22 house trying to make ends meet.

23 For me, I would think maybe if
24 they're making less than \$40,000 a
25 year, they don't own a home because

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2 they can't afford to, how do we reach
3 them, or are we not allowed to reach
4 them?

5 MR. SALLIE: Well, no, rental
6 households and ownership households are
7 eligible. So ten year neutral if you
8 will.

9 If you were a household of five
10 people, the head of the housing unit
11 will be eligible to apply and receive
12 the check.

13 That's one person in the four or
14 five person household. The idea is
15 that again -- the intent is to get this
16 money in as many households as
17 possible, so if you have a four or five
18 person household of lower income, that
19 money could be used for household
20 expenditures whether it's utilities or
21 lease or mortgage or otherwise.

22 So I understand and can
23 understand that it may not go to the
24 individual who needs it most, if there
25 are four people renting unrelated

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2 renting in a four bedroom.

3 But, again, if they're all
4 talking to one another, one person gets
5 the check and they use it to offset the
6 cost of rent or utilities or whatever
7 it may be, the whole household
8 benefits.

9 LEGISLATOR FORD: Correct. If
10 it's one family.

11 MR. SALLIE: But if it's a
12 household unit, even if they're not
13 related, there should be only one
14 electric bill, one cable bill, one gas
15 bill. If they're living together and
16 talk to one another, they could be able
17 to work out whether that \$375 is
18 benefiting all of them by way of
19 offsetting a utility bill or lease
20 payment.

21 LEGISLATOR FORD: All right. I
22 understand. I don't necessarily agree
23 with that but thank you.

24 CHAIRMAN NICOLELLO: Legislator
25 Walker and Legislator Mule and

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2 Legislator Ferretti.

3 LEGISLATOR WALKER: I'm going to
4 kind of back up to what Denise was just
5 speaking about.

6 In my district there are many
7 many homes and there are illegal
8 apartments, unless they are very old
9 homes they're not family homes. There
10 are legal mother and daughters. So if
11 it's a legal mother and daughter, would
12 each of those entities be able to
13 apply, because that's a legal --

14 MR. SALLIE: So it's based on the
15 county's assessment records. So if the
16 housing unit of the address or parcel
17 is categorized as a two family or three
18 family or multiple family, then in that
19 case all of those units would be
20 eligible to receive one check.

21 I'm not sure how a mother
22 daughter accessory apartment is
23 classified by assessment, as a single
24 family or does it count for the
25 accessory.

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2 LEGISLATOR WALKER: I think in
3 the county records, because I know
4 young people have sometimes bought a
5 home that was mother daughter, buying
6 it thinking it was a two family because
7 that's how it was listed in the county,
8 but it really wasn't, it was a mother
9 daughter, and then they rented it out
10 to someone else, and someone complains
11 and they have to get rid of that, that
12 renter, or have that renter move or
13 whatever.

14 But there are also many homes
15 that you have an absentee landlord and
16 you have two three families living in
17 those homes. Many of them, as Denise
18 said, would really, they really need
19 this \$375. Now that absentee landlord
20 could also own which many of them do
21 own five or six homes.

22 Now obviously if the absentee
23 landlord applies for all his homes he
24 owns, I don't know, are they going to
25 realize that this was 22 such and such

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2 street and this was 48 such and such
3 street it's the same person because the
4 documentation would be the same, but he
5 does have all these homes.

6 I mean, I don't want to make it
7 sound that every landlord is so up and
8 up but I can't imagine that landlord
9 saying, I got all these five checks for
10 375 and I'm going to share that with
11 all of you. I can't imagine that
12 happening.

13 Or if one of those people in the
14 home apply and you have family A, B, C
15 and family B sent theirs in first, they
16 got the 375, it's nice to say, not that
17 they're not a cohesive unit, but they
18 got it, I can't imagine that it's --
19 because many of them each probably pay
20 a certain amount of utilities or
21 whatever. I don't think those
22 situations are so rare.

23 MR. SALLIE: So I completely
24 understand. Right. If you do have
25 multiple family units living in a

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2 single housing unit, right, there would
3 be -- the program would allow for one
4 check. I understand there could be
5 many out there and it's not -- I
6 understand how it could benefit more if
7 were different, but the issue or the
8 concern about the landlord owning
9 multiple properties, the landlords,
10 let's say the landlord files for
11 property he or she owns at one Smith
12 Street. When we receive that
13 application, the landlord's tax return
14 address is going to have to match that
15 address that he or she is applying for,
16 and the proof of residence will also
17 need to -- the address on that bill
18 will also need to line up.

19 So if the landlord is filing --
20 or the address that he files under he
21 can only file under one address
22 assuming -- so that will prevent that
23 type of issue where you have the
24 landlord claiming multiple checks.

25 Also on the portal back-end a

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2 bucket where if that landlord does try
3 to do that that will be flagged right
4 away. Again, we have a way to control
5 for it given the 1040 address, even
6 before we start looking at the
7 documents that issue will be flagged in
8 the back end of the portal, okay, so we
9 know here is someone trying to claim
10 for more than one address.

11 LEGISLATOR WALKER: My other
12 issue is and we did touch base on it,
13 but we have many residents who really
14 can't get out of their home. Some of
15 them might -- some of them might
16 hopefully many be under the enhanced
17 STAR and just received, but for others
18 they can't get to one of the Eisenhower
19 Park, or for my district I guess its
20 Eisenhower Park would be the closest.
21 Some don't drive and can't get there.

22 Aside from the fact that there's
23 many areas in the county that are kind
24 of not near Eisenhower Park or
25 Hempstead and might be very difficult

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2 for them to get someplace that far
3 away.

4 So I just hope we have the
5 capability of reaching out to as many
6 as we can and the capability if we had
7 to go to someone's home that we would
8 do that also. There are times that I
9 would go to resident's home to help
10 them fill out paperwork and they just
11 can't do it by themselves.

12 MR. SALLIE: And the technology
13 exists, you have an ipad, you can go to
14 someone's home and scan the documents
15 with a wifi or internet connection you
16 can assist that way.

17 LEGISLATOR WALKER: So I think
18 spreading the word to all of them is
19 going to be somewhat difficult but I
20 guess we will have to do the best we
21 can.

22 CHAIRMAN NICOLELLO: Legislator
23 Mule and Legislator Ferretti.

24 LEGISLATOR MULE: Thank you,
25 Presiding Officer. Actually my

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2 colleagues asked all of the questions
3 that I wanted to ask. I just want to
4 reiterate that I'm sure we're all
5 concerned about the safety of the
6 information that's going to be
7 required, just that we have to make
8 sure whatever we do we will make sure
9 that that personal information is 100
10 percent safe.

11 Also for our seniors and the
12 homebound, as Legislator Walker said,
13 that we have a way of getting them so
14 that the people who are in greatest
15 need of getting this help, which I
16 fully fully support, that they get it
17 so that's it.

18 CHAIRMAN NICOLELLO: Legislator
19 Ferretti and then Legislator Rhoads.

20 LEGISLATOR FERRETTI: Sean, how
21 are you? I just have a couple of
22 questions, kind of jumping around a
23 little bit so just bear with me. Can
24 you repeat the name of the vendor?

25 MR. SALLIE: KPMG.

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2 LEGISLATOR FERRETTI: Now, has
3 something changed in the last two weeks
4 when this was in committees, I believe
5 that the Presiding Officer asked
6 multiple questions on the ability of
7 the county to be able to do this
8 internally and, from what I recall, it
9 was a couple of weeks ago, the
10 responses were that we could, now it
11 seems like we're sending this to a
12 contractor. Has something changed?

13 MR. SALLIE: No, I believe a
14 question came up at the Rules Committee
15 meeting about being able to talk about
16 how much this would cost and who it
17 would be done by. We were in the midst
18 of a procurement at that point so I was
19 not at liberty to divulge the resources
20 and how much it could potentially cost.

21 Nothing has changed over the past
22 two weeks. It was always the intention
23 to have one of our on call vendors do
24 the reviews. Again, it was -- we were
25 in the midst of it.

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2 LEGISLATOR FERRETTI: I could be
3 mistaken. I do remember you referring
4 to a vendor and I could be mistaken but
5 I thought it was more in terms of like
6 consulting with a vendor, wasn't that
7 it?

8 MR. SALLIE: We have a separate
9 vendor who we consult on all ARP
10 matters. As far as KPMG, exclusively
11 would be on board to review at HAP
12 applications.

13 LEGISLATOR FERRETTI: So
14 essentially process the applications?

15 MR. SALLIE: Process.

16 LEGISLATOR FERRETTI: So KPMG,
17 has that contract been before the Rules
18 Committee?

19 MR. SALLIE: It has. It's an on
20 call contract so there we issued a task
21 order or mini bid as we call it to our
22 on call firms.

23 We received proposals and we were
24 reviewing them two weeks ago.

25 LEGISLATOR FERRETTI: Okay. So

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2 it's just odd to me during committees
3 this never -- I'm not on the Rules
4 Committee so maybe I'm wrong. I don't
5 remember this ever being discussed, a
6 vendor, a third party outside vendor,
7 receiving these tax returns. Did I
8 miss it? I was listening.

9 MR. SALLIE: I explicitly
10 remember the costs coming up and I said
11 I could not share that at the time
12 because we were reviewing proposals. I
13 may not have said explicitly we were
14 reviewing consultants to review.

15 LEGISLATOR FERRETTI: Was the
16 role and responsibility under this
17 contract for KPMG, was that discussed
18 at the Rules Committee meeting?

19 MR. SALLIE: Well, we have a
20 contract with them.

21 LEGISLATOR FERRETTI: What I mean
22 is, again, look, I'm not on the
23 committee, but I think most took out of
24 it and I don't want to speak for anyone
25 else, but what I took out of it, was

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2 that this was going to be getting done
3 in-house. I was wrong, I make
4 mistakes. I kind of thought Legislator
5 Rhoads asked that. I don't know if it
6 was you or Conal but someone said yes.

7 MR. SALLIE: Again, I apologize.
8 The question I remember explicitly was
9 how much is this going to cost the
10 county and is it going to come out of
11 the \$100 million allocation or
12 appropriation to which we answered no,
13 it would not.

14 So, again, the intention all
15 along was to have one of our core
16 consultants do the reviews, do the
17 processing, if it was not clear at the
18 committee I apologize.

19 LEGISLATOR FERRETTI: Maybe I
20 misunderstood. So the tax returns come
21 into the portal which is a county run
22 website; is that correct?

23 MR. SALLIE: Yes.

24 LEGISLATOR FERRETTI: And the
25 Nassau County Department of IT designs

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2 that portal website?

3 MR. SALLIE: Yes.

4 LEGISLATOR FERRETTI: And Nassau
5 County somehow transfers that document
6 to this vendor?

7 MR. SALLIE: Well, they don't
8 transfer it. It's a computer
9 application. The vendor will have VPN
10 direct access into what they call the
11 back end or the database side of the
12 application; at which point they can
13 access the information, both the fields
14 that are completed and the supporting
15 documentation, the 1040.

16 LEGISLATOR FERRETTI: So
17 essentially they can get into our
18 system, remote in?

19 MR. SALLIE: They will have a
20 direct tunnel, the IT line which I'm
21 learning about, but a direct tunnel
22 into that portal, not our global county
23 IT system, it's directly into that
24 portal.

