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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 RULES COMMITTEE

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13 LEGISLATOR RICHARD NICOLELLO

14 CHAIR

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16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 Monday, April 11, 2022

23 1:14 P.M.

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

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4 LEGISLATOR RICHARD NICOLELLO

5 Chair

6

7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

9

10 LEGISLATOR STEVEN RHOADS

11

12 LEGISLATOR LAURA SCHAEFER

13

14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

16

17 LEGISLATOR DELIA DERIGGI-WHITTON

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19 LEGISLATOR SIELA BYNOE

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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

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PRESIDING OFFICER

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FINANCE COMMITTEE

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LEGISLATOR HOWARD KOPEL

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CHAIR

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

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4 LEGISLATOR HOWARD KOPEL

5 Chair

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7 LEGISLATOR JOHN FERRETTI

8 Vice Chair

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10 LEGISLATOR TOM MCKEVITT

11

12 LEGISLATOR ROSE MARIE WALKER

13

14 LEGISLATOR ARNOLD DRUCKER

15 Ranking member

16

17 LEGISLATOR CARRIE SOLAGES

18

19 LEGISLATOR JOSHUA LAFAZAN

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2 LEGISLATOR NICOLELLO: Calling
3 the Rules Committee to order and asking Legislator
4 Rose Walker to lead us in the Pledge of
5 Allegiance.

6 So, what we are going to do is call
7 the LIPA settlement first and it's before the
8 Rules Committee and Finance Committee today.
9 So, we're going to call both committees at
10 once so they will be both in session in
11 considering the item and any other legislator
12 who is not on either of those committees is
13 invited to participate. Anyone who's here
14 obviously will have an opportunity to ask
15 questions make comments or whatever.

16 Mike, would you call the roll for
17 the Rules Committee.

18 MR. PULITZER: Thank you
19 presiding officer. Rules Committee role
20 call. Legislator Siela Bynoe.

21 LEGISLATOR BYNOE: Here.

22 MR. PULITZER: Legislator Delia
23 DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON:
25 Here.

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2 MR. PULITZER: Ranking Member

3 Kevan Abrahams.

4 LEGISLATOR ABRAHAMS: Here.

5 MR. PULITZER: Legislator Laura

6 Schaefer.

7 LEGISLATOR SCHAEFER: Here.

8 MR. PULITZER: Legislator Steven

9 Rhoads.

10 LEGISLATOR RHOADS: Present.

11 MR. PULITZER: Vice Chairman

12 Howard Kopel.

13 LEGISLATOR KOPEL: Here.

14 MR. PULITZER: Chairman Richard

15 Nicoletto.

16 LEGISLATOR NICOLELLO: Here.

17 MR. PULITZER: We have a quorum

18 for the Rules Committee and I shall proceed to

19 Finance. Roll call for the Finance

20 Committee. Legislator Joshua Lafazan.

21 LEGISLATOR LAFAZAN: Here.

22 MR. PULITZER: Legislator Carrie

23 Solages.

24 LEGISLATOR SOLAGES: Here.

25 MR. PULITZER: Ranking Member

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2 Arnold Drucker.

3 LEGISLATOR DRUCKER: Here.

4 MR. PULITZER: Legislator Rose
5 Marie Walker.

6 LEGISLATOR WALKER: Here.

7 MR. PULITZER: Legislator Thomas
8 McKevitt.

9 LEGISLATOR MCKEVITT: Here.

10 MR. PULITZER: Vice Chairman John
11 Ferretti.

12 LEGISLATOR FERRETTI: Here.

13 MR. PULITZER: Chairman Howard
14 Kopel.

15 LEGISLATOR KOPEL: Here.

16 MR. PULITZER: We have a quorum
17 for both sir.

18 LEGISLATOR NICOLELLO: I will
19 call the item in Rules and then I'll have
20 deputy presiding officer call it in Finance.
21 Item 104 of 2022, a resolution authorizing the
22 county attorney to compromise and settle the
23 claims of petitioner, Long Island Lighting
24 Company, doing business as LIPA, a
25 wholly-owned subsidiary of the Long Island

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2 Power Authority, a corporate municipal
3 instrumentality of the state of New York,
4 organized and existing pursuant to the Public
5 Authorities Law of New York pursuant to the
6 county law, county government law of Nassau
7 County and the Nassau County administrative
8 code.

9 That item is moved by Legislator
10 Rhoads. Seconded by Deputy Presiding Officer
11 Kopel. So it's before us.

12 LEGISLATOR KOPEL: And the
13 Finance Committee I'm going to call the same
14 item, which is item 104 of '22 authorizing the
15 settlement of Long Island Lighting Company.
16 And that item is moved by Mr. Ferretti and
17 seconded by Mr. Drucker.

18 LEGISLATOR NICOLELLO: The item
19 is before us and we invite the administration
20 up to make the presentation.

21 MR. VINCELETTE: I'm Dan
22 Vincelette. I'm special counsel to Nassau
23 County in the tax certiorari litigation that
24 was commenced by the Long Island Power
25 Authority challenging the assessed values at

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2 the E.F. Barrett and Glenwood Landing plant.

3 There is a tentative settlement in
4 principal between the county and LIPA and
5 National Grid. Under the terms of the
6 settlement the settlement will minimize
7 liability to the county, reduce the liability
8 that would have otherwise have been incurred
9 had this matter gone to trial. The matter is
10 scheduled for trial May 31, 2022 in Nassau
11 County Supreme Court.

12 Under the terms of the settlement
13 it will establish a payment period going
14 forward with a definite payment from LIPA.
15 The details of this settlement we will discuss
16 in executive session as it is pending
17 litigation.

18 LEGISLATOR NICOLELLO: You can't
19 discuss any of the details of the settlement
20 in public?

21 MR. VINCELETTE: Not at this
22 time.

23 LEGISLATOR NICOLELLO: I will
24 invite up -- all right. Thank you. Senator
25 Al D'Amato. Good to have you here. Senator,

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2 thank you for joining us.

3 MR. D'AMATO: Thank you very
4 much. Nice to be here. See so many old
5 friends and new friends. I'm somewhat taken
6 back. I'm taken back that you're supposed to,
7 as a legislative body, decide whether or not
8 to move this matter forward and the details
9 are not to be revealed. I had a little
10 prepared remark and said that the town is
11 entering this litigation. They filed papers.
12 And I know that the Village of Island Park,
13 because I am one of their co-counsels, will be
14 submitting papers to the court to look at what
15 has transpired. And what has transpired is
16 evidenced today by this oh, we can't reveal
17 the details. Then how can you approve putting
18 this matter on for decision if they can't
19 explain the details? What the heck is the
20 secret? Because we have so many lovely women
21 here I didn't say what the hell is the
22 secret. Supposed to be humorous.

23 But what is it? What's the
24 secret. Is the secret that if you get your
25 proposal the way you put forward you crucify a

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2 working, middle class community of Island Park
3 where I grew up and spent 60 plus years of my
4 life there? I don't live there now but I have
5 compassion for those people. And I'm not
6 charging them a penny to represent them.

7 This is incredible. Oh, we worked
8 out a deal, the back room deal, and that's
9 what it is. And by the way, if the deal holds
10 the county harmless wonderful. But don't
11 forget the 10,000 people approximately in
12 Harbor Isle, Barnum Isle, the Village of
13 Island Park and a small segment of Oceanside
14 and the village, a working class community,
15 the economics compared to that of Uniondale.
16 Hard working people trying to keep their
17 home. School tax will rise from approximately
18 \$4,500 a year to \$9,000. But we're going to
19 keep the details secret. Incredible. What
20 the hell kind of public hearing is this? Keep
21 the details. When will we tell you.

22 That's the way LIPA operates. They
23 operate totally in disregard of the law and
24 that's what our lawsuit claims and we will
25 prove it. Brilliant Judge Daniel Winslow in

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2 1999 he said you're violating the law LIPA.
3 1999. He said any contract over a million
4 dollars has to be approved by the PACB board.
5 Have you ever heard that? No. If you have
6 you would be an exception to the rule.

7 They have deliberately over the
8 years subverted and not lived up to that
9 ruling of Judge Winslow. They don't want us
10 to enter that or enter the case and enter that
11 into the record. To have a judge who knows
12 what he's doing, not someone who they bullied
13 out there in Suffolk County and ran over
14 Huntington and a few of the other areas. And
15 they treated us and people in Island Park and
16 that school district and the Town of Hempstead
17 like serfs and lied to them. Absolutely lied
18 to them.

19 That tax, if this agreement -- oh,
20 by the way, it's a secret agreement -- but if
21 it holds the county harmless that's
22 wonderful. I'm for it. But what about the
23 community of Island Park? What about the
24 people in the Town of Hempstead who live in
25 that area? What about that small section of

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2 Oceanside?

3 Judge Winslow found that LIPA had
4 to obtain approval from the state government
5 control board. That's the PAC board, which is
6 constituted by the governor and the two
7 legislative leaders in the house and the state
8 senate. You know how many contracts these
9 arrogant manipulators of the law submitted to
10 the PAC board since Judge Winslow's order?
11 Zero. None. They're above the law. And
12 their leadership that's the way they operate.
13 We keep things in secret. In private.

14 To come before this board and to
15 say what they did I would tell them get lost.
16 Come back another time when you're prepared to
17 tell the people what you are offering. I
18 don't understand it. I never, never expected
19 to hear -- but I've heard things since this
20 litigation has been abhorrent and the people
21 who handled it for the county did a horrible
22 job. Horrible.

23 So, for those who say look, we
24 could face up to \$500 million, I don't blame
25 them if somebody comes and says we can walk

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2 you out. You won't have to pay anything. I
3 understand that. I understand why the county
4 would want to say wash that out. But don't
5 wash with it the details of manipulation of
6 more than malpractice. Practice headed by an
7 arrogant leader of LIPA who just runs over --
8 and by the way, he needs these dollars like a
9 hole in the head. This is just the exercise
10 of power. But what it does to the village is
11 crush them. Crush them.

12 So, let me say, if the settlement
13 is approved without there being proper
14 deference given to the community of Island
15 Park and to the residents of the Town of
16 Hempstead it's a disservice. It is a
17 disservice. And we're entitled to know the
18 details publicly, not in a closet. Not by a
19 group of high-powered lawyers who manipulate,
20 etcetera, but get the facts. I thank you.

21 LEGISLATOR NICOLELLO: Thank you
22 Senator. I'd like to invite Mr. Vincelette up
23 again. Mr. Vincelette, some of the terms of
24 this settlement were reported in a Newsday
25 article March 29, 2022. We're not asking you

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2 to provide your strategies for pending trial.
3 We're not asking you to provide your opinions,
4 but I believe we are entitled to have in
5 public some of the details of this settlement.

6 MR. VINCELETTE: To elaborate on
7 my previous comments to give the legislature
8 background, Long Island Power Authority and
9 National Grid has challenged the assessed
10 value of its properties at the E.F. Barrett
11 plant and Glenwood Landing from 2010 to the
12 current time, 2022. 2021 rather. Judge
13 DeStefano in Nassau County Supreme Court has
14 scheduled this matter for trial for the 2015
15 through 2019 proceedings.

16 As part of the defense of these
17 proceedings the county has retained Federal
18 Appraisal of New Jersey who prepared an
19 appraisal report valuing both plants.
20 Petitioner LIPA retained UVC of Wisconsin who
21 also prepared an appraisal report. Income
22 capitalization approaches were utilized
23 utilizing the income and expenses of the
24 plants as well as a cost approach. Which
25 values the plant by providing an opinion as to

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2 what would be the reproduction cost to build
3 the plant new and then subtracting
4 deappreciation.