25 LEGISLATOR FERRETTI: But direct

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2 access to these tax returns?

3 MR. SALLIE: To review them, yes.

4 LEGISLATOR FERRETTI: I share
5 Legislator Mule's concern that she
6 brought up, she wants to keep these
7 documents safe, wants to ensure -- I
8 just wish there would have been some
9 debate on this contract in the Rules
10 Committee because this contract could
11 have been vetted, this existing
12 contract, but I don't think that it was
13 this specific role that was discussed
14 at least from any Rules Committee that
15 I listened to.

16 So is any of this information
17 foilable? Can someone foil --

18 MR. SALLIE: The information
19 that's received through the portal?
20 Conal, would be able to answer that
21 question?

22 MR. DENION: I do not believe
23 that the tax returns would be foilable,
24 no.

25 LEGISLATOR FERRETTI: Well,

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2 that's not the answer I was hoping for
3 with all due respect that "you don't
4 believe."

5 MR. DENION: No. Let me try to
6 rephrase the answer. My understanding
7 is, no, they would not be. I don't
8 have the statute in front of me but my
9 understanding is that tax returns would
10 not be foilable.

11 LEGISLATOR FERRETTI: Is it
12 exempt from the foil law somehow?

13 MR. DENION: That's my
14 understanding. I can ask someone, a
15 county attorney, if someone is there to
16 take a quick look at that question but
17 that's my understanding.

18 LEGISLATOR FERRETTI: I think
19 that's a pretty important thing.

20 In terms of redaction, is
21 anything going to be redacted from the
22 tax returns -- or at least advise
23 people to redact certain things from
24 the tax return before it's uploaded to
25 the portal?

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2 MR. DENION: Sean, I think that's
3 a question for you. I don't know if
4 you're planning on anyone having to
5 redact.

6 MR. SALLIE: The information that
7 resides on the 1040, that's essential
8 for us to process the application,
9 would be obviously the owners name,
10 SSN, address on the 1040, and then the
11 adjusted gross income line which I
12 believe is line 11.

13 If an applicant chooses to
14 redact, gray out the other fields, that
15 would be totally fine with us. It's
16 the fields I just mentioned is what we
17 need in order to validate and verify
18 and approve an application.

19 LEGISLATOR FERRETTI: So now it's
20 in our system and this vendor has
21 tunnel access we'll call it so they can
22 access it. What happens to the upload
23 after it's either approved or denied?
24 What happens to that tax return?

25 MR. SALLIE: That tax return

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2 lives in the portal in the database.
3 However, when we need to submit this to
4 the comptroller for their review, it
5 will need to pass through
6 electronically. Whether that's a VPN
7 tunnel directly from the comptroller
8 into the portal or done in encrypted
9 email, we have to determine that as
10 part of the final pieces of the program
11 development.

12 LEGISLATOR FERRETTI: So that
13 transfers from portal to the
14 comptroller?

15 MR. SALLIE: Right, we can't
16 issue -- we can't pay until we have
17 comptroller approval.

18 LEGISLATOR FERRETTI: Right. But
19 I'm talking about after the proces is
20 done. So the person is approved, the
21 household approved, the check is
22 mailed, the comptroller is done. What
23 happens to that file?

24 MR. SALLIE: Those files stay in
25 the portal, live in the portal. We

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2 will need to keep those records for
3 audits under ARPA, I don't have the
4 exact retention period in front of me
5 but we'll need to retain those records
6 for future potential audit review,
7 etcetera.

8 But they will live in that secure
9 database that IT manages.

10 LEGISLATOR FERRETTI: Look, I
11 think there is going to be a lot of
12 people that -- a lot of websites
13 considered secure, always hear about
14 people that hack into these things.

15 Two more questions. Kind of
16 different issues. Legislator Ford was
17 discussing or maybe Legislator Walker,
18 sorry, illegal two-family houses or
19 mother daughters.

20 What about a legal two family.
21 Would there be two checks to those
22 houses?

23 MR. SALLIE: Yes.

24 LEGISLATOR FERRETTI: Lastly, I
25 bring it up only because I brought it

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2 up at the last meeting and you or Conal
3 said you would get us more of an answer
4 than you had and I think it's an
5 important question, as Conal said at
6 the last meeting, in the event we do
7 send these checks and it's determined
8 that they're not in conformity with the
9 guidance they could be called back, and
10 the county could be on the hook for
11 paying back the money.

12 So I asked this question and you
13 said you were going to get me more
14 information. A \$375 check, which is
15 the flat amount, right, nobody is
16 getting more, nobody is getting less.
17 It's either 375 or nothing.

18 MR. SALLIE: That's correct.

19 LEGISLATOR FERRETTI: And I
20 believe we agreed, tell me if I'm
21 wrong, that one of the guidance is that
22 the amount, I'm sorry, the grant must
23 be proportionate to the harm; do we
24 agree?

25 MR. SALLIE: The grant amount

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2 must be proportional to the economic
3 harm, yes.

4 LEGISLATOR FERRETTI: As a result
5 of COVID?

6 MR. SALLIE: Right.

7 LEGISLATOR FERRETTI: How can a
8 flat amount by definition be
9 proportionate to the amount of harm?

10 MR. SALLIE: Conal, can you
11 assist with the proportionality
12 question?

13 MR. DENION: I can, Sean. Before
14 I get to that, Legislator Ferretti,
15 that I've received confirmation from
16 the County Attorney's Office that the
17 tax returns would not be foilable.

18 LEGISLATOR FERRETTI: Thank you.

19 MR. DENION: As to the
20 proportionality, the opinion delivered
21 by Barnes and Thornberg addresses that
22 question. I don't know if you have a
23 copy of that, or if you could turn to
24 that question number three.

25 LEGISLATOR FERRETTI: I do have

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2 it. I'm taking a look at it.

3 MR. DENION: That does address
4 the uniformity question if you want to
5 take a quick look.

6 LEGISLATOR FERRETTI: So from a
7 really quick reading of this paragraph,
8 basically saying the previous program
9 that the federal government had they
10 did it. So we're doing it.

11 MR. DENION: Right. They did a
12 flat amount. Exactly.

13 LEGISLATOR FERRETTI: Is the
14 guidance identical between those two
15 programs?

16 MR. DENION: What this guidance
17 says is that we can take that program
18 as our guidance here in that if we're
19 doing a cash assistance program that is
20 no more than the amount in that prior
21 program, the \$1,400, plus if you look
22 at the same type of characteristics
23 being a flat program that basically
24 would serve as a safe harbor, we can
25 take comfort in the fact that we are

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2 not in excess of the prior amounts and
3 from the advice of the law firm we can
4 toss or take guidance in the fact that
5 it was a flat amount.

6 LEGISLATOR FERRETTI: All right.
7 Thank you both.

8 CHAIRMAN NICOLELLO: Legislator
9 Rhoads.

10 LEGISLATOR RHOADS: Thank you,
11 Mr. Presiding Officer. Just to follow
12 Legislator Ferretti's question though.
13 In question three, the answer to
14 question three, they compare the ARP
15 economic impact program as a
16 comparative in saying that the
17 uniformed payments contemplated under
18 the program that would apply to both
19 individuals and households is the same
20 as the economic impact program.

21 The economic impact program gave
22 double the funds to married couples.
23 Gave even more money if those married
24 couples had kids.

25 If the federal economic impact

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2 payment programs was the measuring
3 stick, why wouldn't our program take
4 into account the size of the family
5 unit? The program they're citing to
6 actually seems to establish that it
7 needs to be -- you need to take into
8 account the size of the family.

9 So it seems to imply that a flat
10 fee of 375, or a flat payment of 375
11 wouldn't meet federal guidance.

12 MR. DENION: I don't know if I
13 would take that approach. I think it's
14 legally sufficient. I think maybe your
15 question is more how has the county
16 decided to set up the program, I think
17 maybe Sean can address for reasons of
18 efficiency and getting the check out
19 the door --

20 LEGISLATOR RHOADS: It's really a
21 question for counsel. They're citing to
22 a federal program that they are saying
23 is a comparator, saying it's analogous
24 to what we are trying to do when it
25 isn't. It takes into account the size

1 Full Legislature/9-27-21
2 of the family unit. The opinion that
3 they have given is just wrong.

4 MR. DENION: I think you have to
5 take into consideration that they're
6 doing that because that's what the
7 interim final rules says. It says that
8 you can take guidance from that
9 program. It's not as if they pulled it
10 from nowhere. I don't think the
11 opinion is wrong, I think it is correct
12 and it is relying on at the interim
13 final rule so I don't see a disconnect
14 there at all.

15 LEGISLATOR RHOADS: But the
16 interim final rule says use this
17 program as a guide so we've taken
18 something that takes into account
19 family size. We have thrown out using
20 family size as a guideline to determine
21 the amount of payments we've received,
22 and we've gone with a flat payment
23 saying that it somehow meets that
24 guidance. How? Why?

25 MR. DENION: Again, we can have

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2 the attorney come on from the firm if
3 you would like to talk to them and how
4 they reached their conclusion, but,
5 again, I read this as perfectly
6 reasonable and consistent with the
7 interim final rule, I do.

8 The 375 is proportionate --
9 remember, proportionality is
10 proportionate to the economic harm.

11 LEGISLATOR RHOADS: By a flat 375
12 you're saying everyone has sustained
13 the same economic harm, how is that
14 proportional?

15 MR. DENION: Sorry. Go ahead.

16 LEGISLATOR RHOADS: For example,
17 Conal, this program as you have it
18 designed will treat an unemployed
19 single mother of four the same as it
20 treats a fully employed single person
21 or couple that never lost a day's work
22 making nearly \$170,000 a year. How is
23 that proportional?

24 MR. DENION: Again, I think what
25 you have to look at is it's

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2 proportional to the economic harm.

3 LEGISLATOR RHOADS: How?

4 MR. DENION: That amounts within
5 the safe harbor as it were the \$1400 or
6 \$2,800 for a married couple. The
7 \$1,400 are really a guideline to say
8 it's not so much that it's going to be
9 considered disproportional or
10 considered something that you have to
11 look at and sort of do an
12 individualized approach. It really is
13 serving as a safe harbor that the 375,
14 whether it's flat or not flat is not
15 such a great amount considering what
16 the feds themselves distributed that
17 it's going to be considered
18 disproportionate from the federal
19 government's perspective.

20 LEGISLATOR RHOADS: But, again,
21 the economic impact program provided
22 double the amount of money for a
23 married couple and provided additional
24 money if the family was larger; if they
25 had kids, if they were dependents.

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2 So the program that they are
3 using as a comparison does make a
4 distinction with respect to the family
5 size whereas our program doesn't.

6 I don't know that we can contend
7 it's analogous.

8 MR. DENION: Again, it's really
9 the size of the payment that's
10 analogous, in other words we're staying
11 within the \$1400 which in effect a
12 ceiling.

13 So whether or not we used family
14 size or had any kind of levels is I
15 don't think is really a distinction
16 that makes a difference here.

17 I think it's really that the
18 amounts are not considered
19 disproportionate to the harm in the
20 eyes of the federal government which is
21 the legal questions you're asking.

22 LEGISLATOR RHOADS: Except you're
23 telling me that the \$1400, that we are
24 in compliance because the amount of
25 money we are giving is less than \$1400.

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2 That's how we in compliance with
3 the example that's been given to us in
4 the interim final guidance. That's the
5 position they're taking except that's
6 not the question that we are asking.

7 The question that we're asking
8 is, how does a flat \$375 payment
9 proportional to the harm that was
10 experienced as a result of COVID to
11 individual families?

12 MR. DENION: I don't think there
13 is a need to show in that, in your
14 example, if someone had to use an
15 example if someone had \$1000 worth of
16 harm or \$5,000 worth of harm, I think
17 with this level what the feds are
18 saying is you don't need to show that
19 proportionality on an individualized
20 basis that this serves as a safe
21 harbor, a flat amount.

22 LEGISLATOR RHOADS: Except the
23 interim final rule requires Nassau
24 County to consider and to the extent to
25 which households experienced a negative

1 Full Legislature/9-27-21
2 economic impact from the pandemic and
3 further requires cash transfers to be
4 "reasonably proportional" to the
5 negative economic impact they are
6 intended to address. That's from the
7 guidance.

8 MR. DENION: I couldn't agree
9 more. I do think that we are complying
10 with that guidance and the 375 is
11 within the safe harbor provided in the
12 rule; that the fact that different
13 families under different economic
14 circumstances will each get a flat 375
15 does not negate the guidance
16 whatsoever, we are still well within
17 those contours really.

18 LEGISLATOR RHOADS: So the
19 administration's position is that the
20 single mom with a family of four that's
21 unemployed getting 375 is the same
22 economic harm as a result of COVID as a
23 couple that didn't lose a day of work
24 that made \$170,000 a year? That's
25 reasonably proportional according to

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2 this administration?

3 MR. DENION: Again, you're asking
4 a different question in there.

5 I think you are asking whether or
6 not the program is designed in an
7 appropriate manner which is different
8 from are we complying with the
9 guidance.

10 I think maybe Sean can address
11 whether or not the program -- again,
12 there are a lot of factors that go into
13 it, making sure we were able to
14 administer the program efficiency, all
15 those things that go into the decision
16 about how it was set up, but legally I
17 do believe we are on solid ground.

18 LEGISLATOR RHOADS: But, again,
19 at the end of the day, if we go through
20 with this, is the federal government
21 going to take a look at the program as
22 we administered it, and reach the
23 conclusion, yes, you weren't supposed
24 to do it this way?

25 MR. DENION: If I can have one

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2 second to answer that, Sean, just to
3 finish that thought. Is that we've
4 been asked to and have provided an
5 opinion from experts, outside counsel
6 that addresses that as well that they
7 do not believe that our program is out
8 of the compliance and they don't
9 believe that even though anything that
10 is spent improperly is subject to
11 recoup, anything we are doing would be
12 subject to that recoupment, and we
13 should be well within the interim final
14 rule guidelines.

15 I think that was addressed as
16 well. We should find ourselves in a
17 position to go forward certainly
18 legally based on this outside legal
19 counsel opinion from this law firm.

20 LEGISLATOR RHOADS: I'm curious
21 whether the law firm took a look at the
22 Super Storm Sandy program and all of
23 the grants that were issued to
24 thousands of homeowners all across the
25 South Shore who got tens of thousands,

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2 and in some cases more than that to fix
3 up their homes in what was supposed to
4 be grants, only to have the federal
5 government change the guidance at the
6 last moment and turn them into loan
7 programs requiring them to repay tens
8 of hundreds of thousands of dollars.
9 That happens consistently.

10 I'm curious what it was that the
11 firm bases its idea on the idea that
12 there could be no claw back?

13 MR. DENION: Again, if you look
14 at the answer to question number eight
15 considering that outcome unlikely.

16 LEGISLATOR RHOADS: I'm sure most
17 homeowners when they got a letter
18 saying here's a grant for \$80,000, they
19 thought it was unlikely they would have
20 to pay that back, it's a grant.

21 MR. DENION: Again, I can't speak
22 to different programs I'm not prepared
23 to address. Certainly this one the
24 firm has taken a look at it and in
25 consideration of again the interim

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2 final rule is specifically designed to
3 allow municipalities such as the county
4 to go forward based on the interim rule
5 and not have to wait for at final rule
6 so as the firm states, it's very
7 unlikely that the federal government
8 would change a rule and then claw back
9 based on a change of a rule where they
10 were intending for municipalities to
11 rely on that rule to spend money and
12 bring relief to residents.

13 LEGISLATOR RHOADS: I understand
14 your point but it's already happened.
15 So there is certainly the chance it can
16 happen again and with respect to item
17 three that it certainly appears that
18 the premise that they have operated
19 under is simply incorrect.

20 I would ask that you go back to
21 counsel and ask them to re-review that
22 answer to that question and reread how
23 that program is actually administered
24 before they reach their conclusions.

25 Moving to a different topic

1 Full Legislature/9-27-21
2 because I believe other Legislator have
3 questions.

4 Sean, what department are you
5 with?

6 MR. SALLIE: Public works.

7 LEGISLATOR RHOADS: You are with
8 the Department of Public Works. How
9 did the Department of Public Works wind
10 up administering?

11 MR. SALLIE: I was asked back in
12 June to help administer and manage the
13 ARP program. So I guess you can say I
14 was plucked from public works on
15 assignment.

16 LEGISLATOR RHOADS: Just out of
17 curiosity, as far as how this program
18 was designed, who was involved in those
19 discussions?

20 MR. SALLIE: The members of the
21 administration. I believe the initial
22 concept came about this past spring.
23 Obviously after ARP passed back in
24 March, I got involved in July.

25 But, again, this has been

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2 developed by members of the
3 administration and in consultation with
4 our consulting firms who are guiding us
5 on all things ARP.

6 LEGISLATOR RHOADS: Are you in
7 charge of this program or do you have
8 somebody that you answer to?

9 MR. SALLIE: I answer directly to
10 the administration.

11 LEGISLATOR RHOADS: Is there a
12 reason that Helena Williams hasn't come
13 down to speak to us with respect to
14 anything having to do with this program
15 given the number of questions we have?

16 MR. SALLIE: I can't answer that,
17 Legislator Rhoads.

18 LEGISLATOR RHOADS: I know you
19 can't. It's really a question for
20 Helen Williams but she's not here so I
21 can't ask it.

22 But with respect to the number of
23 hands and I'm trying not to go over
24 areas that have been covered already,
25 with respect to the number of hands the

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2 taxpayers or the applicants personal
3 information and tax returns are going
4 to be passing through, at the last
5 Rules Committee meeting when this was
6 initially proposed, I did ask
7 specifically whether this was something
8 that we would be able to handle
9 in-house. I think that was the exact
10 wording of my question was, were you
11 confident that we were able to handle
12 this.

13 I expressed some skepticism. I
14 was assured by yourself that we would
15 be able to.

16 Now we have a contract
17 theoretically worth up to \$4.6 million
18 with KPMG.

19 Are there any modifications that
20 have to be made to this contract and
21 when did it come to the realization of
22 the administration that they weren't
23 going to be able to handle this
24 in-house and we had to bring in a third
25 party?

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2 MR. SALLIE: I think the decision
3 to put the review task out to mini bid
4 or task order, if you will, was mad
5 over the summer and definitely prior to
6 the Rules Committee meeting.

7 LEGISLATOR RHOADS: Why was the
8 answer that we were to be able to
9 handle it in-house?

10 MR. SALLIE: I believe I do have
11 a copy of the transcript. I believe I
12 did mention that consultants would be
13 brought on board.

14 LEGISLATOR RHOADS: But you're
15 talking about more than a consultant.
16 You're talking about somebody that is
17 actually going to do the work, right?
18 This is more than consulting.

19 MR. SALLIE: Professional
20 services, right.

21 LEGISLATOR RHOADS: So you're
22 bringing in somebody from the outside
23 to actually run the program for the
24 county at a cost of basically \$4.5
25 million?

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2 MR. SALLIE: Yes, but,
3 legislator, any major program that any
4 municipality does I'm sure you're aware
5 of does often times rely on outside
6 support because these programs do not
7 go on forever. It's more advantageous
8 to farm out for the period of the
9 program, not only for resources but for
10 expertise.

11 LEGISLATOR RHOADS: Typically
12 that would be disclosed to the
13 Legislature when we are having hearings
14 on the issue?

15 MR. SALLIE: Absolutely. If I
16 can just get a copy of -- I believe I
17 mentioned consultant support. Again, I
18 apologize if it wasn't crystal clear.
19 That wasn't my intent. But this has
20 been the plan.

21 LEGISLATOR RHOADS: But there's a
22 difference between consulting and
23 doing. Assuming that you said we would
24 have an outside consultant that we
25 would be talking with, just as you did

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2 with respect to how the plan was
3 developed, you just mentioned that you
4 have consultants that you work with to
5 develop how the plan was going to be
6 administered, right?

7 MR. SALLIE: Yes.

8 LEGISLATOR RHOADS: That's
9 consulting, right? We are seeking
10 opinions on how we might be able to do
11 this better.

12 What we're talking about now with
13 KPMG is we're going to give them the
14 information and basically they're going
15 to do it. We are outsourcing the
16 entire project.

17 MR. SALLIE: We are utilizing an
18 existing on call contract, yes, to
19 administer and review applications,
20 yes. If I use consultant too loosely,
21 yes, I understand the point you're
22 making, they are not consulting on a
23 program, they're doing actual reviews
24 and that is the intent.

25 If I was not clear that there is

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2 a consultant on board to advise and
3 there would also be a consultant on
4 board to perform the reviews, I
5 couldn't be more clear about that but
6 that's always been the intent and,
7 again, there's been no intention to
8 mislead or to gloss over a major
9 component of our program.

10 LEGISLATOR RHOADS: Who is
11 actually ultimately making the final
12 determination? Is it KPMG that's going
13 to make the determination as to who is
14 or isn't eligible?

15 MR. SALLIE: There is unless
16 there is an exception or a situation,
17 scenario, that they just can't sort
18 out.

19 So they will ask us, they will
20 say, hey, we have John Smith. He lives
21 in this apartment. We can't identify
22 that particular location. County, do
23 you have any other data points that you
24 can confirm this is in fact a unit.

25 Those types of questions will be

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2 bounced off the county.

3 We don't need to understand or
4 know the sensitive information of that
5 applicant. We just need to understand
6 the scenario so we can point KPMG as to
7 whether there are other data points
8 they can utilize to evaluate the
9 application.

10 LEGISLATOR RHOADS: Understand.
11 Name, address, social security number,
12 and the amount that you make. Your
13 adjusted gross income. You can do a
14 lot of damage with that information.

15 MR. SALLIE: Any program that
16 involves confirming income and earnings
17 and address, yes, there is going to be
18 personally identifiable information
19 conveyed.

20 I think this is the nature of the
21 type of program. I understand your
22 concern about the security of the data,
23 and it's of the utmost concern to us as
24 well. I think we can do it safely.

25 LEGISLATOR RHOADS: I was going

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2 to say that may also be the reason why
3 I think you pointed to two other
4 municipalities in the entire country
5 that are doing something like this,
6 similar to this?

7 No one's making direct payments
8 to entire classes of people.

9 We're the only ones that are
10 attempting to do that. But this is
11 certainly a far cry from what the
12 administration originally proposed.
13 It's gotten a lot more complicated,
14 right?