5 The implied market value of the
6 plants for the years that are issue that will
7 be trialed before Judge DeStefano on May 31st
8 range from \$578,570,036 in 2015 and it
9 gradually decreases to \$503 million in 2019.
10 That's the E.F. Barrett plant.

11 The Glenwood Landing facility has
12 an implied market value of \$50.9 million in
13 2015, which gradually reduces to \$35.3 million
14 in 2019. Both parties filed and exchange
15 appraisal reports with the court. Both
16 parties have reviewed each other's appraisal
17 reports.

18 The petitioner's appraisal report
19 ranges at the Barrett plant from \$371 million
20 in the first year of 2015, a \$200 million
21 reduction, to \$27.8 million in the final
22 year. Which is about a \$470 million
23 reduction.

24 The county's appraisal values the
25 plant the first year \$70 million below LIPA's

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2 appraisal report at \$299 million and gradually
3 coming down to \$93.5 million in 2019.

4 For Glenwood Landing, the
5 petitioner's appraisal values it above the
6 value, \$59.7 for the first year. The county's
7 appraisal comes in at about the market value,
8 50.9. Both appraisals the value decreases
9 over the years to \$40 million for LIPA, \$35.3
10 million for the county appraisal.

11 Based upon these reductions it
12 would incur a significant refund to LIPA from
13 the county. If this matter does go forward to
14 trial, proof will be produced to the judge.
15 Following the trial the attorneys for both
16 sides would proposed findings of fact and
17 conclusions of law.

18 The fact that the county's
19 appraisal is significantly below the
20 assessment by a degree of hundreds of millions
21 of dollars would make the burden of proof for
22 LIPA the threshold showing. The judge's
23 decision would then to be choose between
24 LIPA's value and the county's value. There
25 are some years where the county's value is

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2 even lower than LIPA's.

3 Based on the potential refund
4 exposure to the county, negotiations were held
5 with counsel for LIPA over the last two
6 months. Extensive negotiations over the last
7 two months.

8 The framework of the settlement
9 would forego refunds from the county and set
10 up a payment schedule ranging from 2022 to
11 2026. The settlement would then also tack on
12 an extension period of five additional years
13 in which the payments that LIPA makes to the
14 county for the school district and
15 municipalities would stay the same for that
16 extension period even if LIPA were to remove
17 the plants. If they were to take down
18 equipment and whatnot.

19 The settlement sets a payment
20 schedule for LIPA over the period of 2022 to
21 2026. Degree of those payments I will discuss
22 with you in executive session. We tried to
23 craft an agreement that would be to the
24 benefit of the school district as best we
25 could. Under the settlement the assessed

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2 value would remain in the calculation for the
3 school tax rate and for school aid formulas.

4 That's pretty much the upside of
5 the settlement versus the downside of going to
6 trial and having a judgement that would
7 declare a refund against the county that will
8 be due upon service of the judgement. Which
9 would also include statutory interest and
10 costs. The statutory interest is based upon
11 the federal short term interest rate for each
12 year. The first year at issue is 2015. The
13 federal short term rate is simple interest.
14 It's added each year. Probably be in the
15 neighborhood of 20 to 25 percent for the first
16 year at issue. Which is a significant
17 number.

18 This settlement waives refunds. It
19 waives interest. It waives costs. And it
20 sets up a payment schedule that attempts to
21 set a glide path for the school district so
22 that the payments are regular and we tried to
23 maximize the payments where we could.

24 Two years ago a similar settlement
25 was before this legislature under the guise of

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2 a PILOT. The payments that were made over
3 that period in 2019 were the equivalent of
4 about \$207 million total school payments. The
5 payments that will be made to the school
6 districts under this settlement proposal is
7 approximately the same. \$207 million.

8 So, this settlement attempts to
9 approximate what was before this legislature
10 two years ago. And we will discuss the
11 details of the mechanism and the refund
12 amounts in executive session.

13 LEGISLATOR NICOLELLO: I have a
14 question and then I'll open it up to the
15 floor. The trial date of May 31st before
16 Judge DeStefano is that a firm trial date?

17 MR. VINCELETTE: It is a firm
18 trial date.

19 LEGISLATOR NICOLELLO: No
20 adjournments possible at this point?

21 MR. VINCELETTE: Not at this
22 time. The judge has been very diligent in
23 scheduling conferences every week by phone.
24 During the most recent conference last week it
25 was reiterated that May 31st remains the trial

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2 date. It's set in stone. I think the court's
3 thinking and the thinking is that it will
4 encourage settlement by keeping that trial
5 date.

6 LEGISLATOR NICOLELLO: How long
7 do you estimate the trial would be?

8 MR. VINCELETTE: If full evidence
9 is produced from appraisers, engineers,
10 consultants the trial could last from three
11 weeks to about I'd to about six weeks.

12 LEGISLATOR NICOLELLO: And
13 whatever the outcome the trial is in terms of
14 the assessed values do those assessed values
15 take effect immediately?

16 MR. VINCELETTE: It would upon
17 service of the judgement. What would happen
18 is the assessor would be directed to reduce
19 the assessments on the assessment roll.
20 Refunds would be calculated and it would be a
21 strong precedent for subsequent years in terms
22 of value for the plant.

23 LEGISLATOR NICOLELLO: Legislator
24 DeRiggi-Whitton.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Thank you. If you recall with the last
3 proposed settlement there was an issue because
4 LIPA does not, in fact, own the property in
5 the Glenwood Landing area. So, we were unable
6 to even think about having a PILOT because you
7 cannot receive a PILOT if you don't own the
8 property.

9 So, my question is on page 11 of
10 the settlement. The title is PILOT payments
11 for Glenwood Landing. How are we entering
12 into another PILOT agreement? And it also
13 says, by the way, for E.F. Barrett -- I am not
14 as familiar, I apologize, as to whether or
15 not they own the property. But I know for a
16 fact that National Grid owns the property that
17 LIPA is evidently seeking and getting a PILOT
18 for. Again, this was discussed two years ago
19 and we said we couldn't do it.

20 MR. VINCELETTE: It's a misnomer
21 on that page. I don't believe I have the same
22 packet that you do. But the mechanism that
23 will be used here is not a PILOT. It is a
24 direct assessment. Direct assessment which
25 will be placed on the property by the assessor

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2 pursuant to the Nassau County administrative
3 code under the assessment section. Basically
4 it sets, by setting a direct assessment on the
5 property it incurs a definite charge each
6 year. It's not a PILOT.

7 LEGISLATOR DERIGGI-WHITTON: Has
8 that ever been done before, a direct
9 assessment?

10 MR. VINCELETTE: Not to this
11 degree, no.

12 LEGISLATOR DERIGGI-WHITTON: What
13 is the difference between a direct assessment
14 and a PILOT?

15 MR. VINCELETTE: A PILOT is
16 authorized under the real property tax law for
17 property that's owned or controlled by a
18 public benefit corporation or public authority
19 such as LIPA. A PILOT basically exempts the
20 property from the roll and payments are made
21 in lieu of taxes for a period of years.

22 A direct assessment basically has
23 the same effect. The property will be treated
24 as exempt but for purposes of calculating the
25 school tax rate and for the school aid formula

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2 the assessed value remains a factor.

3 LEGISLATOR DERIGGI-WHITTON: Are
4 you familiar with article one of the real tax
5 law?

6 MR. VINCELETTE: Article one of
7 the real property tax law, yes, I am.

8 LEGISLATOR DERIGGI-WHITTON: Are
9 you familiar with the term for special
10 assessment?

11 MR. VINCELETTE: Yes, I am.

12 LEGISLATOR DERIGGI-WHITTON:
13 According to my counsel, the special
14 assessment term, which again has never been
15 used before, is used for some type of like a
16 service charge more than the actual
17 assessment. Especially of something like a
18 utility like LIPA.

19 MR. VINCELETTE: Special
20 assessment is usually used for special
21 districts like sewer or water. What is being
22 proposed is a direct assessment. That is
23 different than what is defined in title one of
24 the real property tax law. This comes under
25 the administrative code of the county under

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2 Section 6-7 and the assessor does assess
3 direct assessments on property for the
4 purposes of a charge to reimburse for property
5 damage from a sidewalk or code enforcement or
6 delinquent charges.

7 LEGISLATOR DERIGGI-WHITTON: I've
8 been told, because honestly, first of all,
9 this was given to me this morning. So, I'm
10 sorry but like if there was a mistake that
11 should have been corrected prior to it being
12 given to all the legislators as a reference,
13 number one.

14 Number two, from what I'm hearing,
15 this term, which is really new and never been
16 used before, it's really used for like a
17 service like if you're going to be using the
18 sewer in an area you're going to be charged a
19 direct settlement rather than -- that's just
20 basically the way that we charge for fees not
21 for a building. A utility building that is --
22 I have to be honest with you, this is a
23 PILOT. There's no other way to say it. And
24 for you to be able to assess the amount a
25 company is going to be paying -- if you look

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2 at the five-year outlook, if you look at some
3 of the data that you provided, how do you know
4 what the amount is? We don't set our
5 assessment based on that. We assess it on the
6 value and what the value of the property is
7 per year is what determines what the amount
8 that's going to be paid.

9 So, if you know what the amount is
10 going to be paid five years after all this
11 that's a PILOT. We can stand here and call
12 it -- we have some other words for it but it's
13 a PILOT. No matter what you call it and we
14 can't legally give them a PILOT.

15 MR. VINCELETTE: I would take
16 issue with whether this is a PILOT or not.
17 This is the mechanism that basically we came
18 to. We originally approached this as a
19 PILOT. And under the real property tax law
20 Section 412(a) it does allow a PILOT to be
21 given to property that's owned or controlled
22 by a public authority or public benefit
23 corporation. LIPA is such an authority and
24 they do have control of the property through
25 contract with National Grid. They control the

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2 sale of power from these plants.

3 As to the PILOT, we started out
4 with a PILOT. As we've negotiated we came to
5 this, the direct assessment, because we
6 thought it would be the most beneficial
7 solution to the school districts with respect
8 to the calculation of state aid for school aid
9 and the tax rate.

10 LEGISLATOR DERIGGI-WHITTON: Just
11 if you're going to be correcting this
12 information that we were just given today, I
13 don't have a page number, but the PILOT is
14 mentioned another two or three times when
15 you're discussing the settlement proposal. I
16 mean, even you guys are calling it a PILOT. I
17 don't know how else it can be -- you can't get
18 around calling it something that it's not.
19 Especially when it says in here that the
20 schedule is over for 11 years. So, these are
21 scheduled payments. That's what a PILOT is.
22 Again, I think for that reason there's a real
23 problem with this.

24 The other thing that I want to just
25 mention, I guess this was in 2010 when this

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2 proposed settlement or case lawsuit was first
3 discussed, I met with the assessor at the time
4 and I was with mayor, I guess you mayor, mayor
5 of Sea Cliff Bruce Kennedy was with me, and
6 when we sat down they said don't worry. There
7 are four categories that assessment is broken
8 up into. LIPA falls into the utility
9 category, which is number three. They are
10 basically assessed by production. Which makes
11 sense because this company is making more
12 electricity and making more money now than
13 ever. Yet they didn't need the antiquated
14 mechanism or machines that were in the old
15 building. So they razed the building.

16 But regardless of how they're doing
17 it, it's almost like going from a computer
18 that used to take up a room to a laptop.
19 Okay, great. You have less space that you're
20 taking up. But it hasn't cut back on any of
21 their profits or anything. So, how is it -- I
22 mean, is it true that this category three is
23 based on what a utility produces?

24 MR. VINCELETTE: It's based in
25 part on capacity and what they produce. A

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2 component of that is also the structure
3 itself. How old it is. Where it is in its
4 life.

5 As far as the capacity of these
6 plants, it has significantly decreased over
7 the years to the current time. The E.F.
8 Barrett plant is currently operating I believe
9 at 40 percent capacity. The Glenwood Landing
10 plant is pretty much reduced to two plants
11 that are peak plants. They only run when
12 there's a need for electricity in the grid.
13 As far as capacity goes, there has been
14 declining and decreasing efficiency and
15 capacity at both of these plants over the
16 years.

17 LEGISLATOR DERIGGI-WHITTON: I
18 can tell you that peak plant runs quite
19 often. It runs almost constantly and you can
20 hear it running. It's not that hard to
21 determine. That peak plant is constantly
22 going. And we do have those -- we have wires
23 coming from Connecticut now rather than having
24 this big building.

25 But the bottom line is how can this

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2 company come in here and make all this money
3 and they're almost a monopoly, LIPA -- and
4 another subject I want to get to. They say
5 they don't own the property that they've been
6 occupying for the last 50 years, that they've
7 contaminated for the last 50 years we would
8 have to assume and they have a hold harmless
9 letter from National Grid. So, they're going
10 to say they're not responsible for any of the
11 environmental cleanup, LIPA. They've already
12 told me that. Now, we don't even know. I
13 don't think we've even done any type of
14 environmental study yet.

15 But I can only imagine being
16 councilwoman and legislator for Glen Cove
17 across the little harbor there, I know \$20
18 million just for a couple of companies to
19 clean up that creek. So I can imagine what
20 the environmental impact. And LIPA has a hold
21 harmless letter? Doesn't anyone think that
22 yes, the school district I'm very concerned
23 about the school. I'm also concerned about
24 any future environmental cleanup that I think
25 should be part of the settlement honestly.

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2 So, again, in my opinion the fact
3 that PILOT is all over this, as a legislator I
4 don't know how I'm supposed to work if you
5 give me something today and now you stand up
6 there and tell me it's not a PILOT. I think
7 we found it four or five times already in this
8 settlement packet. So how the heck are we
9 supposed to say this isn't a PILOT if as a
10 legislator I'm handed a packet an hour ago --
11 speaking of, that was also a pretty not so
12 great thing. That the settlement, I think we
13 finally got it Friday at three. I know my
14 school district heard nothing for a long
15 time. Not one thing.

16 So, I mean, talk about -- I agree
17 with Senator D'Amato. My father's always
18 liked you, Dom DeRiggi. You remind me of each
19 other if you really want to know the truth.
20 But it's not the way to handle something
21 that's so important.

22 This is one of the most important
23 settlements to the north shore and Island Park
24 areas. It's almost like -- what I heard the
25 average is going to be in the north shore area

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2 is \$200 a month more in school districts in
3 school taxes by the time this is done. That
4 is such a huge hit. I don't know the exact
5 numbers for Island Park but I hear it's more.

6 And not for anything, but the
7 annual income on the north shore may be a bit
8 little higher than Island Park. So, you're
9 talking about a huge hit on both sides of our
10 county.

11 And again, the way this is being
12 handled and the secretive way that it was done
13 without giving us -- the school districts are
14 doing their budgets and they didn't even have
15 an opportunity to see this settlement until
16 Friday.

17 So, I really think that this should
18 not go any further than it is going right
19 now. I understand that there's a court date.
20 But again, I think if the judge, maybe if the
21 right judge looks at this and understands that
22 the assessment of category three with
23 production should not give this company one
24 ounce of a reduction. I think we should table
25 it.

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2 LEGISLATOR NICOLELLO: Legislator
3 Ford, Rhoads and then Ferretti.

4 LEGISLATOR FORD: Good afternoon
5 sir. I represent the Island Park school
6 district. Island Park and Oceanside and as
7 well as joining Legislator DeRiggi-Whitton in
8 watching out for our school districts. I have
9 a couple of questions. Considering the PILOT,
10 you said that this is going to be a direct
11 assessment on the properties?

12 MR. VINCELETTE: Yes.

13 LEGISLATOR FORD: Because my
14 question would have been that on a direct
15 assessment, since even though it's exempt it
16 would still be on the tax rolls, correct?

17 MR. VINCELETTE: The property
18 itself would be exempted off the roll. It
19 will be on the exempt portion of the
20 assessment roll.

21 LEGISLATOR FORD: So, then over
22 the next five or ten years during this
23 agreement even if properties, especially in
24 class three, were assessed at a higher rate
25 they would not be subjected to any increase in

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2 property taxes; am I correct? Their
3 assessment would stay the same?

4 MR. VINCELETTE: No. I believe
5 any reduction, I believe that the reduction
6 would be absorbed by the other properties in
7 that class.

8 LEGISLATOR FORD: But what I'm
9 asking though is that when you have a utility
10 and they're paying property taxes and the
11 assessor determines in that class taxes are
12 going to be increased. Like, say the value --
13 whether the taxable rate would be higher so
14 that maybe, like, say, Verizon buildings, if
15 they were making a million dollars a year in
16 taxes and the taxes went up in their class
17 their taxes would go up to \$1,100,000. So
18 that you would be collecting more taxes from
19 that entity which then could help hold off the
20 increase in taxes for the residents in the
21 same jurisdiction.

22 MR. VINCELETTE: There would be a
23 shift, yes.

24 LEGISLATOR FORD: By this
25 agreement with the direct assessment what

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2 Delia -- may I call you Delia? -- thanks.

3 What Delia was saying though is that basically
4 even though you're calling it a direct
5 reassessment it truly then is a PILOT.

6 MR. VINCELETTE: It would have
7 the same effect as a PILOT. It would be on
8 the exempt portion of the roll.

9 LEGISLATOR FORD: I thought maybe
10 there would be -- you stated that LIPA has
11 determined that the Barrett power plant is
12 only at 40 percent capacity currently,
13 correct?

14 MR. VINCELETTE: That was the
15 data that they gave us, yes.

16 LEGISLATOR FORD: Is this the gas
17 part of it or is this the total property
18 including the turbines?

19 MR. VINCELETTE: I believe it's
20 the total property.

21 LEGISLATOR FORD: I know that
22 they looked at the past and as we look to the
23 future we know that the Barrett will be
24 providing two stable feed lines over to the
25 Bay Park Sewage Treatment Plant. We're

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2 converting from having them generate their own
3 power to where we ran those cables under the
4 canal over to the Bay Park sewage treatment.
5 So there would be a more stable electrical
6 power source. So, did they take that into
7 consideration for the future? Would that
8 increase the power capacity?

9 MR. VINCELETTE: I don't know.

10 LEGISLATOR FORD: Then tomorrow
11 night I'm going to be attending a hearing in
12 regard to the wind farms that Equinor is
13 looking to build off the coast of Long Beach.
14 And I forget what their megawatt output is
15 going to be, but their intention is that they
16 would run those cables from the wind farms up
17 Austin Boulevard over to basically the Barrett
18 power plant at this point. So that would also
19 then increase the capacity basically what the
20 Barrett power plant would be generating or
21 working with.

22 MR. VINCELETTE: It could. We
23 don't have a time frame for that as far as
24 when it would come in or how it would affect
25 the value.

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2 LEGISLATOR FORD: But it should
3 affect it on, you know, making it more
4 valuable because we also know that whether or
5 not you go -- like green energy obviously is
6 the way everybody is going. So when you look
7 at power, when you look at wind power and you
8 look at solar, as good as it is it's not very
9 stable. So we require, in many instances, to
10 maintain power plants such as the Barrett in
11 order to provide more stable power source.
12 Where we can then eventually I think they're
13 looking at eventual battery storage.

14 I have solar power in my house
15 hours. I can get a battery storage which will
16 end up holding the solar power. It could
17 store it up to three to five days. So this,
18 I'm guessing, would be what would be installed
19 at some location to be able to store the
20 power.

21 So, I mean, so this logical
22 location would be the Barrett. So, wouldn't
23 that do something to the actual value of the
24 property rather than just what the power that
25 it's generating?

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2 MR. VINCELETTE: Yes. And under
3 the agreement if there's an increase in value
4 or output in capacity that is something that
5 the assessor would be able to capture by
6 revising the assessment accordingly.

7 LEGISLATOR FORD: I don't know if
8 I'm asking this unless it has to be done in
9 the executive session, but when you looked at
10 the impact of the taxes and we look to see --
11 I mean Island Park is scheduled to go up I'd
12 say about at least 400 to \$450 a month
13 increase in their taxes once this is said and
14 done. When you looked at -- that would be
15 page 14 of your settlement?

16 MR. VINCELETTE: Yes.

17 LEGISLATOR FORD: When you looked
18 at that I know that the way that you
19 calculated the increase of the normal school
20 taxes like basically I guess 50 percent. But
21 in these calculations have you included any
22 anticipation of an increase in state aid or is
23 this without any state aid considered or does
24 the current state aid that the school district
25 is --

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2 MR. VINCELETTE: This is without
3 state aid.

4 LEGISLATOR FORD: All right.

5 LEGISLATOR NICOLELLO:
6 Legislators Rhoads and Ferretti.

7 LEGISLATOR RHOADS: Thank you
8 Mr. Chairman. If you could provide us with
9 some background information. Obviously
10 through the packet we know some information
11 but so that the public understands. What was
12 the reason, if you can explain, for the
13 overvaluation by the county? What was
14 responsible for the dramatic decrease in the
15 value of the property in comparison to what
16 they were being assessed for?

17 MR. VINCELETTE: When the
18 original assessment was set at the beginning
19 of this litigation, about 2010, the assessor
20 was working off the inventory that they had
21 for the property. To my knowledge, they don't
22 go out there and inspect the property every
23 six months, a year or whatever it is. They do
24 observe it from the right of way. They keep
25 current with the records of what's out there.

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2 But based upon the inventory that
3 was on that property that was the genesis of
4 the value. The value stayed the same over --
5 from 2010 to the current time. I believe it
6 was revised about a year or two ago. But as
7 the assessment has remained the same the ratio
8 for the class has been increasing. Which
9 would -- I'm sorry, decreasing. Which
10 increases the value of the property. That is
11 the subject of a mass appraisal where they
12 take the inventory and it's basically a
13 computer program.

14 For this endeavor, for the trial,
15 we actually had the appraisers go out there,
16 inspect it. Engineers did take-offs. They
17 had plans. They took everything apart. Every
18 nut, every bolt. They costed it out. Five
19 dollars a bolt. Whatever it was. And then
20 they had to do a depreciation off that
21 reproduction cost new.

22 The plants are I believe they're
23 about 70 years old or so. The average life of
24 a plant like this is about 60 years. So there
25 was significant depreciation that was taken

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2 off the plant even though LIPA National Grid
3 do maintain the property so that's in good,
4 safe, running condition. But notwithstanding
5 that, the plant is an older plant and it's not
6 running at the full capacity that it was say
7 30 or 40 years ago.

8 LEGISLATOR RHOADS: My
9 understanding is that it's not just one plant,
10 there's actually several plants on that
11 property?

12 MR. VINCELETTE: I guess you
13 could call them plants. Two large 190
14 megawatts turbines at the E.F. Barrett. The
15 Glenwood Landing has smaller turbines because
16 it's just a peaking plant. The EF Barrett
17 plant is what's called a load plant. It has a
18 higher capacity and it has the two main plants
19 and some smaller turbines there as well.