15 MR. SALLIE: Well, I think the
16 intention is to create this -- expand
17 eligibility so that renters, or rent a
18 household would be included.

19 The initial proposal was specific
20 to homeownership, those who pay the
21 property taxes.

22 So this iteration expands
23 eligibility to all tenure types,
24 renters and owners.

25 We think this is a better program

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2 and will serve more residents of Nassau
3 County.

4 LEGISLATOR RHOADS: Part of it
5 was also the fact with no tie to income
6 whatsoever, you couldn't even make the
7 argument that it was proportional to
8 harm, correct?

9 MR. SALLIE: Well, my
10 understanding is that, right, the
11 initial program -- no, it wasn't tied
12 to income.

13 LEGISLATOR RHOADS: It's if you
14 earned less than \$500,000?

15 MR. SALLIE: Right. I don't have
16 exact STAR thresholds before me, but it
17 was based on income, based on the STAR
18 database which is based on household
19 income.

20 LEGISLATOR RHOADS: So the
21 administration realized you couldn't do
22 it that way?

23 MR. SALLIE: I believe the
24 administration feels this is a better
25 program, this expands eligibility.

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2 LEGISLATOR RHOADS: Now, I don't
3 know, and I don't think we are going to
4 get the answer. Now we know this
5 information is going to come in to the
6 individuals at the Boost program
7 through the portal or a physical
8 application, right?

9 MR. SALLIE: The application will
10 be submitted through a portal, right,
11 an electronic application, yes.

12 LEGISLATOR RHOADS: So it's going
13 to pass through IT?

14 MR. SALLIE: Well, it lives in IT
15 servers that we have, the county
16 servers.

17 LEGISLATOR RHOADS: From IT, the
18 information is going to go where?

19 MR. SALLIE: IT never has to see
20 it. They built the application so it
21 lives on their server.

22 The application comes in. KPMG
23 on the back end gets a ping, the
24 application has come into the portal.
25 On their end they would distribute

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2 those applications assuming there will
3 be many, volume will be high in the
4 first couple of weeks. They will
5 distribute among their staff to review.
6 That's all done within the portal
7 environment. All the documents live
8 within that portal.

9 Think of it as a log on screen.
10 There are certain permissions that each
11 reviewer will have. They won't be able
12 to see the entire breadth of the
13 application intake load, they will only
14 be able to see their application that
15 they are working on or in their pot.

16 Once they make their
17 determination, it's out of their cue,
18 that's it. They don't see it anymore.

19 LEGISLATOR RHOADS: And from
20 KPMG, the information then goes where?

21 MR. SALLIE: So KPMG will make
22 the approval after they verify, after
23 they verify they'll make the approval.
24 That will basically add another field
25 in the database that says approved.

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2 That database -- and please don't quote
3 me on this, but it will be converted
4 into what will be like a spread sheet
5 that will have all the information
6 along with the supporting information
7 that will be packaged together and that
8 is what we will provide to the
9 comptroller to do their payment audit.

10 LEGISLATOR RHOADS: What is
11 involved in their payment audit? I'm a
12 little bit concerned about the
13 comptroller's office because, as you
14 remember, it's the same comptroller's
15 office that fell victim essentially to
16 a letter scam of \$750,000 of taxpayer
17 money.

18 Essentially there was a letter
19 submitted saying, hey, we changed our
20 bank account information not even on
21 letterhead and that was processed and
22 they ended up sending three quarters of
23 a million dollars to some fictitious
24 bank account someplace. It was only
25 through the bank's efforts that they

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2 were able to get that back.

3 So it's the same comptroller's
4 office that is going to receive that
5 information to conduct their audit,
6 that same sensitive information?

7 MR. SALLIE: The County
8 Comptroller's office, yes.

9 LEGISLATOR RHOADS: What level of
10 confidence do we have that the County
11 Comptroller's Office is going to be
12 able to, one, keep that information
13 confidential and, two, correctly
14 perform its audit?

15 MR. SALLIE: I believe they will
16 be able to do the job very effectively.
17 They deal with sensitive information as
18 a course of -- as a matter of business.

19 They review, as you mentioned,
20 700 W-2 tax information associated with
21 vendors that they approve claims for.

22 So, yes, we are confident that
23 they will be able to review
24 expeditiously and keep that information
25 confidential and safe.

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2 LEGISLATOR RHOADS: So you're
3 talking about potentially as many as
4 380,000 applications, right, maybe even
5 more, we're considering renters as
6 well?

7 MR. SALLIE: No. That number
8 includes renters.

9 LEGISLATOR RHOADS: So there's a
10 total of 380,000 residential
11 households, and you could have multiple
12 renters at one particular household,
13 right?

14 MR. SALLIE: That number is from
15 the census. The census has an account
16 of households.

17 LEGISLATOR RHOADS: 380,000 is
18 from the Department of Assessment,
19 right?

20 MR. SALLIE: But what I'm saying
21 is, the number of households that we
22 are using to determine how big this
23 program may be, that number of
24 households is directly from the US
25 census. The census is saying there are

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2 approximately 450,000 households in
3 Nassau County, that makes up ownership
4 tenure and rental tenure, 450,000 in
5 total combined.

6 LEGISLATOR RHOADS: So it's not
7 380,000 it's 450,000?

8 MR. SALLIE: Well, some of those
9 households make above \$500,000, and
10 some of them make above is \$168,900
11 that will not be able to prove economic
12 harm.

13 So we built in a conservative
14 number of all households that make
15 under 169,000 who are eligible; above
16 that we had to make an estimate
17 because, A, we don't know if all those
18 households will be eligible, and then
19 there's households that make above
20 \$500,000, both renter and owners.

21 LEGISLATOR RHOADS: I'm concerned
22 about our capacity to be able to handle
23 the application process.

24 If I can ask you back in, I
25 believe it was June, it could have been

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2 July, we passed the Boost Nassau loan
3 program, and we passed the Boost Nassau
4 grant program.

5 Can you tell me how many
6 applications were received in both
7 programs?

8 MR. SALLIE: I believe back in
9 June it was actually early July, but
10 the grant program was approved. The
11 loan program I believe was approved
12 today on consent.

13 I believe they have roughly 100
14 applications for the Boost grant
15 program. That grant program, excuse
16 me, is being managed and administered
17 by the National Development
18 Corporation, NDC, so they are handling
19 the application intake and, similar to
20 KPMG, they will package the information
21 and send it over to the comptroller.

22 I believe they are up to about
23 100 applications that they are
24 processing. But the loan program was
25 just passed today.

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2 LEGISLATOR RHOADS: How many of
3 those applications have actually
4 resulted in a grant?

5 MR. SALLIE: I don't have that
6 number available. I know NDC basically
7 extended their program. They were
8 issuing grants using Cares Act funding,
9 CDBG Care Act. They were just going to
10 continue that program now switching
11 over to the ARP funding source.

12 LEGISLATOR RHOADS: So you have
13 no idea how many grants have actually
14 been issued?

15 MR. SALLIE: I can certainly get
16 that number for you though.

17 LEGISLATOR RHOADS: Is it
18 possible to get that number today?

19 MR. SALLIE: I believe so.

20 LEGISLATOR RHOADS: Great,
21 because you're talking about a hundred
22 applications now that have been
23 processed over two and a half months.

24 MR. SALLIE: I will get the
25 amount received.

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2 LEGISLATOR RHOADS: And we're
3 talking about potentially 450,000
4 applications. I know you are saying
5 380 is what you think the conservative
6 number is going to be.

7 MR. SALLIE: No, we know from the
8 census data that there are households
9 that make above 500,000 so we have
10 excluded them from the total number of
11 potential applicants.

12 LEGISLATOR RHOADS: Right. My
13 point is, we are trying through the one
14 program, we are processing 100
15 applications, two and a half months
16 into the program and we're keeping up
17 with those applications, right?

18 MR. SALLIE: I see what you're
19 saying. We're running multiple
20 programs. I think that's another
21 reason why we need the outside resource
22 to assist with processing the
23 applications.

24 LEGISLATOR RHOADS: You had an
25 outside resource processing the 100

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2 applications.

3 MR. SALLIE: I understand that.

4 LEGISLATOR RHOADS: We are not
5 handling any of this ourselves, are we?

6 MR. SALLIE: These are two
7 different programs. Again, I'm certain
8 we have the capacity to manage both of
9 these projects, programs, and get the
10 money into eligible households.

11 LEGISLATOR RHOADS: So with
12 respect to Item 2, counsel cites the
13 emergency capital investment program's
14 low and or moderate income to mean an
15 individual income that is less than 120
16 percent, and, therefore, 120 percent
17 would be consistent with similar
18 treasury definitions.

19 MR. SALLIE: Legislator, we are
20 using 130 percent of AMI for our
21 program.

22 LEGISLATOR RHOADS: Correct.

23 Counsel, however, in their
24 opinion seems to omit the purpose of
25 the emergency capital investment

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2 program which is a loan program
3 designed specifically to target low
4 income and underserved communities. So
5 that program exists specifically for
6 those low and moderate income families
7 underserved communities.

8 The direct payments contemplated
9 by the county's definition doesn't make
10 that distinction. How is that not
11 problematic?

12 MR. DENION: I'll address that.

13 I don't see it, legislator, as a
14 problem. They're using that as an
15 example as they say for example. The
16 point of their answer is the interim
17 final rule allows flexibility and does
18 not define what low and moderate income
19 levels are.

20 They could have defined it as is
21 defined under any number of federal
22 programs. The spirit of that interim
23 final rule is flexibility and speed in
24 getting relief to residents and
25 businesses and nonprofits.

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2 So we think it's reasonable, the
3 law firm agrees it is reasonable to use
4 something similar to what's in the
5 example that they use, something
6 similar, 120, 130 percent.

7 LEGISLATOR RHOADS: Conal, the
8 problem is the percentage isn't
9 similar. When the federal program is
10 using 120 percent AMI of low income
11 communities and underserved
12 communities, that's very different than
13 using 130 percent of what is largely an
14 affluent county; isn't it?

15 MR. DENION: Well, I think 120
16 AMI is AMI. So 120 percent of AMI and
17 130 percent of AMI, it's still a
18 percentage of AMI. I think that's the
19 main point, that it's very close, very
20 similar. Something that's greater.

21 LEGISLATOR RHOADS: I would agree
22 that the number is similar, right, but
23 if I did the calculation for Nassau
24 County of low income and underserved
25 communities and use that as a basis for

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2 AMI, we would wind up with a very
3 different number.

4 You have got to compare apples to
5 apples. Right now you're comparing
6 apples to oranges.

7 MR. DENION: Which I still
8 believe it's 120 percent of AMI which
9 is still a comparison of us is 130 of
10 AMI. So I do think it's apples to
11 apples, isn't it? No?

12 LEGISLATOR RHOADS: Except the
13 numbers would work out to be different.
14 Like your AMI would no longer be
15 \$168,000.

16 MR. DENION: Right. Again, the
17 point being that the federal government
18 itself would use different percentages
19 for different purposes.

20 LEGISLATOR RHOADS: But using it
21 for different percentages and different
22 purposes because the money is supposed
23 to be targeted to need which is
24 something that we seem to be glossing
25 over.