20 LEGISLATOR RHOADS: And, in fact,
21 it's also my understanding at some point in
22 time since 2010 one or more of those buildings
23 have actually been demolished, right?

24 MR. VINCELETTE: Well, the
25 Glenwood Landing building came down. That

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2 actually came down I believe 2015 or 2016.

3 So, all that's left of the plant there is a
4 structure with turbines and there's pretty
5 much a parking lot with a large tin shed if
6 you will with the turbines inside them.

7 The EF Barrett plant still has the
8 large structure. But I know that one of the
9 190 megawatts plants is scheduled for
10 retirement I believe this year or next year.
11 The current purchase agreement for the plant I
12 believe runs to 2027 or so.

13 LEGISLATOR RHOADS: I guess part
14 of the issue then is that not only were they
15 being charged for a plant that was not
16 functional or functioning at less than its
17 capacity and in some instances they were being
18 charged for buildings that no longer even
19 existed.

20 MR. VINCELETTE: In the Glenwood
21 Landing property that's correct. And I
22 believe that the assessment was revised to
23 reflect the demolition of the building in 2016
24 or 2017 I believe.

25 LEGISLATOR RHOADS: And why

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2 would, if you could explain again for the
3 benefit of those who are listening here in the
4 audience and those who may be watching at
5 home, what is the impact of the county
6 guarantee? Why is it Nassau County's problem
7 that this took place?

8 MR. VINCELETTE: Nassau County is
9 unique in that you have the county guarantee
10 by statute. You are responsible for the
11 refund. Refund on behalf of the school
12 districts and special districts and whatnot.
13 That's all a creature of statute. That's how
14 that came to play into this. The county is
15 pretty much the one at the table negotiating
16 the best deal for the county.

17 LEGISLATOR RHOADS: In other
18 words, if there is a refund that is owed,
19 whether it's a residential, commercial, in
20 this case it happens to be to LIPA, it would
21 be Nassau County taxpayers that would have to
22 foot the bill for that as opposed to
23 individual taxing jurisdictions. Nassau
24 County steps in as the umbrella organization
25 that actually pays if there is a refund that's

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2 due instead of those individual taxing
3 jurisdictions, correct?

4 MR. VINCELETTE: That is
5 correct. But the other side of that is that
6 if the court finds a significant reduction in
7 value going forward the revenues that are
8 budgeted by the school district and
9 municipalities will be based on significantly
10 reduced value. A value that's reduced about
11 75 percent.

12 LEGISLATOR RHOADS: Were you able
13 to calculate a total potential exposure to
14 county taxpayers if the litigation were
15 successful? Is that something that you can
16 share?

17 MR. VINCELETTE: I believe it's
18 in the neighborhood of \$500 million.

19 LEGISLATOR RHOADS: Thank you.

20 LEGISLATOR FORD: Legislator
21 Ferretti.

22 LEGISLATOR FERRETTI: Thank you.
23 Good afternoon. You mentioned there were two
24 competing expert reports that were submitted,
25 correct? One was by the county one was by

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2 LIPA; is that correct?

3 MR. VINCELETTE: Correct.

4 LEGISLATOR FERRETTI: The one by
5 the county when was that submitted?

6 MR. VINCELETTE: They were filed
7 at the same time in November of 2021.

8 LEGISLATOR FERRETTI: So then the
9 county expert opinion was submitted by the
10 prior administration, correct?

11 MR. VINCELETTE: Whoever was in
12 charge in November of 2021.

13 LEGISLATOR FERRETTI: So it was
14 the prior administration. The current county
15 executive took over January 1st of 2022. So
16 you would agree that it was the Curran
17 administration that submitted that expert
18 opinion, correct?

19 MR. VINCELETTE: I didn't hear
20 the last part of your sentence.

21 LEGISLATOR FERRETTI: You would
22 agree it was the Curran administration that
23 submitted that expert opinion, correct?

24 MR. VINCELETTE: No. No. It was
25 filed in November of 2021.

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2 LEGISLATOR FERRETTI: Right. The
3 current county executive took office --

4 MR. VINCELETTE: In January of
5 2022.

6 LEGISLATOR FERRETTI: Correct.

7 MR. VINCELETTE: Right. So the
8 reports were filed under the prior
9 administration.

10 LEGISLATOR FERRETTI: Now, the
11 \$500 million total liability, potential total
12 liability you just indicated, would that be if
13 the court were to agree with the expert
14 opinion of the county, the expert opinion of
15 LIPA or something in between?

16 MR. VINCELETTE: If the court
17 were to determine the lowest value in front of
18 it. There are some years where the county is
19 lower than LIPA. There's some years where
20 LIPA is lower than the county.

21 LEGISLATOR FERRETTI: So, where
22 did the \$500 million potential liability come
23 from?

24 MR. VINCELETTE: It's the
25 reduction from \$578 million in the first

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2 year. Subtract \$299 million. Multiply it by
3 the tax rate. Then you would accrue interest
4 from the date of payment of taxes.

5 LEGISLATOR FERRETTI: Assume best
6 case scenario. The court agrees with the
7 county's expert. I'll call that best case
8 scenario. It's really not a great case. But
9 let's assume that the court agrees with the
10 county's expert. What's the potential
11 liability?

12 MR. VINCELETTE: I don't have
13 that exact calculation but it's probably in
14 the magnitude of somewhere between 250 and
15 \$400 million.

16 LEGISLATOR FERRETTI: So, as a
17 result of that expert opinion we're
18 essentially faced with almost certain
19 liability if this were to go the distance
20 between -- what were the numbers again?

21 MR. VINCELETTE: As far as the
22 refund liability?

23 LEGISLATOR FERRETTI: Yes.

24 MR. VINCELETTE: Somewhere
25 between 250 and \$500 million.

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2 LEGISLATOR FERRETTI: Thank you.

3 LEGISLATOR FORD: Back to me.

4 Rich said it was okay. I guess one thing that
5 Legislator DeRiggi-Whitton touched upon was
6 the environmental impact. So the Barrett
7 power plant is going to stay at that
8 location. So, my concern also, because we
9 know that the Barrett has impacted the
10 environment in the area of Island Park near
11 the residents, whether or not polluting the
12 water and all the other stuff, the smokestacks
13 and whatever stuff. Where is the certainty
14 that this property will be cleaned and
15 maintained even better than what it is right
16 now?

17 MR. VINCELETTE: That's not part
18 of the settlement. This settlement has to do
19 with the tax litigation and the tax
20 liability. Specifically the environmental
21 issues were not addressed as part of the tax
22 litigation.

23 LEGISLATOR FORD: So, then let's
24 consider when people grieve their tax
25 assessments. They're allowed to then grieve

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2 based on the fact that they're living close to
3 a power plant. Either we can look at 10,000
4 people from Island Park grieving their
5 assessments, which we have to then look at, or
6 we try to make out a deal with LIPA that maybe
7 we'll get a little bit more from them in
8 regard to this because they have a dirty power
9 plant that's operating there, they and
10 National Grid. Wouldn't it be easier to do it
11 that way?

12 MR. VINCELETTE: I don't know
13 what impact specifically the environmental
14 issues would have on individual taxpayers.
15 That may be an issue. But that is not --

16 LEGISLATOR FORD: It does. I'm
17 sure that it does.

18 MR. VINCELETTE: As far as the
19 property tax litigation goes, our main concern
20 was to minimize the liability of the county
21 with respect to the upcoming trial.

22 LEGISLATOR FORD: I respect that
23 because I do represent other areas other than
24 Island Park. But the intention, and as we
25 move towards this, is not to sacrifice the

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2 school district and the neighborhood in the
3 hopes of trying to push away a county
4 guarantee.

5 You know, I mean, because I feel
6 that if it happens here and we destroy a
7 neighborhood what other neighborhoods are we
8 going to destroy in the future if we think we
9 can get away with it?

10 I guess my issue too would be there
11 are no meetings. Two years ago when we were
12 talking about this settlement we actually had
13 meetings with our school district. I remember
14 sitting in meetings with the school
15 superintendent as well as the school boards
16 and they discussed the possibilities what they
17 were looking at. And I know that we're not
18 negotiating with the school districts but at
19 least they had the consideration of letting
20 the school district know. Basically if they
21 look at this, if they come to this number or
22 that number then what impact the school
23 district would have on its finances and what
24 impact it would have on the taxes for the
25 residents in that area.

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2 I see Mayor McGinty out here from
3 Island Park. And I know we will attest to the
4 fact that we also sat in on meetings as well
5 so that we would have a better understanding.
6 And we have our library board director Jessica
7 Koenig. So, I'm a little upset that I too
8 only got this basically today to be able to
9 review in such a short notice.

10 So, I think that it would behoove
11 the county to reach out to the communities and
12 like face this and let them know exactly what
13 the settlement will mean to them.

14 Has the county reached out to New
15 York State at all? Considering that there is
16 an increase in state aid that the governor is
17 giving to the school districts, especially in
18 Long Island, considering that there is extra
19 money around. Has the county reached out to
20 the governor and our state representatives in
21 the hopes of trying to get maybe an immediate
22 increase in school aid? Especially for
23 whether or not it's the Glenwood Landing
24 school district, Oceanside and Island Park.

25 MR. VINCELETTE: No.

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2 LEGISLATOR FORD: Because I know
3 we have. And it's been very frustrating that
4 for the past, since we knew about this, we did
5 have a meeting with our state senator at that
6 time asking. The state was very kind in
7 providing a fund for the residents who live up
8 on the Indian Point power plant. So they have
9 this cash reserve. They have this little fund
10 that they can count on to help offset with
11 their taxes. Their increase in taxes.

12 And I had heard, then I believe in
13 the past in other areas of New York State
14 where maybe utilities were dismantled we still
15 provided. And I just find it very callous on
16 the part of the state that despite our
17 petitions to them -- and I will be writing a
18 letter to Governor Kathy Hochul asking her to
19 have a little bit of kindness. And I'm hoping
20 that our county government as we look to be
21 able to alleviate this county guarantee which
22 we are subjected to that you take every effort
23 and you take every action to find monies that
24 can help offset this increase to these school
25 districts, to these poor taxpayers.

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2 The people in Island Park are not
3 rich people. I'm sure they wish they were but
4 they're not. They are truly, truly a working
5 class community. And a lot of them are
6 retirees and what this is going to do could
7 very well annihilate this district. I'm
8 hoping that you will join me and I hope every
9 single one up here will go after this state to
10 say this is a disgrace.

11 Arnie, maybe I should have like
12 listened to you. You were able, which makes
13 me wonder, how New York State, in a blink of
14 an eye, can change the way that they
15 calculated taxes in these new buildings so
16 that a district such as yours, where you live,
17 your taxes overnight they came to an agreement
18 to say you know what? We're taxing them too
19 high. Let's make a change and reduce their
20 taxes. I'm not faulting you for that but I'm
21 faulting New York State.

22 How can a state senator, state
23 assembly know full well that what we're facing
24 here with these school districts and what it
25 can do to our communities and we have been

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2 trying for over five to ten years to try to
3 get their attention to make the changes, to
4 set up a fund to be able to save these people
5 and not force them to move out of their
6 districts. Shame on New York State. And I'm
7 asking each and every single one of you to
8 join me in my anger and outrage to say enough
9 is enough. Let's get them the funding that
10 they need. Thank you.

11 LEGISLATOR NICOLELLO: Legislator
12 Drucker.

13 LEGISLATOR DRUCKER: Thank you
14 chairman. First of all, Legislator Ford, I do
15 agree with you. However, the law that was
16 passed did not just affect my district. It
17 affected all of Nassau County.

18 LEGISLATOR FORD: I didn't mean
19 it was just your district. What I'm saying is
20 overnight they did this.

21 LEGISLATOR DRUCKER: It was more
22 than overnight but that's another issue.

23 So, disregarding the potential
24 liability for the county after trial and
25 disregarding the potential long term

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2 environmental impact, which I shutter to think
3 about because, you know, we're all familiar
4 with the Grumman plume which has devastated
5 our aquifer. I'm very concerned about the
6 environmental impact that my colleague
7 Legislator DeRiggi-Whitton had brought up.

8 But putting that aside, to put it
9 simplistically, you stated that with this
10 settlement the tax obligation of LIPA would
11 appear on the exempt property portion of the
12 tax bill; is that correct?

13 MR. VINCELETTE: That's correct.

14 LEGISLATOR DRUCKER: So, by being
15 removed from the tax rolls that hole or that
16 gap is what is shifted on to the school
17 districts. And by extension then the
18 residents of those districts; isn't that
19 correct?

20 MR. VINCELETTE: That's correct
21 to an extent. My understanding is that the
22 direct assessment mechanism does not -- it
23 keeps the value of the property in the
24 equation for calculating a school tax rate.

25 One thing I should clarify as well,

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2 as part of the settlement negotiations that
3 have been ongoing with LIPA, LIPA has agreed
4 to make payments to the school districts
5 directly above and beyond what is -- well,
6 separate from this litigation and settlement.
7 That is a separate third party dealing between
8 LIPA and the school districts. But it is
9 something that LIPA is cognizant of and it was
10 part of the process of the settlement
11 negotiations that the school districts would
12 receive payments from LIPA.

13 LEGISLATOR DRUCKER: Has it been
14 thoroughly vetted that the direct assessment
15 that you characterized is legally
16 permissible?

17 MR. VINCELETTE: We've reviewed
18 the Nassau administrative code with the real
19 property tax law and we believe there's no
20 prohibition to using this mechanism.

21 LEGISLATOR DRUCKER: You believe
22 that but are you 100 percent certain?

23 MR. VINCELETTE: Everything is
24 always subject to challenge. Anything can be
25 challenged.

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2 LEGISLATOR DRUCKER: Okay. Thank
3 you.

4 LEGISLATOR NICOLELLO: I just
5 wanted to echo what Legislator Ford was
6 mentioning a moment ago that in fact the
7 state, in its wisdom, when it was taking
8 Indian Point offline created a decommissioning
9 fund. All of the taxpayers in New York State
10 pay into this decommissioning fund and these
11 monies go only to Indian Point. So, there is
12 precedent. And I would echo what Legislator
13 Ford said that the state of New York should
14 step in. The state of New York should make
15 these school districts whole. Just like
16 they're making the communities around Indian
17 Point whole.

18 MR. VINCELETTE: Unfortunately,
19 the state isn't a party to this litigation. I
20 can't speak for the state.

21 LEGISLATOR NICOLELLO: That was a
22 rhetorical statement.

23 Deputy County Executive Arthur
24 Walsh.

25 MR. WALSH: I'm just here to give

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2 you some late breaking news. I have spoken to
3 representatives of North Shore school district
4 and they have advised me that they have
5 settled with LIPA and it's subject to its
6 school board vote but they have settled. So
7 North Shore school has been satisfied with
8 LIPA. Just wanted you to know that. Just got
9 the call.

10 LEGISLATOR NICOLELLO: Thank
11 you. I know we had some speakers from North
12 Shore before. Mr. Ludmar did you want to
13 speak?

14 MR. LUDMAR: Thank you. I
15 appreciate the opportunity to come and speak
16 today. Slightly intimidating but here I go.

17 I live in actually Glenwood
18 Landing. North Shore school district is made
19 up of several little towns. But I live in the
20 little town of Glenwood Landing. We don't get
21 mail delivery in Glenwood Landing. We have to
22 go to the post office to pick up our mail.
23 It's a very tiny little area split between
24 Oyster Bay and North Hempstead.

25 When I first moved into the town we

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2 asked a realtor about the plant down the
3 hill. I asked questions about environmental
4 damage. I asked questions about accidents. I
5 asked questions about evacuation plans. I
6 never thought to ask the question of what
7 would happen if that plant was removed and the
8 power that it had been generated for all of
9 Long Island was not going to be generated on
10 that site anymore.

11 That said, I got involved because
12 we saw that was happening. We knew this was
13 happening. We have watched this. We've been
14 watching the deals be discussed for years. We
15 understand the realities of the situation that
16 both the county is in and our school district
17 is in. And in light of that, we have made,
18 subject to my board's approval, an agreement
19 to resolve our case with LIPA and allow this
20 to go forward.

21 It's not an easy call. It's
22 subject to my board. Which is, again, not
23 quite this but still is the elected
24 representative of the 15,000 people of our
25 district who rely on our 2500 kids to receive

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2 the fantastic education that we have worked
3 hard to provide to them. This is going to be
4 a very tough pill. But we do believe it is
5 the right course of action. So that's what we
6 came here to say today and I appreciate your
7 time and the opportunity to address it.

8 LEGISLATOR NICOLELLO: Thank you
9 Mr. Ludman.

10 LEGISLATOR DERIGGI-WHITTON: Can
11 we just say that I would really like that to
12 be on the record. And I know the deputy
13 county executive did it also but this has been
14 going back and forth with LIPA and the school
15 district for the last few days. I really, I
16 know we're not going to discuss the number but
17 let's really hope that LIPA sticks to their
18 word with this.

19 MR. LUDMAR: I appreciate that.
20 I appreciate obviously, Legislator
21 DeRiggi-Whitton, your advocacy for our
22 district. And Legislator Ford as well. You
23 know the pain that we are going to go through
24 as a result of this. I certainly don't want
25 anyone up there thinking that this settlement

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2 is going to make our district whole or if this
3 is going to be business as usual for our
4 school district. This is painful.

5 The analogy that I had used
6 recently was that we know this plane is going
7 to have a crash landing. The goal is to not
8 have it be a fiery wreck with bodies. The
9 goal here is to make it so our kids can
10 survive and continue to make the education
11 that we have provided to them continue.
12 That's what we're doing here.

13 LEGISLATOR NICOLELLO: Thank you
14 again. Councilman Anthony D'Esposito.

15 MR. D'ESPOSITO: Thank you Mr.
16 Presiding officer, minority leader. Thank you
17 for the opportunity to speak today. While I
18 respect the words of the previous speaker, in
19 Island Park I think we have the opportunity
20 and want the opportunity to land that plane
21 even a little bit safer.

22 I want to start by saying thank you
23 to all of you for the opportunity, and I want
24 to thank the presiding officer and Legislator
25 Ford for making themselves always available to

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2 the school district, the library, myself and
3 concerned Island Park residents. I also want
4 to point out that there is no question in my
5 mind that our current county executive, Bruce
6 Blakeman, has been handcuffed into this
7 agreement by the previous administration.

8 I also want to say a thank you for
9 bringing the attorney back up to the podium
10 because without that everyone here today,
11 everyone listening at home, our school board
12 members, our superintendent and everyone that
13 came here today to voice their opinion and
14 their concern would have been left once again
15 in the dark. That dark is seemingly what LIPA
16 has been operating under for a long time.

17 If you wind back about two and a
18 half years ago, just about a week or two prior
19 to our state and our nation shutting down for
20 COVID, LIPA held an informational meeting at
21 Lincoln Orens Middle School. The middle
22 school that I graduated eighth grade from.
23 And Tom Falcone sat on that stage and treated
24 members of the audience like second class
25 citizens. Operating under this cloak of

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2 secrecy and it continues today.

3 The residents of Island Park and
4 the surrounding communities don't even know
5 the details of this proposed agreement. We
6 don't have the exact numbers. We are taking a
7 guess that Island Park taxpayers could see the
8 school portion of their taxes double. It
9 could be more. The proposed agreement must be
10 amended as a covenant not to sue with the
11 property remaining on the tax rolls. You
12 should ask that this proposal be eliminated --
13 eliminate the part of the direct assessment,
14 which would be consistent with the Northport
15 settlement.

16 I also want to remind you that I
17 know none of you live in Island Park, but
18 Island Park has suffered over the last decade
19 or so. I remember the day after Hurricane
20 Sandy. I served as chief of the Island Park
21 fire department. I stood out in front of the
22 firehouse and I watched residents of our
23 community walk down Long Beach Road towards
24 the fire house with everything that they had
25 left in a basket on their heads. That is the

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2 devastation that Island Park has seen and that
3 devastation will continue.

4 Of all the impacted school
5 districts Island Park receives the greatest
6 percentage of its tax base from E.F. Barrett
7 and therefore will see the greatest increase
8 in its bills. You should also be reminded
9 that of all of the impacted communities Island
10 Park serves the greatest number of families
11 that live at or below the poverty line and
12 qualify for free lunch.

13 Tom Falcone, just as he did a
14 little over two years ago with his smug look
15 at Lincoln Orens Middle School, makes a
16 proposal today with no briefing to the
17 community. He's ignored the library. He's
18 ignored the school district. He's ignored
19 impacted parties. As a matter of fact, this
20 very hearing should have took place in Island
21 Park so the residents could hear the outcome
22 of this proposal that we found out about 40
23 minutes ago. We wouldn't allow to hear
24 anyway.

25 Today in Newsday we read about four

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2 LIPA executives who call Nebraska, Atlanta,
3 Detroit and Virginia home. I think we can
4 agree on both sides of the aisle here that
5 nobody in Nebraska, nobody in Atlanta, nobody
6 in Detroit and nobody in Virginia cares one
7 bit about the tax impact of residents in
8 Island Park.

9 I ask that the county legislature
10 demand from LIPA the fair share to the Island
11 Park schools. And realize this case and the
12 case that we proposed in the Town of
13 Hempstead, which is going to be heard at the
14 end of the month, also by the Village of
15 Island Park, we're not arguing the value. We
16 are arguing of whether LIPA had the legal
17 authority to argue the value. And that's what
18 needs to be focused on here.

19 So at the very least, I ask that
20 this legislature hold off on making a decision
21 until the Town of Hempstead, the Village of
22 Island Park, the school district could be
23 heard in their case at the end of the month.

24 And again, I just want to say thank
25 you, thank you for the opportunity to speak.

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2 Again, presiding officer, Legislator Ford
3 thank you for always being available to the
4 Island Park community. I know that you guys
5 hear our voices and it's also very clear that
6 Tom Falcone and the executives that live
7 hundreds of miles from Nassau County are
8 completely deaf to the concerns of the Island
9 Park communities. Thank you very much.

10 LEGISLATOR NICOLELLO: Thank you
11 councilman. We thank you for your strong
12 advocacy on behalf of the community. I agree
13 with you. LIPA has acted not like a public
14 entity but as a remote, private business. And
15 I think all of us join with you and urge LIPA
16 to do the right thing. Island Park school
17 district, because of its unique background,
18 its socioeconomic situation this will have a
19 devastating effect. So, LIPA needs to step up
20 to the table and do the right thing for this
21 community. We strongly urge them to do that.

22 LEGISLATOR BYNOE: Excuse me
23 presiding officer, I just have one question.
24 It would be for the attorney that was -- your
25 name escaped me. I apologize. I just have

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2 one simple question. Was this
3 administration -- let me go back. I'm going
4 to have a couple. You said that this was an
5 agreement that was created in November '21?