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2 MR. DENION: Well, this need is
3 pandemic relief, and the pandemic
4 relief is designed to be flexible and,
5 therefore, there are not strict
6 percentages as there are in other
7 programs. So, again, I think you have
8 to take what really is here is low and
9 moderate allows each municipality to
10 design a program that suits local needs
11 and that's what we've done, and done it
12 based on our consultant HR&A's report
13 on economic conditions in the county, a
14 similar state program on affordable
15 housing in New York State using 130
16 percent of AMI, again, the law firm
17 pointing to this federal program of 120
18 percent. I think we are certainly on
19 firm ground there with the flexibility.

20 LEGISLATOR RHOADS: But the
21 federal program that they use as a
22 basis for comparison is specifically
23 targeted to low income and underserved
24 communities. How can you use that as a
25 basis for comparison when you are

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2 basing your AMI off an entire
3 countywide population which is largely
4 an affluent population?

5 MR. DENION: Right. Well,
6 they're both low to moderate income, so
7 ARP is --

8 LEGISLATOR RHOADS: They're not.
9 Our program goes to everybody. Anyone
10 is eligible for it as long as they
11 demonstrate a need even if they make
12 \$500,000.

13 MR. DENION: Well, no. Again,
14 the presumption, legislator, the low to
15 moderate applies to only up to the
16 168,900. That's the 130 percent. So
17 anything above that requires an
18 individualized need. So low to
19 moderate is defined as 130 percent
20 which equals 168,900 so it doesn't go
21 up to the 500, and it caps out at
22 168,900.

23 LEGISLATOR RHOADS: I understand
24 what you're saying, but I just don't
25 agree. Us continuing the argument

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2 isn't helpful at this point.

3 MR. DENION: Right.

4 LEGISLATOR RHOADS: You can see,
5 Conal, wouldn't you, that if we based
6 our calculation of AMI based on low and
7 moderate income and communities who are
8 underserved, we would wind up with a
9 very different calculation of 168,900?

10 MR. DENION: They are both low to
11 moderate income. ARP says low to
12 moderate income gets a presumption and
13 it allows municipalities to define low
14 to moderate income based on local needs
15 which is what we've done.

16 The federal government in the
17 ECIP program defines low to moderate
18 income, comes up with a number. They
19 allow municipalities the flexibility
20 under ARP to define low to moderate.
21 We think we're on reasonable -- we've
22 used reasonable -- we're on a
23 reasonable basis here based on a state
24 law, similar state law program designed
25 to go to affordable low to moderate

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2 income housing, again, using this ECIP.
3 It's something we take
4 flexibility as a starting point, look
5 to examples and find ourselves we think
6 squarely within the intent and spirit
7 of the rule.

8 LEGISLATOR RHOADS: You also,
9 just to shift gears a little bit, and
10 I'm running towards the end here.
11 Counsel gives an opinion with respect
12 to whether the \$375 payment is subject
13 to federal income tax.

14 Am I permitted to read this
15 opinion?

16 MR. DENION: I'm not sure I
17 follow the question.

18 LEGISLATOR RHOADS: I mean, they
19 are pretty specific with respect to
20 their language.

21 They say, essentially, that we
22 don't believe that direct payments to
23 the county would be included in the
24 definition of income, but we don't want
25 you to tell anybody that.

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2 MR. DENION: I don't read their
3 opinion as to say that. I probably
4 read their opinion as saying that the
5 county has asked them for their legal
6 opinion on whether or not these
7 payments as proposed would be taxable
8 or includable in federal gross income.

9 They have done that and then they
10 of course, as any attorneys would, say
11 that their analysis is limited to the
12 question posed by the county. It
13 cannot be relied upon by an individual
14 or a taxpayer and they have to consult
15 of course their own legal or tax
16 counsel.

17 So they are answering a question
18 posed to them but of course they're not
19 giving tax advice, individualized tax
20 advice to anyone.

21 LEGISLATOR RHOADS: I guess the
22 larger question becomes, what are we
23 supposed to tell taxpayers, right?
24 Because this is a question ultimately
25 that we ask. We want there to be some

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2 definitive answer that we would be able
3 to tell our constituents.

4 I mean, first off, you're only
5 getting a \$375 check, but out of that
6 \$375 check, if it's taxable, you
7 probably only wind up with 240, \$250,
8 and in exchange for that 240 or \$250,
9 you have to submit to us your federal
10 tax return which we're going to take
11 into the county and we're going to pass
12 it to an outside vendor, pass it
13 through a couple of different
14 departments, but we promise we are
15 going to keep that information secure.

16 At the end of the day you are
17 going to get your 240, \$250. We can't
18 even make that representation.

19 We are going to tell taxpayers to
20 consult their own tax advisor before
21 they actually apply for their \$375
22 payment?

23 MR. DENION: Well, I can't advise
24 anyone who is not my client so I don't
25 know what you would want the County

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2 Attorney's Office to do. Obviously we
3 only can advise the county as to county
4 legal issues.

5 LEGISLATOR RHOADS: But we all
6 have constituents that are going to ask
7 us these questions, or have asked us
8 these questions. What are we supposed
9 to tell them?

10 MR. DENION: I think it's fair to
11 say that you have received an opinion
12 given to the County Legislature that
13 believes that they're not taxable, but
14 of course that opinion wasn't addressed
15 to them, they will have to seek their
16 own counsel.

17 But it's a fact that can be
18 stated that this opinion exists, but
19 it's not legal advice to them.

20 LEGISLATOR RHOADS: Do we know
21 whether anyone yet has spoken to the
22 treasury department itself as to the
23 legality of these direct payments?

24 MR. DENION: Of the county's
25 direct payments? Or direct payments in

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2 general?

3 LEGISLATOR RHOADS: No, no. The
4 proposal that's been advanced by county
5 and before us now, has anyone spoken
6 with the treasury department as to
7 whether what we are proposing, you're
8 proposing to do, what the county
9 executive is proposing to do, actually
10 meets their guidelines?

11 MR. DENION: I don't believe
12 anyone has spoken to the treasury about
13 this iteration of the program.

14 MR. SALLIE: So, however, though
15 if I may, the proposed program that's
16 being discussed today, was included in
17 the county's annual performance report,
18 ARP performance report that was
19 submitted to the treasury on August
20 31st which is a requirement. So it is
21 in our report.

22 LEGISLATOR RHOADS: So they have
23 it. Have you gotten any feedback?

24 MR. SALLIE: We have not.

25 LEGISLATOR RHOADS: You haven't

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2 heard anything, but you want to go
3 ahead with it away?

4 MR. SALLIE: Well, we are
5 required to report annually on our plan
6 and our expenditures, so we fulfilled
7 that requirement by submitting the
8 report.

9 The report includes narratives on
10 all of our existing and proposed
11 programs.

12 LEGISLATOR RHOADS: Here's my
13 concern. We don't have a great track
14 record. We've relied upon the
15 administration for information in the
16 past; largely when we've done that it's
17 turned into a dumpster fire.

18 With respect to the assessment,
19 we are told that we weren't going to
20 change the level of assessment. We
21 voted based upon that, six months later
22 an executive order was issued. Level
23 of assessment was changed.

24 Fees in the plan, the county had
25 to go to Albany twice to fix it.

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2 Yet still today I got a phone
3 call from a constituent wanting to know
4 why his home which has the same exact
5 assessed value as the person across the
6 street from him, why it is that he's
7 paying \$7,000 more in property taxes
8 when the home across the street from
9 him has the same exact value.

10 We've got \$700,000 properties
11 paying \$31,500 in property taxes, while
12 \$4 million properties get a tax bill
13 for zero. That's what the County
14 Executive's assessment has done.

15 We are told just last year to
16 justify \$1.4 billion in borrowing. We
17 are given a projection that we are
18 running a \$285 million deficit.

19 45 days later we're told we have
20 \$120 million surplus because the
21 estimates of revenue were off.

22 Today their estimates of sales
23 tax revenue are \$385 million wrong from
24 what we were told back then.

25 We have CARES Act money, \$98

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2 million in CARES Act money, based on
3 this supposed budget deficit that we
4 were told we had to use for salaries
5 and benefits when in fact we running a
6 surplus.

7 Every time you rely upon
8 information from the administration it
9 seems as though we all get burned in
10 the end.

11 So I want you to understand that
12 our questions about this are not
13 because we don't want to put money into
14 the pockets of taxpayers, we all want
15 to do that. It seems as though the
16 administration hasn't done their
17 homework and we want to make sure that
18 we do our homework because somebody has
19 to do it.

20 So, again, we're sitting here in
21 a process that started in May asking
22 some of the same questions over and
23 over again and not really getting
24 definitive answers as to how any of
25 this is going to work, or how if we

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2 issued these payments, even whether
3 it's six months from now, we're going
4 to be asking for money back from
5 taxpayers or have a \$100 million tax
6 bill that we're going to have to pay
7 back to the federal government.

8 I'm disappointed that we didn't
9 get more information today and still
10 replying upon things that we're hearing
11 for the first time, but also still
12 relying upon what appears to be
13 speculation from the administration.

14 I just wish that we could work
15 together to get these answers because I
16 think we're all trying to get to the
17 same place.

18 It's hard to do when we're faced
19 with uncertainty rather than certainty
20 from the administration that's asking
21 us to do it.

22 Thank you, Presiding Officer.

23 CHAIRMAN NICOLELLO: Thank you.
24 Just want to follow-up on a couple of
25 things. The terms of the agreement

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2 with KPMG, obviously they are on call.
3 Was there a specific agreement that was
4 negotiated with respect to their work
5 on this project?

6 MR. SALLIE: There is no separate
7 agreement. There is a scope of
8 services that is contained as part of a
9 task order that's consistent with their
10 contract.

11 There is a negotiation
12 essentially in the number of hours that
13 their hourly rates are set as part of
14 the contract that was approved by the
15 County Legislature.

16 CHAIRMAN NICOLELLO: This scope
17 of services is in the form of a tack
18 order you said?

19 MR. SALLIE: That's correct.

20 CHAIRMAN NICOLELLO: Conal, are
21 you still on?

22 MR. DENION: Yes, I'm here,
23 Presiding Officer.

24 CHAIRMAN NICOLELLO: Now, if we
25 were to rely on what your

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2 representation was, we'd be kind of
3 neglectful. You were asked whether or
4 not the tax returns would be subject to
5 foil and you said it was your
6 understanding. Then you got back on
7 and said no, county attorney says it
8 isn't.

9 Who did you speak to and what is
10 the basis of their opinion?

11 MR. DENION: I have a train of
12 emails with Paul Hertzfeld who is, as
13 you know, the bureau chief of legal
14 counsel, many many years of experience.
15 He has done some quick research, looked
16 up the law in some other relevant
17 aspects of the law, and has reported
18 back that it is not subject to foil.

19 CHAIRMAN NICOLELLO: Thank you,
20 Conal. Two weeks ago when we asked you
21 about the people who probably don't
22 have the wherewithal to use the portal.

23 You said in terms of what the
24 process would be that you could not
25 answer.

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2 This just reinforces to me, it
3 almost seems like an ad hoc operation.
4 Is there like a project management plan
5 or project plan that the administration
6 has?

7 MR. SALLIE: We do. This program
8 is obviously multifaceted. We have a
9 program for just HAP in terms of how
10 the applications are to be processed.
11 What that looks like from a technical,
12 again, review processing standpoint,
13 again, that's just one piece of our ARP
14 program.