6 MR. VINCELETTE: The litigation's
7 been ongoing since 2010.

8 LEGISLATOR BYNOE: The agreement.

9 MR. VINCELETTE: The agreement
10 has been subject to negotiation since last
11 year. Since 2021.

12 LEGISLATOR BYNOE: The provisions
13 encased in this particular settlement that we
14 are looking at today was finalized when?

15 MR. VINCELETTE: A tentative
16 settlement was reached late February or early
17 March I believe.

18 LEGISLATOR BYNOE: Of?

19 MR. VINCELETTE: Of 2022.

20 LEGISLATOR BYNOE: So, it was
21 this administration that agreed to these
22 provisions that were sent down to this body?

23 MR. VINCELETTE: To a tentative
24 settlement, yes.

25 LEGISLATOR BYNOE: Thank you.

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2 LEGISLATOR NICOLELLO: We're
3 pleased to be joined by the superintendent of
4 Island Park schools Mr. Vincent Randazzo.

5 MR. RANDAZZO: I also want to
6 thank the legislature for providing me with
7 the opportunity to speak to you this afternoon
8 as well. I think what I'd like to do is sort
9 of begin with some of the questions that I was
10 thinking about as I was hearing Mr. Vincelette
11 explain some of the details to you. I guess I
12 can give you more details before you hear them
13 in executive session.

14 The first that's really perplexing
15 to me how is it possible that the county's
16 appraisal would be less than LIPA's? I think
17 that the answer to that question is pretty
18 easy. You should first look at when
19 Mr. Vincelette was hired by the county and how
20 long it took for that appraisal to get down.
21 Because speaking with my special counsel, who
22 deal with tax certiorari cases all the time
23 from East Syracuse to New York, they have
24 informed me that at minimum it would take a
25 year and a half for a cost approach appraisal

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2 to be done correctly. So how is it possible
3 that this cost appraisal approach was done in
4 that time period and then submitted in
5 November? It sounds like it was rushed.
6 That's really the first thing that I want to
7 speak to the legislature about today is please
8 do not rush through this process. Because I
9 think we've heard how badly the residents, the
10 families and, most importantly, the students
11 of Island Park will be impacted by this
12 settlement agreement.

13 We ask that the county takes the
14 time to fully understand the agreement and
15 ensure that it accurately reflects the
16 county's understanding and is free from
17 errors.

18 For example, if agreement goes
19 through, Nassau County does not have this tax
20 liability at the end, this refund liability,
21 but let's think about this for a second. Mr.
22 Vincelette also just informed us that
23 basically since 2010 the county has been doing
24 what is called a drive-by assessment of the
25 E.F. Barrett power plant. So, if you had the

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2 ability for all of these refunds, why didn't
3 the assessor take the time to go into the
4 building and accurately assess the plant as
5 opposed to drive by and do an assessment if
6 there's this fiduciary responsibility?

7 As far as legal authority over this
8 direct assessment, I think many of the
9 legislators here asked some really good
10 questions. Because we've been asking the same
11 questions since we had access to the
12 agreement. The school district has not been
13 provided with any legal authority to support a
14 direct assessment or its methodology. It's
15 not clear that the property can be exempt
16 because it's not owned by LIPA as the
17 legislator pointed out earlier. It's unclear
18 whether the school payment will have the same
19 protections as real property tax payment.

20 So what happens if the district is
21 not made whole by the county? What happens if
22 LIPA doesn't make those payments? Due to the
23 lack of legal authority supporting the
24 proposal there's potential that the settlement
25 will be challenged, and I think Mr. Vincelette

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2 explained that to us very articulately just
3 now that anything is up for a challenge.

4 One of the things that we spoke
5 about dating back to 2019 was this idea of a
6 PILOT and how a PILOT has a deleterious impact
7 on a school district based on the tax
8 calculation.

9 So, again, I you asked really
10 smart, pointed questions. What is the
11 difference between a PILOT and a direct
12 assessment? We have a statutory
13 responsibility to report our tax levy to the
14 state comptroller on March 1st. We've already
15 done that. My budget newsletter is complete.
16 We've done all of our budget publications for
17 the community. We've done all of our
18 presentations. Tomorrow the board of
19 education is going to adopt that budget. How
20 can we go back and change that now without any
21 directive when we don't even understand the
22 difference between a PILOT and/or a direct
23 assessment and how we plug that number into
24 the tax calculation?

25 One of the things we pointed out

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2 from the get-go was that we preferred a
3 covenant not to sue. We understand the
4 county's position. We know the school
5 district's position. We know that it's a
6 benefit to everyone to try to resolve this
7 litigation. But it's got to be fair to
8 everyone. And especially to the students and
9 the families and the communities that I
10 represent.

11 The Northport settlement used the
12 covenant not to sue. Meaning LIPA and
13 National Grid already agreed to this in the
14 Northport settlement. So, why is it not a
15 covenant not to sue here in Nassau County? I
16 think you should ask Mr. Vincelette to explain
17 that to all of you as well. LIPA and National
18 Grid have already agreed to this in 2020. So
19 why are we going the route of a direct
20 assessment and why are we not doing a covenant
21 not to sue? Which would then keep the
22 properties and all of its parcels on the tax
23 rolls? I think that's a question for
24 Mr. Vincelette. I think it should be done
25 here in public rather than in executive

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2 session.

3 The covenant not to sue provides
4 payment certainty for LIPA and National Grid
5 which is what they're looking for. It is our
6 understanding that much of the agreement as it
7 is structured right now is a covenant not to
8 sue already. All that they have to do is to
9 change the agreement which would keep the
10 property on the tax rolls rather than moving
11 it to roll eight. They would keep it on at
12 roll one and they would be assessed.

13 Then there's the uncertainty with
14 the community. As Councilman D'Esposito
15 pointed out, at least back in 2019, the
16 previous administration and LIPA came to
17 Lincoln Orens Middle School they made a
18 presentation. That hasn't even happened here
19 and here it is before the committee to vote
20 on. I will be the one receiving the phone
21 calls from concerned residents, from retirees
22 who are on fixed income asking me to explain
23 to them what this means on their tax bills and
24 I will have to give them the answer that I
25 just simply cannot answer the question. Which

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2 is not what they want to hear.

3 It should not be the responsibility
4 of the school district to explain this to the
5 residents of the community. It should be the
6 county and the administration that put this
7 deal together.

8 It's unclear how the removal of
9 this facility will impact the community's tax
10 rate. Again, I believe that question was
11 asked of Mr. Vincelette and he couldn't answer
12 it at this time.

13 And there is concern, as Senator
14 D'Amato pointed out earlier, that the bills
15 will double. The tax bills for the residents
16 of the community will double. And as
17 Councilman D'Esposito pointed out earlier, we
18 do, out of all the impacted school districts,
19 we have the most students who qualify for free
20 and reduced price lunch. I can give that
21 exact number. It's 43 percent of our
22 community. Prior to hurricane Sandy that
23 number was in the 20s. It has doubled.
24 Island Park has become a transit area. Many
25 people from the city move here because they

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2 want to provide their children with an
3 exceptional education. So they move into our
4 community. It's a place for them to start.
5 It's a place for them for a starter home. And
6 now this is just going to be hitting them
7 right over the head.

8 I know that very often and probably
9 the package that you have, this settlement
10 agreement, is coined a glide path. There's no
11 glide path to this agreement at all. It's a
12 cliff. In the 2019 agreement the first year
13 was the base year. So the community had time
14 to adjust. The school district had time to
15 adjust. We had time to inform our community.
16 We had time to budget appropriately. We don't
17 have that time now. There is no base year.
18 Next year right off the bat the district is
19 already looking at a \$3 million hit and it's a
20 hole that we have to fill. I'm not really
21 sure how we're going to fill that hole.

22 One of the things that I'd like to
23 point out when you have an opportunity to look
24 at the new settlement agreement is I would ask
25 you to compare the new payments that are in

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2 the schedule and this new agreement to the
3 2019 schedule. Because I had the opportunity
4 to do that and what I can share with you is
5 that from 2019, from that agreement to this
6 agreement, the district is going to lose an
7 additional \$530,000 over the course of that
8 five year glide path. So this deal actually
9 is much worse than the original deal. There
10 is no base year. We're scheduled to lose an
11 additional \$530,000.

12 And even back in 2019 we explained,
13 when this was proposed in January, that we
14 were already in the midst of building our
15 budget and at that time we were building the
16 budget. Now the budget is built. We've
17 already submitted the tax cap calculation over
18 to the state comptroller and there's really no
19 going back at this point.

20 And, of course, I wouldn't want to
21 see any child hurt. I wouldn't want to see
22 any community hurt. And I'm happy for the
23 North Shore school district that they were
24 able to settle and decided to make that
25 announcement here today. But here's what I

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2 will tell you the difference between North
3 Shore and the Island Park school district,
4 besides what we've talked about with respect
5 to the income of those families.

6 Glenwood Landing was mothballed ten
7 years ago. That community had ten years to
8 prepare for this. E.F. Barrett is still
9 pushing out megawatts. As Legislator Ford
10 said, the county has invested \$20 million to
11 add new direct power lines to the Bay Parkway
12 sewage facility treatment plant. Which means
13 that Barrett isn't going anywhere.

14 I've asked Mr. Falcone directly to
15 tell me the decommissioning plan for E.F.
16 Barrett. He's given me three different
17 numbers. He told me ten years, 12 years or 15
18 years. So I ask you, as legislators, so I can
19 go back and let my community know, why are we
20 not being provided with the same opportunity
21 that Glenwood Landing was provided? Which was
22 to at least have ten years to prepare for this
23 hit as opposed to have to prepare for it
24 overnight. Thank you.

25 LEGISLATOR NICOLELLO: Thank you

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2 Mr. Randazzo. Jessica Koenig, Island Park
3 public library.

4 MS. KOENIG: Good afternoon.

5 Thank you for the opportunity to speak today.
6 Like every public library, our library
7 everything serves everyone from newborns to
8 senior citizens. I know that all of you are
9 involved with your community libraries and you
10 know what libraries do. We are the heart of
11 the community. Providing materials, programs,
12 technology and support to all residents.
13 Today I want to make you aware of the impact
14 that this proposed settlement will have on our
15 library.

16 As you know from the fact that you
17 weren't given complete information either, the
18 library has not received any information about
19 the current settlement proposal. Thus, we are
20 working off of Newsday articles and the
21 numbers we received from the last proposal
22 being considered.

23 Our community is concerned. They
24 want and deserve timely information about this
25 settlement. We were promised in 2020 that the

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2 community would be given information in a
3 public forum before any vote. We in the
4 school district are putting our budgets before
5 the community in a month as superintendent
6 Randazzo mentioned. These budgets were
7 formulated months ago. It is unfair to ask
8 the community to vote upon these budgets when
9 there is not a true picture of what their
10 school and library taxes are actually going to
11 be.

12 Based upon the information that we
13 do have regarding the previous proposed
14 settlement, which I understand now from what
15 superintendent Randazzo said this new one is
16 even worse, that previous one was a seven-year
17 deal and this one, if it's an additional
18 \$500,000 for the school district, I know that
19 it's going to be more money for the library
20 also.

21 In the last one that had a seven
22 year, quote unquote, glide path we were
23 standing to lose over \$320,000. Which is
24 approximately 22 percent of our \$1.5 million
25 budget. To put that in context, a two percent

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2 increase as allotted under the tax cap is
3 \$28,000 for us. So when you consider \$28,000
4 and what does it mean to have an enormous
5 gaping hole after five years of \$320,000, how
6 are we supposed to survive that honestly?
7 Losing almost a quarter of our budget will
8 have a severe impact on us.