15 We have a similar SOP for all of
16 the other ARP funds we're distributing,
17 so the grants, the loans, the technical
18 assistance. That's a completely
19 separate SOP that's been developed.

20 So to answer your question, yes,
21 we have an SOP for both HAP and the
22 other component of our ARP program.

23 But, Presiding Officer, yes, this
24 is a fluid process. This funding came
25 about in March and it's been very

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2 helpful but it also does require
3 standing up management arm that there's
4 really little precedent, good precedent
5 to utilize.

6 So, yes, it's not easy. It's
7 complicated but I think we're doing a
8 very good job to keep up with the
9 demands. We are trying to get this
10 money out to the public as I'm sure
11 those goals are aligned and making sure
12 that that funding stays on the street
13 and does not get -- stays on the
14 street, I'll leave it at that.

15 CHAIRMAN NICOLELLO: My
16 perspective is that you still have
17 things to provide to us, including, I
18 want to see the scope of services for
19 this task order.

20 I want to see a legal opinion
21 from the county attorney, not something
22 quick research, I want to see a legal
23 opinion on the foailability of the tax
24 returns. I want to see the project
25 plans for this, and I want to see the

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2 list of questions that submitted to
3 treasury that I asked for two weeks
4 ago. I want to see them by the end of
5 this week and then we will recalendar
6 this.

7 MR. SALLIE: Presiding Officer, I
8 have the questions with me today if you
9 like.

10 CHAIRMAN NICOLELLO: I'll provide
11 them to the clerk. Thank you. There
12 are not answered, correct?

13 MR. SALLIE: These are the
14 questions that were submitted.

15 CHAIRMAN NICOLELLO: Right.
16 Well, they testified last week they
17 were going to submit the questions but
18 there were no answers. I don't know if
19 you expect the questions to be
20 answered.

21 MR. SALLIE: We don't know.

22 LEGISLATOR RHOADS: It might also
23 be a benefit to having outside counsel
24 who gave us this opinion.

25 CHAIRMAN NICOLELLO: Here's the

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2 bottom line. Legislator Rhoads went
3 into this a little bit. We've been
4 burned repeatedly.

5 When things go off the rails, and
6 we are worried that this is going to
7 happen with this, the administration's
8 policy is to say call your Legislator.

9 We have to do our due diligence
10 to make sure -- as much as we can that
11 this is not a half baked plan, fluid,
12 that it's at least as finalized as it
13 can possibly be before we approve it.

14 I'll take a motion to table it.

15 LEGISLATOR ABRAHAMS: Presiding
16 Officer.

17 CHAIRMAN NICOLELLO: Yes, ask
18 your questions.

19 LEGISLATOR ABRAHAMS: It sounds
20 like we're going in the direction of
21 the tabling this tonight, Mr. Sallie.

22 I just want to ask you about time
23 frame. So if this is tabled say, for
24 example, to the next full leg meeting,
25 what's the time frame before -- how

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2 much lead time do you need before
3 people can start accessing the portal
4 and being able to start receiving their
5 checks?

6 MR. SALLIE: We just need a few
7 days to open up the portal after the
8 appropriation is approved and then
9 applications can start flowing in.

10 The Comptroller cannot review --
11 we wouldn't open up the portal without
12 appropriation and the comptroller
13 cannot review any of those applications
14 until they have legal authority to do
15 so and that would be in the form of the
16 appropriation.

17 So once the appropriation is
18 approved, again, it's a matter of days
19 in getting the portal open to the
20 public, but, again, that can't happen
21 without the appropriation being
22 approved.

23 LEGISLATOR ABRAHAMS: But
24 tonight, just to make sure we are
25 clear, it sounds like this is going to

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2 be tabled and this is going to be
3 delayed again.

4 So just to make sure everyone is
5 on the same page, by the action of this
6 being tabled tonight, it's not going to
7 be able to go forward for -- until the
8 next legislative meeting whether that's
9 a special meeting or recessed meeting
10 or anything along those lines? You
11 can't proceed without this Legislature
12 taking action?

13 MR. SALLIE: That's correct. We
14 would not open up a portal and start
15 accepting applications without the
16 appropriation being approved by this
17 legislative body and the comptroller
18 would not be able to start reviewing
19 applications without the legal
20 authority to do so.

21 LEGISLATOR ABRAHAMS: Is there a
22 cut off point on the back end of when
23 the feds required the money to spend
24 and utilized by?

25 MR. SALLIE: Funds need to be

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2 obligated by 2024 and fully spent by
3 2026.

4 LEGISLATOR ABRAHAMS: Just wanted
5 to get a time on that.

6 MR. SALLIE: In terms of the
7 42,000 lists of seniors LID, those are
8 ready to be approved by the comptroller
9 this week, again, they can't approve
10 until the appropriation. So they were
11 keyed up to be ready this week.

12 That information would get over
13 to the checking contractor to issue
14 checks. They are scheduled for issuing
15 checks is such that October 18th is a
16 critical date.

17 The vendor would -- the banking
18 vendor would need to have all the
19 information from the county to be able
20 to cut the checks prior to October
21 18th, that's a critical date for them.

22 LEGISLATOR ABRAHAMS: By October
23 18th?

24 CHAIRMAN NICOLELLO: Yes, ask
25 your questions.

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2 MR. SALLIE: Correct.

3 LEGISLATOR ABRAHAMS: Today is
4 September 27th. This Legislature would
5 need to take action by no later than --
6 can you say that part again?

7 MR. SALLIE: Sure. So we are
8 working backwards from that date
9 because the banking vendor needs to
10 have the spreadsheet of names on that
11 42,000 senior list. They need to have
12 that in hand prior to the 18th.

13 In order to get it to the banking
14 vendor it needs to be approved by the
15 comptroller, so there is some time to
16 bake in there for comptroller approval.

17 So as we inch towards the 18th,
18 it just gets more critical that we
19 button the approval process so that the
20 banking vendor can cut the checks by
21 the 18th.

22 LEGISLATOR ABRAHAMS: I mean, it
23 just seems to me -- I know the
24 direction we are going in. I know how
25 the vote is going to take place.

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2 It just seems to me a little
3 cruel and harsh. Spent a lot of time,
4 we all spent a lot of time advocating
5 for our residents and here we are we
6 have an opportunity to help them.
7 We're going to delay the vote even
8 longer.

9 I just want to be clear, a table
10 action, just so everybody understands
11 the terminology, a table action; those
12 that vote for a table action are voting
13 to delay this payment once again to
14 their residents, correct?

15 MR. SALLIE: We are up against a
16 deadline to get those 42,000.

17 LEGISLATOR ABRAHAMS: You are
18 being nice about it but I appreciate
19 it.

20 CHAIRMAN NICOLELLO: Legislator
21 Ford and Gaylor.

22 LEGISLATOR FORD: Sean, ever
23 since this program was announced, the
24 County Executive had a press conference
25 way back when, and it was a different

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2 program, the way they were going to
3 allocate and now that changed, since
4 that first time, I have asked if these
5 payments were taxable or not. Okay?

6 You weren't involved in the first
7 one. Newsday had indicated in their
8 article that they would be taxed. So
9 somebody who would be receiving \$375,
10 would actually only realize \$250. It's
11 a simple question. Newsday had an
12 answer.

13 Even two weeks ago when we talked
14 about it, I had asked if you reached
15 out to the treasury department, it was
16 indicated that somebody in the
17 administration did.

18 I had asked if I could get a copy
19 of the correspondence with the treasury
20 department as to whether or not these
21 payments were taxable or not, and I
22 haven't received that documentation.

23 So when I understand the concern,
24 I don't want to hold -- I do not want
25 people to be hurt. They're waiting for

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2 this \$375, but I really feel that we do
3 ask these questions and I think in a
4 timely manner.

5 I didn't ask two weeks ago this
6 question. It has been something I have
7 asked consistently.

8 I find just to get a simple
9 answer before we send something out
10 because, as the Presiding Officer has
11 indicated, whenever there is a problem
12 with any of these programs, I always --
13 the people are directed by constituent
14 services to call your Legislator about
15 it.

16 Then I have to, they'll say to
17 me, why am I being taxed? How come you
18 didn't know before that? You know what
19 I'm saying?

20 So I would like to know, did
21 anybody reach out to the treasury
22 department specifically on this one
23 issue, and why, if they haven't, why
24 didn't they? That's what I want to
25 know.

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2 MR. SALLIE: I know that the
3 comments on the interim final rule,
4 comments to the treasury due back in
5 July, that question has been asked by
6 NACO, the National Association of
7 Counties. That was an explicit
8 question that was posed.

9 I do not believe -- Nassau County
10 asked that same question as part of the
11 interim rule comment period, but I am
12 certain that NACO issued that comment
13 to the treasury.

14 So whether the county on its own
15 behalf submits or NACO or anyone else,
16 they all go into the same comment
17 bucket essentially.

18 So the treasury whether they
19 choose to answer that question in what
20 will hopefully be a final rule, we
21 don't know whether that will happen,
22 but we do know that question has been
23 asked of the treasury.

24 LEGISLATOR FORD: Great. And I'm
25 not going to put you on the spot

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2 because you weren't involved with the
3 original thing, 375 STAR application,
4 but did anyone from the county decide
5 to call Newsday and ask them how did
6 they get the information that they
7 perceived this to be taxable? The way
8 they stated it in the story it seemed
9 like they knew. They knew that it was
10 going to be taxed.

11 Did anybody reach out to whoever,
12 the author of that article was to say,
13 how did you find out about that it was
14 going to be taxable or not?

15 This is what I'm saying. I like
16 this -- I mean, I hate to delay it, but
17 I really think if we have these
18 questions we need to get them answered
19 in a timely fashion and it is terrible
20 on the part of the federal government
21 on questions that are so important for
22 so many people to be able to get these
23 payments, and get this relief, a little
24 more timely in their responses. Not
25 you. You have been doing very well.

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2 Thank you.

3 CHAIRMAN NICOLELLO: Legislator
4 Gaylor, still have a question?

5 LEGISLATOR GAYLOR: Very briefly.
6 Thank you, Presiding Officer. Thank
7 you Mr. Sallie. Your presentation
8 tonight was very informative. You've
9 weathered it really well, the
10 questions, so thank you.

11 Legislator Rhoads asked or
12 requested that the outside counsel be
13 available at the next meeting.

14 When I look at the letter from
15 Barnes and Thornberg, what immediately
16 strikes me as interesting is that the
17 attorney that drafted this opinion
18 comes from Indianapolis and not
19 connected to Nassau County or New York
20 in any way, shape, or form.

21 Did we have an opportunity, the
22 county, obtain another opinion from
23 another law firm before going all the
24 way out to Indianapolis to get
25 Mr. Germin's opinion?

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2 MR. DENION: This is Conal
3 Denion, legislator. What the county
4 did was procure through the county's
5 ARP consultant, Arduro or CG3PL, also
6 goes by that name, and they did a
7 process, did an RFP, and received
8 responses and vetted those responses
9 and the county also signed off on the
10 selection of Barnes and Thornberg.

11 This is Federal Law so whether
12 they're from Indiana or -- they also
13 have offices in Chicago and I believe a
14 New York office, all throughout the
15 country.

16 So being federal law, I don't
17 think it makes that much of a
18 difference.

19 LEGISLATOR GAYLOR: So based on
20 that, that makes sense, it begs the
21 question of, did we receive or reject
22 any other office or opinions from,
23 anyone else?