9 Based on this impending settlement,
10 we are also reducing staff. Planning to not
11 fill positions of very key people who are
12 going to retire this coming year and we will
13 likely continue with the hiring freeze going
14 forward for years to come. Years to come.

15 As our staff gets smaller and
16 smaller we will, by necessity, have to cut our
17 services to the community. In short order we
18 will not have enough people to cover the
19 amount of hours we're open per week and we
20 will have to cut our operating hours. Soon we
21 will not have enough people to choose
22 materials, to plan and run programs or full
23 funding for programs and many of our programs
24 will end up being cut. These are programs
25 that our seniors rely on for exercise,

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2 simulation and socialization. Programs that
3 our students rely on for school assistance.
4 Programs that our young families rely on to
5 provide early childhood educational
6 experiences and social networks to navigate
7 the challenges of living, working raising
8 families on Long Island.

9 Growing and improving our library,
10 which is what we concentrate on previous to
11 this, will be out of the question as we will
12 not even be able to maintain anything close to
13 the level of services that we provide now.

14 I do want to say that we understand
15 that there will need to be some impact felt as
16 a result of any settlement that is achieved.
17 As Anthony D'Esposito had mentioned, this is
18 Island Park. We have literally survived
19 floods and built our way back brick by brick.
20 We understand. But the severe level of this
21 impact and the lack of any monetary relief to
22 absorb that impact will be crippling to us.

23 This proposed settlement leaves our
24 library with an impossible choice. The first
25 choice being do we ask our voters, many of

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2 whom are on a fixed income or struggling to
3 afford living on Long Island, to absorb double
4 digit increases every year for several years
5 just to try to maintain a reasonable level of
6 service. In our district, as superintendent
7 Randazzo mentioned, 43 percent of our
8 community is below the poverty line. One
9 could argue that libraries are even more
10 crucial in a community like ours.

11 And so our second choice, do we
12 make cut after cut after cut to this
13 underresourced community's library until the
14 library becomes simply a shadow of its former
15 self?

16 So, what am I asking for today?
17 First, I want to echo superintendent
18 Randazzo's that perhaps it makes sense to
19 really slow the process down and be sure this
20 is the best way to go.

21 Second, should the settlement go
22 forward I want to make sure that the library's
23 portion of the funds that LIPA will be paying
24 are specifically identified in the
25 settlement. We have received previous

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2 assurances from the county that this would be
3 the case. But that would need to be
4 memorialized in any deal. If there is a
5 settlement, the library needs to be issued its
6 own separate payment schedule. As a school
7 district public library all funds are
8 distributed to us by the district. So the
9 district must have clear instructions as to
10 what exactly the library is supposed to
11 receive in order for us to get the payments.

12 Next, just as it has been by
13 recognized by everyone really that school
14 districts need an additional payment from LIPA
15 in order to cushion the blow for their
16 residents. We need that also. I think that's
17 one of the things that's been the hidden story
18 here. Any settlement should include a
19 separate payment to the library to ease the
20 transition of the taxpayers from where they
21 are now to where they will be ending up in
22 five years.

23 I am asking you, the legislature,
24 to consider our predicament and require an
25 additional payment to us from LIPA in any

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2 settlement. I want to stress also, and this
3 speaks to the state aid piece, I think
4 everybody will be surprised to hear that
5 libraries receive very little state aid. We
6 receive 31 cents per capita, which right now
7 is approximately \$2,600 per year. There is no
8 pipeline for us to receive additional state
9 aid. We tried to see whether we could get any
10 money through cessation fund, but as was
11 mentioned by previous speakers, that's only
12 for Indian Point. So let me state this
13 clearly. There is no monetary relief coming
14 for us from anywhere else. So that is why I'm
15 asking you.

16 Finally, we need information. All
17 along we have requested information. We sent
18 hundreds of letters from the community to LIPA
19 which went unanswered and that just goes with
20 what previous speakers have said about how
21 LIPA treats the community in a very high
22 handed way.

23 We asked questions at the community
24 meeting in January of 2020 for the last
25 proposed settlement. We were assured that we

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2 would be kept in the loop but that didn't
3 happen. Anything we know about this proposed
4 settlement we found out from reading Newsday.
5 Our community wants answers and we need to be
6 able to assure them that their library, the
7 heart of their community, will not be broken
8 by this deal. So please remember and help the
9 Island Park library. Our families and seniors
10 are depending on you to not let this
11 unfortunate situation destroy us. Thank you.

12 LEGISLATOR NICOLELLO: Mayor Mike
13 McGinty. Welcome back Mike.

14 MR. MCGINTY: Presiding officer
15 thank you. Legislator Ford thank you. Under
16 normal circumstances, Rich, I would say it's a
17 pleasure to be here.

18 Good afternoon. I stand before you
19 today to discuss the proposed LIPA
20 settlement. I stand before you in
21 supplication. I stand before you as a plague
22 of locusts is about to descend on Island
23 Park. Island Park, which is made up of the
24 incorporated village and the unincorporated
25 areas of Barnum Isle and Harbor Isle.

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2 Homogenous communities, and as previous
3 speakers have noted, 43 percent of which
4 require, need free lunches. 43 percent.

5 Island Park has been and remains
6 the host community to the Barrett power plant
7 and all that implies. We have lived in its
8 shadow with all the deleterious effects it
9 beholds. We've been given promise after
10 promise. All of which have been broken. We
11 were promised structural upgrades being touted
12 as 95 percent environmentally enhanced and a
13 90 percent increase in efficiency. We were
14 promised by then chairman Kessel that there
15 would never be tax certiorari proceedings
16 brought before the state supreme court.
17 Promises made and promises broken.

18 As I stand before you today the
19 Island Park school district is being proposed
20 a deal with incremental reduction in property
21 taxes. These property taxes impact the school
22 district in the estimated amount of \$15
23 million per annum. Roughly 45.5 percent of
24 the total school district budget. Property
25 tax budget.

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2 Island Park is a true blue collar
3 community. A community made up of those who
4 give so much of themselves on a daily basis.
5 Veterans, those active military service,
6 police and fire fighters, first responders.
7 The result of this settlement will be a
8 draconian increase in residents' property
9 taxes paralleled with an exponential loss of
10 business. The result, broken dreams.
11 Promises made and promises broken.

12 While this settlement may benefit
13 Nassau County, it spells disaster for the
14 residents of Island Park, their children and
15 their grandchildren.

16 Now, this case has been going on
17 over ten years. I beg of you please do not
18 rush to judgement. Let us have our day in
19 court. It's a month and a half away. Let us
20 have our day in court. Thank you.

21 LEGISLATOR NICOLELLO: Thank you
22 Mike. Richard Schirin.

23 MR. SCHIRIN: Good afternoon.
24 Thank you for the opportunity to speak. I'm a
25 resident of Harbor Isle. The Harbor Isle

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2 section of Island Park. I'm also a member of
3 the audit community of the school district and
4 I've been a member of this committee for a
5 long time. I've also been active in this
6 issue for a decade. I would have had prepared
7 remarks had I known in advance that this
8 hearing was happening but I got no notice.
9 I've spoken in every opportunity. Every
10 community meeting. Others have spoken at the
11 meeting that was held two years ago. I had a
12 whole presentation. I could have presented it
13 here. I'm going to try to present some of it
14 here from memory.

15 And Denise Ford, I have been
16 working with you on this for a decade. Maybe
17 eight or nine years ago we went with the
18 school district to LIPA's headquarters and met
19 with the then chairman to speak about this
20 issue. My point is we've known this has been
21 coming for a very, very long time. I've gone
22 community meetings, Town of Hempstead
23 meetings, begged for help from our
24 legislators. And, to be honest, the school
25 district, we were alone. We were basically

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2 alone. But we knew it was coming. It's so
3 late in the game now I worry it's too late.
4 I'm honestly worried.

5 I know this community. I've raised
6 my family in this community. We cannot
7 withstand the increases that you're talking
8 about here. It's just not possible. So many
9 people are struggling. I see it. Let me talk
10 about some of the issues.

11 There's public service agreements
12 and other written contracts that apply to the
13 situation. But really what you're talking
14 about is a social contract. National Grid and
15 LIPA have a social contract with this host
16 community. That plant is the most polluting
17 plant on Long Island by far. Multiples worse
18 than Caithness and every other plant you can
19 think. It's probably one of the most
20 polluting plants on the entire East Coast.
21 It's old. It's polluting. It's loud. It
22 pollutes the water. It pollutes the air. It
23 pollutes everything. We put up with this. We
24 accepted this.

25 The contract was that we would

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2 accept these and our property values would go
3 down. And frankly, our health is at risk.

4 There's also the largest natural
5 gas feeding pipeline going to that plant,
6 coming from New Jersey, traveling to that
7 plant right under our community. That as
8 Mr. D'Esposito knows because he was chief, if
9 there ever was a problem with that line our
10 entire community would be destroyed.

11 I know there's secret plans to deal
12 with what would happened if it went to an
13 emergency but it's very dangerous. That plant
14 is a behemoth, a polluting behemoth. And we
15 have said that.

16 In return, the deal was, the social
17 contract was that we got this utility to pay
18 for half of our tax liabilities. So, we do
19 have slightly lower taxes than other
20 communities. But the deal is that they will
21 continue to pay those taxes and we will
22 continue to put up with this polluting plant
23 in our midst and it's there. You can't miss
24 it.

25 And what happened was, LIPA decided

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2 that they don't care. They don't care about
3 the social contract. They don't care about
4 us. And they started this ten years ago. And
5 I shudder to think what the community is going
6 to be without that money. It's literally
7 almost half of our school budget. Do you know
8 what that is? We've been talking about this
9 for years. What are we going to do? Is the
10 school district going to be able to survive?
11 Are we going to have to merge with Long
12 Beach? The school district probably will not
13 exist if this deal goes through.

14 So, it's very disturbing to find
15 out that a deal is done and it's coming before
16 this committee and the committee is set aside
17 on it without any notice to the community at
18 all. What have I been during the past ten
19 years? It's so disrespectful to all of us who
20 have been working on this for so long.

21 Our school district has hired
22 lobbying firms. We hire special counsel. We
23 increased our budget for legal expenses to pay
24 for this. We brought our own lawsuit. We've
25 been fighting this for so long. The least you

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2 can do is table this out of respect for us and
3 not push this through. It's not right. It's
4 just not right.

5 As far as a nondisclosure, the idea
6 that you cannot disclose the terms of this
7 agreement to the community, to the people that
8 it's going to impact is ridiculous. Two years
9 ago when the previous administration put
10 forward their deal, which was horrible, at
11 least they had a presentation. They told us
12 exactly what the ramifications were. What it
13 was going to cost us. What each household was
14 going to have to pay. We have no idea know.
15 It's some black box. It's ridiculous.

16 And, you know, I'm an attorney.
17 You can go to trial. You can lose. You can
18 appeal. You can appeal. And you can buy more
19 time that way. You can also, most
20 importantly, you can advocate to the state.
21 You can advocate to the politicians. LIPA is
22 a political body. They are a political body.
23 They answer to the state. They have
24 constituencies. This is what we've been
25 trying to do for the past decade, Denise and

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2 others.

3 You need to let them know that
4 there's a price to pay if they do this to our
5 community. I personally believe that the most
6 effective way to address this is politically.
7 I urge you all to table this. Come up with a
8 new plan. Fight it politically and do what
9 you can to help us because we need the help.
10 Thank you.