24 MR. DENION: No.

25 LEGISLATOR GAYLOR: Because I

1 Full Legislature/9-27-21
2 looked up Jacob Germin, Esquire on the
3 firm's web page. He only recently
4 graduated law school. It doesn't list
5 his credentials as a tax attorney.

6 MR. DENION: There was a team we
7 worked with, a partner who was
8 involved, Kevin Driscoll, in the
9 Chicago office, but there were a number
10 of other attorneys, Veronica Schlive,
11 and Dustin Meeks. And Dustin Meeks I
12 believe is the tax attorney.

13 So I think they used the team
14 approach and I'm not sure why Jacob
15 signed it, but that's up to the firm
16 who signs their letters but certainly
17 it's on the firm's letterhead and the
18 firm obviously stands behind it and it
19 was a team approach by the firm.

20 LEGISLATOR GAYLOR: Do you think
21 you can have him answer questions when
22 we reconvene?

23 MR. DENION: We actually had
24 people that could have been available
25 today, earlier in the day, but next

1 Full Legislature/9-27-21
2 time if you would like, whoever is
3 appropriate from the firm, we could
4 have them available, sure.

5 LEGISLATOR GAYLOR: Sure.
6 Because I found it interesting in
7 paragraph seven, it says in the event
8 you don't want to provide your tax
9 return, it's in the county's discretion
10 to use whatever records it wants to
11 use.

12 What are those other records the
13 county would accept?

14 I think on the proposition for
15 Election Day there's a proposition
16 where we can walk into a pole, register
17 the same day without ID and vote.

18 What does the county got planned
19 in the event of I don't want to give my
20 income tax return to you.

21 MS. HORST: Legislator, if you
22 would like, if you want to take a few
23 minutes for a break, we can try and get
24 outside counsel back on the line. They
25 were on earlier.

1 Full Legislature/9-27-21

2 LEGISLATOR GAYLOR: That's fine.
3 It looks like we are going to reconvene
4 this anyway.

5 MS. HORST: Okay. I just wanted
6 to offer this to you today.

7 LEGISLATOR GAYLOR: I appreciate
8 it. But my other question regarding
9 tax returns, Mr. Sallie, in the absence
10 of a tax return, what is the county
11 prepared to accept so that we can
12 inform our constituents, you don't need
13 to bring your tax return. You just
14 need to bring an affidavit that's
15 notarized. You can verbally tell the
16 person on the phone who takes your
17 intake information from the third party
18 vendor KPMG. What is the guidance from
19 the county to our constituents?

20 MR. SALLIE: Legislator, our
21 intention is not to accept proof of
22 income from sources other than the
23 1040.

24 The only exception to that is
25 where you make up to an amount where

1 Full Legislature/9-27-21
2 you do not need to file a 1040. Then
3 there are other documents that you can
4 submit to prove your income, benefits,
5 receipts, so on and so forth.

6 For those who are required to
7 file a 1040, our intention is to only
8 require and permit the filing of a
9 1040. I think from a programmatic
10 standpoint, to have different forms of
11 proof, will slow down the review
12 process.

13 There will be more opportunities
14 for things that we do not want to see
15 and so, again, we're only requiring
16 1040s unless you make under what is
17 required to file a 1040.

18 LEGISLATOR GAYLOR: So if I
19 decide not to file a 1040 or tax return
20 with the county then I'm automatically
21 rejected is what you're saying?

22 MR. SALLIE: Right. If it's
23 asking for proof of income, if you do
24 receive a 1040 and you do not wish to
25 submit it, that is going to be an

1 Full Legislature/9-27-21
2 issue.

3 LEGISLATOR GAYLOR: Even though
4 the interim guidance clearly states
5 that you can verify income under
6 Department of Treasury rules by
7 different means?

8 MR. SALLIE: Our policy at this
9 time is to only allow 1040s.

10 LEGISLATOR GAYLOR: I think you
11 are excluding a large group of
12 population here in Nassau County, a
13 county with 1.4 million folks. That's
14 something that we will come back to
15 when we reconvene.

16 The last and final question that
17 I have is, besides failing to produce a
18 1040 or tax return 1040, or W-2
19 whatever else you want to take, give me
20 an example of an instance where someone
21 else would be rejected besides the
22 income threshold?

23 I want to understand how somebody
24 would be rejected due to the
25 proportionality of the harm. It sounds

1 Full Legislature/9-27-21
2 like everybody automatically qualifies
3 the way you describe it. Just send in
4 a tax return which the county will keep
5 for five years somewhere in a portal in
6 IT world or comptroller's world where
7 we know gets hacked routinely, or has
8 in the past.

9 Because it's without an assurance
10 of safeguards from the IT folks,
11 because no one from IT has testified to
12 this, what the security measures are,
13 taken to safeguard this very personal
14 information.

15 But go ahead and give me an
16 example of how somebody would be
17 rejected from getting this check or is
18 the answer simply, nobody gets
19 rejected.

20 MR. SALLIE: Right. If you make
21 over 168,900 and under \$500,000, and
22 that's demonstrated on your tax return,
23 so that checks out, in that case you
24 will need to demonstrate economic harm.
25 There is a list of documents that you

1 Full Legislature/9-27-21
2 can submit that justifies, documents
3 economic harm. Receipt of funeral
4 costs, 2020-2021 unemployment benefits
5 receipt, social services program
6 receipt, mortgage statement showing
7 missed payment, utility payment showing
8 arrears, conviction notice so on and so
9 forth.

10 LEGISLATOR GAYLOR: I understand.
11 But if I'm a senior and I don't file
12 tax returns because I get a small
13 little pittance of income from social
14 security, I don't get the 375 anyway.
15 That's why I'm going there.

16 There are certain people that
17 don't file tax returns just because
18 their income never gets up. The
19 accountant says, you don't have to file
20 a tax return.

21 MR. SALLIE: Exactly. I
22 mentioned that earlier. I probably
23 wasn't clear enough. Right. If you
24 make under the threshold for filing,
25 you would be able to provide

1 Full Legislature/9-27-21
2 justification or documentation that you
3 make up to that limit.

4 So whether it's a social services
5 benefit or other proof of a benefit or
6 otherwise, that will be accepted; if
7 you make under that threshold for
8 filing a 1040.

9 LEGISLATOR GAYLOR: Thank you. I
10 have no further questions.

11 CHAIRMAN NICOLELLO: Anyone else?
12 Legislator Ferretti.

13 LEGISLATOR FERRETTI: Presiding
14 Officer, you made some points earlier
15 about why this item needs further
16 thought. I think the one that you
17 brought up that really sticks in my
18 mind is the foil question.

19 The fact that that response was
20 not immediate. The fact that it seems
21 like it was not even ever contemplated,
22 it seems to me, I think you're right
23 that we need an opinion from the county
24 attorney at the very least, it's our
25 responsibility to safe guard this

1 Full Legislature/9-27-21
2 personal information especially in
3 light of the increase in fraud that
4 we're seeing in stammers. So as a
5 result of that I'm making a motion to
6 table the item.

7 CHAIRMAN NICOLELLO: Do we have a
8 second.

9 LEGISLATOR RHOADS: Second.

10 CHAIRMAN NICOLELLO: Seconded by
11 Legislator Rhoads.

12 All those in favor of tabling
13 signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 That passes by a vote of ten to
18 eight.

19 MR. SALLIE: Presiding Officer,
20 may I just ask a question of Legislator
21 Rhoads?

22 CHAIRMAN NICOLELLO: Absolutely.

23 MR. SALLE: Legislator Rhoads,
24 you asked about the number of grants
25 that have been processed. We've

1 Full Legislature/9-27-21
2 processed and approved 200 of the grant
3 applications using ARP funds.

4 So I just wanted to make sure I
5 provided you with that information.

6 LEGISLATOR RHOADS: Just for
7 clarification you told me only 100
8 applications have been filed.

9 MR. SALLIE: I said please do not
10 quote me on that. I'm going to get the
11 answer.

12 LEGISLATOR RHOADS: How many have
13 applied, how many have we processed?

14 CHAIRMAN NICOLELLO: You can get
15 that to us.

16 Moving to Item 35, a resolution
17 authorizing the County Executive to
18 execute an agreement with Pedal Share
19 Inc., and agreements with
20 municipalities located within the
21 county in relation to the county's bike
22 share program.

23 LEGISLATOR DRUCKER: So moved.

24 LEGISLATOR SCHAEFER: Second.

25 CHAIRMAN NICOLELLO: Moved by

1 Full Legislature/9-27-21

2 Legislator Drucker seconded by
3 Legislator Schaefer.

4 We need an amendment in the
5 nature of a substitution.

6 LEGISLATOR KENNEDY: So moved.

7 CHAIRMAN NICOLELLO: Legislator
8 Kennedy makes an amendment which will
9 remove the Massapequa Preserve from the
10 list of bike stations located for phase
11 one of the bike share program.

12 LEGISLATOR RHOADS: Second.

13 CHAIRMAN NICOLELLO: Seconded by
14 Legislator Rhoads.

15 Any debate or discussion on the
16 amendment?

17 (No verbal response.)

18 All those in favor of the
19 amendment signify by saying aye.

20 (Aye.)

21 Those opposed?

22 (No verbal response.)

23 The amendment passes. Now for
24 the amended item.

25 All in favor signify by saying

1 Full Legislature/9-27-21

2 aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 Item 37. Legislator Bynoe is
8 going to recuse herself and will not be
9 participating in any debate or
10 discussion and is leaving the chambers.

11 That is Resolution number 150, a
12 Resolution authorizing the acting
13 county attorney to compromise and
14 settle the claims of plaintiff as set
15 forth in the action entitled Baker
16 versus the County of Nassau.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR BIRNBAUM: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Walker, seconded by
21 Legislator Birnbaum. Do we have any
22 debate or discussion?

23 (No verbal response.)

24 All those in favor signify by
25 saying aye.

1 Full Legislature/9-27-21

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Carries unanimously. Invite

6 Legislator Bynoe back in.

7 We have a number of recusals for

8 Legislator Drucker.

9 66, 67, 68 and that's it. Let
10 the record reflect that Legislator
11 Drucker is leaving the chambers and
12 will not be participating in any debate
13 or discussion or vote.

14 66 is a Resolution authorizing
15 the release of surety bond and escrow
16 deposit covering improvements on the
17 "map of county pointe-condominium I." ; .

18 67 is a Resolution authorizing
19 the release of surety bond and escrow
20 deposit covering improvements on the
21 "map of county pointe-condominium V." ; .

22 There's a mistake that should be
23 Country Point I and Country Pointe
24 Condominium V ;

25 68, a Resolution authorizing the

1 Full Legislature/9-27-21
2 release of surety bond and escrow
3 deposit covering improvements on the
4 "map of country pointe-condominium II,
5 situated in Old Bethpage.

6 Any debate or discussion?

7 (No verbal response.)

8 Hearing none, all in favor
9 signify by saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Carries unanimously.

14 Invite Legislator Drucker back
15 in.

16 69, a resolution prohibiting
17 Nassau County elected officials from
18 postmarking or causing to be mailed
19 mass mailings prior to an election.

20 LEGISLATOR WALKER: So moved.

21 LEGISLATOR RHOADS: Second.

22 CHAIRMAN NICOLELLO: Moved by
23 Legislator Walker, seconded by
24 Legislator Rhoads for the record, they
25 moved.

1 Full Legislature/9-27-21

2 69 is a Resolution prohibiting
3 Nassau County elected officials from
4 postmarking or causing to be mailed
5 mass mailings prior to an election.

6 LEGISLATOR FORD: So moved.

7 LEGISLATOR GAYLOR: Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Legislator Ford, seconded by Legislator
10 Gaylor. Legislator DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Maybe we can get an amendment just in
13 case there was an instance like
14 Hurricane Irma remnants where there was
15 a natural disaster during this time.

16 Because there is FEMA information
17 out there, and we tried to do a mailing
18 in my district and I was denied.

19 So I don't know if you guys would
20 consider that just in case of a
21 national disaster we are committed to
22 do mailings.

23 CHAIRMAN NICOLELLO: And that's a
24 very good point. Here's the thing.

25 I don't believe it prohibits an

1 Full Legislature/9-27-21
2 administration from sending mail out.
3 You guys are county officials.

4 LEGISLATOR DERIGGI-WHITTON: It
5 did. Supposedly they said that because
6 it's not like an event, like we had a
7 tax workshop, you can do it for the
8 event, like the workshop, but we can't
9 do it in the case of a natural
10 disaster. I just hope we can somehow
11 add that, especially since it just
12 happened.

13 CHAIRMAN NICOLELLO: It's my
14 intention to call a meeting later this
15 week to consider the fees, so why don't
16 we -- what we will do is table this and
17 make whatever changes we need to make
18 and then we will do it by emergency on
19 Friday.

20 LEGISLATOR GAYLOR: Should we
21 gather a little information what
22 specifically the Legislature is asking
23 because if there is a natural disaster
24 then we are reacting to the natural
25 disaster itself, not putting out a

1 Full Legislature/9-27-21
2 flyer about an impending natural
3 disaster.

4 If you're putting out a flyer
5 that talks about different sources of
6 money should something happen, I don't
7 know if that's within the spirit of
8 what we're trying to do.

9 CHAIRMAN NICOLELLO: It's not
10 within the spirit but I think the only
11 exceptions are for mailings listing an
12 event.

13 LEGISLATOR DERIGGI-WHITTON: Like,
14 for instance, right now, my
15 constituents are eligible for FEMA
16 payments and it's really been difficult
17 to get that word out. Honestly we did
18 social media, went door to door. A
19 mailing would really be very helpful
20 right now. We needed them to contact
21 FEMA because it was a time we had to
22 qualify.

23 CHAIRMAN NICOLELLO: That's fine.
24 We will work out the language your
25 counsel, we'll speak with our counsel.

1 Full Legislature/9-27-21

2 We'll do it by emergency.

3 Need a motion to table.

4 LEGISLATOR DERIGGI-WHITTON: So
5 moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: All in favor
8 of tabling signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 Carries unanimously.

13 72 is Resolution to prohibit the
14 inclusion of the name, likeness, or
15 title of an elected official on any
16 check, direct payment, or cash
17 transfer, or any envelope,
18 correspondence or mailing accompanying
19 the same, to homeowners distributed by
20 Nassau County pursuant to the American
21 Rescue Plan Act.

22 LEGISLATOR GAYLOR: So moved.

23 LEGISLATOR FERRETTI: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Gaylor, seconded by

1 Full Legislature/9-27-21

2 Legislator Ferretti.

3 Any debate or discussion on this
4 one?

5 LEGISLATOR ABRAHAMS: Seems to be
6 a very specific piece of legislation,
7 sounds like it can be tied to the ARP
8 funds that we're talking about in the
9 County Executive's proposal. I'm not
10 too sure why we would consider this if
11 potentially you guys won't support the
12 \$375.

13 CHAIRMAN NICOLELLO: Actually, we
14 haven't ruled it out.

15 LEGISLATOR ABRAHAMS: We will do
16 it the same day. Why would we do it
17 today?

18 CHAIRMAN NICOLELLO: I would like
19 to see it get signed before we move on.
20 Let's be honest, President Trump sent
21 out checks with his name on them,
22 President Biden sends out checks with
23 his name on them. I think that's
24 unnecessary.

25 Any further debate or discussion?

1 Full Legislature/9-27-21

2 (No verbal response.)

3 Hearing none, all in favor
4 signify any saying aye.

5 (Aye.)

6 Those opposed?

7 (No verbal response.)

8 That's it for the main calendar.

9 LEGISLATOR GAYLOR: Going back to
10 FEMA and so the Legislator is asking
11 about hurricane FEMA, that falls under
12 the preexisting rules, not this
13 proposed legislation that's going to
14 affect the rest of the county.

15 We had already mandated. We have
16 to amend the existing laws that affects
17 us which is a separate piece of
18 legislation that's not before the body
19 right now than this piece that we are
20 looking at right now, right?

21 CHAIRMAN NICOLELLO: Well, ours
22 is in our rules of procedures.

23 LEGISLATOR GAYLOR: Right. And
24 that's where she has an issue.

25 LEGISLATOR DERIGGI-WHITTON: This

1 Full Legislature/9-27-21
2 one says, the only exception is for an
3 event.

4 LEGISLATOR GAYLOR: This is only
5 directed towards the other countywide
6 officials, like the County Executive,
7 the DA, the comptroller. It's not for
8 you.

9 LEGISLATOR DERIGGI-WHITTON: But
10 I was told I couldn't send out this
11 flyer.

12 LEGISLATOR GAYLOR: I'm not
13 disputing that fact. You probably
14 should be able to send it out. I don't
15 think this is the legislation that
16 dictates what's you can and can't send
17 out. We fall under preexisting rules,
18 regulations or legislation. That's
19 what I'm saying. So what's before us
20 on this bill wouldn't affect you.

21 CHAIRMAN NICOLELLO: We'll take
22 it up on Friday but basically the point
23 is the same, if the County Executive,
24 if there is a major emergency the
25 County Executive wants to send

1 Full Legislature/9-27-21
2 literature, I have no problem with
3 that.

4 LEGISLATOR GAYLOR: I don't
5 either. Nor do I have any issues with
6 Legislator DeRiggi-Whitton to send
7 something out FEMA related.

8 I'm just thinking procedurally,
9 just like we didn't have the 11 days,
10 14 days procedurally before,
11 procedurally we have to bring it up
12 under the right rule, regulation, or
13 law to effect change to affect
14 legislators.

15 LEGISLATOR DERIGGI-WHITTON: So
16 we may have to change both.

17 CHAIRMAN NICOLELLO: We can do
18 that on Friday as well change the rules
19 of procedure so they're consistent.

20 We do have an emergency calendar.
21 The first item, I'll call the
22 emergency.

23 348 of 2021 is a Resolution to
24 honor the rescue and recovery workers
25 that worked at or near Ground Zero in

1 Full Legislature/9-27-21
2 the aftermath of the September 11, 2001
3 terror attacks and have succumbed to a
4 9/11 related illness.

5 Motion to establish the
6 emergency.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR SCHAEFER: Second.

9 CHAIRMAN NICOLELLO: Moved by
10 Legislator Walker, seconded by
11 Legislator Schaefer.

12 All in favor of establishing the
13 emergency signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 The emergency is established.

18 We have an amendment that was
19 time stamped today at 1:30 p.m. which
20 will add several additional
21 organizations to the ones who will --
22 the committee who will be selecting the
23 names that will go on this memorial;
24 specifically the Nassau County Fire
25 Chiefs Council, Fire Marshal's Office,

1 Full Legislature/9-27-21
2 the Fire Commission, and there was -- I
3 forget the full name, Regional
4 Emergency Medical -- obviously we
5 wanted fire representatives on this
6 committee.

7 Do I have to make a motion to
8 amend or no? The time stamp is
9 September 27th of 2021.

10 Any debate or discussion on this
11 item?

12 (No verbal response.)

13 No. We need a motion for the
14 item itself.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Walker, Legislator Ford
19 seconds it.

20 All in favor of the item signify
21 by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 Carries unanimously. That was my

1 Full Legislature/9-27-21
2 question, so it was filed and time
3 stamped so we did not need a separate
4 amendment here.

5 We have the tax warrants, et
6 cetera. I would request the consent of
7 the minority to avoid the reading of
8 these several items.

9 With your consent we will avoid
10 the reading and ask for the emergency
11 on Items 356, 357, 358, 359, 360, 361.

12 LEGISLATOR ABRAHAMS: So moved.

13 LEGISLATOR DRUCKER: Second.

14 CHAIRMAN NICOLELLO: Minority
15 Leader Abrahams makes a motion to
16 establish the emergency, seconded by
17 Legislator Drucker.

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

20 (Aye.)

21 Those opposed?

22 (No verbal response.)

23 The emergency is established.

24 Now we need a motion on the
25 items, again, 356, 357, 358, 359, 360,

1 Full Legislature/9-27-21

2 361.

3 LEGISLATOR FORD: So moved.

4 LEGISLATOR BYNOE: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Ford, seconded by Legislator
7 Bynoe. It's before us.

8 Step up just confirm what we are
9 doing here. We do it every year.

10 MR. MILES: Deputy Assessor
11 Robert Miles. We're here to pass three
12 tax warrants for the towns, the time
13 and date resolution, the base and
14 adjusted base proportions, and the
15 statement of total valuations. This is
16 needed so our town receivers can submit
17 bills to the taxpayers for school tax
18 payments.

19 CHAIRMAN NICOLELLO: First of
20 all, thank you for your patience with
21 waiting all day.

22 MR. MILES: That's okay.

23 CHAIRMAN NICOLELLO: So when we
24 pass this in a moment, and we will, the
25 next step is that the material gets

1 Full Legislature/9-27-21
2 transmitted to the receivers of taxes?

3 MR. MILES: First it will be
4 signed. The tax warrants have to be
5 signed by the county executive and Mr.
6 Pulitzer will have to certify.

7 CHAIRMAN NICOLELLO: Then when
8 Mr. Pulitzer certifies them, who
9 transmits the information to the
10 receivers?

11 MR. MILES: The assessor.

12 CHAIRMAN NICOLELLO: Any reason
13 why that couldn't be done assuming that
14 it's signed and Mr. Pulitzer certifies
15 it, that it couldn't be done by October
16 1st?

17 MR. MILES: Yes, it will be done
18 by October 1st, absolutely.

19 CHAIRMAN NICOLELLO: Thank you
20 very much. Any other questions for
21 Mr. Miles?

22 LEGISLATOR RHOADS: With respect
23 to the multiple corrections that had to
24 be made to the tax roll after last
25 year's bills went out, do we know if

1 Full Legislature/9-27-21
2 these corrections carried over? Like,
3 are we confident?

4 MR. MILES: What I'm aware of,
5 yes.

6 LEGISLATOR RHOADS: What does
7 that mean, as far as you know?

8 MR. MILES: Like I said, it was
9 really an issue with the programing.
10 So the issue has been fixed so you
11 won't be seeing that moving forward.

12 LEGISLATOR RHOADS: Thank you.

13 CHAIRMAN NICOLELLO: Seeing no
14 other questions, all in favor signify
15 by saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 Carries unanimously.

20 I'm going to put this meeting
21 into recess.

22 (Whereupon, the Full Legislative
23 Committee recessed at 8:35 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 27th day of September, 2021.

FRANK GRAY