11 LEGISLATOR NICOLELLO: Thank you
12 Mr. Schirin.

13 LEGISLATOR DERIGGI-WHITTON: Can
14 I make -- I really feel -- first of all I just
15 want to mention --

16 LEGISLATOR NICOLELLO: I have one
17 more speaker, the president of the board of
18 education.

19 LEGISLATOR DERIGGI-WHITTON: I
20 just would like to make a motion to table at
21 this point even before hearing from that. I
22 think that there's also a real concern on page
23 15 it says that the county legislature --

24 LEGISLATOR NICOLELLO: We're
25 going to hear from the board of education.

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2 LEGISLATOR FORD: You can make
3 that but I'd like hear from our school board
4 president.

5 LEGISLATOR DERIGGI-WHITTON: But
6 I just also want everyone to think before you
7 vote on this motion to table it says on page
8 15 --

9 LEGISLATOR NICOLELLO: Jack
10 Vobis, president of the board of education.

11 LEGISLATOR DERIGGI-WHITTON: So,
12 they want us to approve the PILOT today.
13 That's part of this settlement.

14 LEGISLATOR NICOLELLO: Legislator
15 DeRiggi-Whitton, you would not want me to cut
16 short speakers from the north shore --

17 LEGISLATOR DERIGGI-WHITTON: I
18 apologize. The only reason why I mentioned it
19 was because your last speaker asked for a
20 motion to table so I wanted to oblige him.

21 LEGISLATOR NICOLELLO: You will
22 have an opportunity after Mr. Vobis is done.

23 MR. VOBIS: I will try to keep my
24 comments short. I think everyone from Island
25 Park that spoke earlier has hit all the

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2 points. I would like to just hit a few points
3 and one of the bullet points I'd like to hit
4 is we did hear about North Shore coming to an
5 agreement with LIPA to settle their case.
6 There was previous litigation, as everyone
7 knows, in the Town of Huntington and Northport
8 school district that came to an agreement with
9 LIPA. It's important to know that Island Park
10 is interested in the best agreement for the
11 citizens and the taxpayers in Island Park, not
12 anywhere else. So their agreements might be
13 different for different people. We're looking
14 for the best agreement for the people of
15 Island Park.

16 I'd also note that as far as
17 capacity goes, LIPA themselves, when we were
18 negotiating this or discussing this back in
19 2019, gave us a report that said the E.F.
20 Barrett power plant powers 300,000
21 households. Not customers. Not people.
22 Households. The North Shore power plant at
23 that time powered 86. Not 8600. Not 86,000.
24 86. There's a big difference between North
25 Shore and Island Park. So, we don't even know

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2 what the terms of that are.

3 We also know that the appraisal
4 that was submitted in the litigation for the
5 Glenwood Landing plant and for the E.F.
6 Barrett plant, the E.F. Barrett plant was
7 appraised at 26 times the Glenwood Landing
8 plant. So, I would hope that when LIPA comes
9 to Island Park to make an offer it would be 26
10 times whatever the offer was to Glenwood
11 Landing and to the North Shore school
12 district.

13 That being said, there's also
14 something -- as far as the appraisal that went
15 through in November. The appraisal that went
16 through in November was rushed as was said
17 before. It typically takes over a year, year
18 and a half. And the school district had
19 separate counsel that specialized in tax
20 certiorari agreements and we did actually
21 engage an appraiser to make a preliminary
22 appraisal of the power plant at E.F. Barrett.
23 And I'll just tell you, a purely rudimentary
24 calculation, the land alone, without any of
25 the structures considered on that land, was

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2 worth more than the appraisal that was
3 submitted by the county. So, there's a big
4 problem as far as what happened here back in
5 November.

6 We were part of discussions with
7 LIPA. We were part of discussions with the
8 previous administration. There were Zoom
9 meetings. They happened frequently. Then at
10 some point the communication shut off and we
11 found out that these appraisals were going to
12 be submitted to the judge in November and
13 that's what happened. We were cut out of it.
14 We were part of it to begin it. We were led
15 down the garden path so to speak.

16 My other concern here is something
17 I voiced back in 2019, and I respectfully, to
18 everyone here, I appreciate your time and your
19 bearing through this and I'm going to get to
20 the point really quickly, but we talk about
21 the Nassau County guarantee that's part of the
22 charter. It's a guarantee that the county
23 appraises land. If they make a mistake they
24 have to pay the difference.

25 What's happening here is that the

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2 county made a mistake or at least that's what
3 the county says because the county is saying
4 that the land is not worth that much now. The
5 court's going to say the same thing supposedly
6 on May 31st. There's no question about it.
7 But somehow the county is able to absolve
8 themselves from that responsibility and put
9 the burden on the citizens of Island Park.
10 Because that's what's happening here.

11 We're talking about \$500,000
12 supposedly that's going to be spread out among
13 the taxpayers of Nassau County. I don't know
14 what the hit per taxpayer would be but you've
15 heard what the hit per taxpayer in Island Park
16 is going to be if this goes through. At the
17 end of the glide path that was talked about,
18 we're talking about 45 to \$50 million. That's
19 a starting point for LIPA. 45 to \$50
20 million. That gets us to year five or six.
21 We don't know what we're going to do after
22 that but at least it gets us to the end of
23 their glide path.

24 And then we can see, as
25 Mr. Randazzo said, whether they're

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2 decommissioning plan, whether it's ten years
3 or 12 years or 15 years or whatever goes into
4 that space we'll see what happens then.
5 Hopefully it won't be any kind of a tax relief
6 for whatever entity takes over that land.

7 This community, as we said, is not
8 a wealthy community. I'm a taxpayer there and
9 I'm probably one of the better off people
10 there. 43 percent of our taxpayers, again,
11 Mayor Mike McGinty said it, Mr. Randazzo said
12 it, 43 percent of our children are on reduced
13 or free lunches.

14 Just to go back to what was spoken
15 earlier about what came out yesterday. And,
16 of course, we see the headline in Newsday that
17 the governor and the legislature has decided
18 that they're going to make this tremendous
19 increase in school aid and Long Island is
20 going to reap the benefits of it.

21 Well, Island Park got a 2.53
22 percent increase. You can look at the list of
23 school districts and you will see that's if
24 not at the bottom right at the bottom.
25 \$85,000. \$85,000. You know what that does?

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2 That basically maybe balances the books for
3 our free and reduced school lunches. Which
4 are mandated to give at our own cost.

5 So, with that, I would just say, as
6 all the other speakers said, let's not rush to
7 judgement here. Let's take a good look at
8 this and let's put some pressure on LIPA.
9 LIPA has to do the right thing. They're a
10 public-private entity. They're not just some
11 store on the corner that can go out of
12 business and stop paying their taxes. They
13 have responsibilities to the community. I
14 don't know whether they're hiding behind the
15 PSEG shield or vice versa but there needs to
16 be some kind of accountability for LIPA. They
17 have to come forward with some funds to at
18 least these school districts in the right
19 place. Thank you for your time.

20 LEGISLATOR FORD: Jack, before
21 you go, I just have a question. I saw that
22 the increase for Island Park, the 2.5 percent
23 increase that you got, is that based on the
24 current state aid that you do get.

25 MR. VOBIS: I think it's based on

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2 what we received -- yeah, what our last state
3 aid was. This was the increase over what we
4 got.

5 LEGISLATOR FORD: So, they didn't
6 even include the monies that you got in a
7 PILOT from LIPA?

8 MR. VOBIS: No. This is just
9 state aid like every school district, what
10 believe, I read the article in Newsday --

11 LEGISLATOR FORD: So you always
12 got less state aid then what you were really
13 entitled to?

14 MR. VOBIS: Correct. And that's
15 the other anomaly that comes in here. There's
16 a lot of other factors that come into this.
17 Because of the LIPA plant our wealth ratio,
18 which is one of the determining factors in
19 state aid, that is higher than it should be
20 because it doesn't really reflect the
21 community. It only reflects the fact that
22 LIPA has a plant there that takes up or pays
23 46 percent of the school district's taxes.

24 So, as one of the prior speakers
25 said, to lose that 46 percent would basically

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2 double the school taxes for every other
3 taxpayer. Thank you.

4 LEGISLATOR NICOLELLO: Legislator
5 DeRiggi-Whitton you had a motion to table?

6 LEGISLATOR DERIGGI-WHITTON: I
7 apologize. I didn't mean to cut you off. I
8 was just impressed with the prior speaker and
9 his request. I would like to make a motion to
10 table. But again, before I do so I want to
11 just point out this error that was mentioned
12 by our attorney. I don't know how a packet
13 can contain, and I forget how many times, but
14 on page 15 it says that the PILOT agreement
15 needs to be approved by the county
16 legislature.

17 Can I ask you, Vince, if you could
18 just state whether or not what we're approving
19 includes -- are we approving as a legislature
20 a PILOT right now?

21 MR. VINCELETTE: No, you are not
22 approving a PILOT. Again, that's I guess an
23 error. The date of that packet is February
24 10th I believe, which was prior to the
25 agreement.

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2 LEGISLATOR DERIGGI-WHITTON: It
3 was handed out today. So, I would like to
4 make a motion to table.

5 LEGISLATOR BYNOE: Second.

6 LEGISLATOR NICOLELLO: That's a
7 motion that's in Rules Committee. It's a
8 motion to table by Legislator
9 DeRiggi-Whitton. Seconded by Legislator
10 Bynoe. Arnie, I know you wanted to make a
11 similar motion in Finance?

12 LEGISLATOR DRUCKER: Yes, I would
13 like to make a similar motion on behalf of the
14 minority members of the Finance committee.

15 LEGISLATOR SOLAGES: I second
16 that.

17 LEGISLATOR NICOLELLO: Seconded
18 by Legislator Solages. There's no debate or
19 discussion on a motion to table. You want to
20 do Finance first and then Rules in terms of
21 the motion to table? So, Finance Committee
22 members. All in favor of the motion to table
23 signify by saying aye. Those opposed? The
24 motion fails by a vote of four to three.

25 Rules Committee members. All in

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2 favor signify by saying aye. Those opposed?
3 Motion to table fails.

4 Here's the thing. This will go
5 before the full leg -- assuming in a few
6 moments it passes both committees -- in two
7 weeks on April 25th, which is a Monday. Our
8 meeting starts at 1 o'clock. What we're faced
9 with is an imminent trial. As has been
10 mentioned before, the appraisals that were
11 submitted by the outgoing administration in
12 November create an incredible problem for that
13 trial and we are stuck with those appraisals.
14 As much as you don't like them, as much as you
15 want to criticize them at this point we are
16 stuck with them.

17 Before it was mentioned the
18 possible exposure to the county of \$500
19 million. In fact, with interest etcetera the
20 actual number is \$800 million. But that is
21 not the only exposure. Exposure for a loss in
22 this case is a greater reduction in assessed
23 value that will take place immediately for
24 these two school districts. I guess the one
25 school district at this point. So, there's no

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2 pressure on LIPA. The only pressure that you
3 can build on LIPA is public. We all need to
4 build that pressure. We need our colleagues
5 in state government and we need everyone in
6 official life now to put that pressure on LIPA
7 to do the right thing in Island Park.

8 But again, this matter should be
9 moving on to the full legislature in two
10 weeks. There may be additional questions. We
11 will be pursuing those questions in the next
12 two weeks. We fully anticipate there will be
13 a vote on the settlement at that time.

14 We are not having executive session
15 today but we are going to ask that
16 Mr. Vincelette, as well as all the
17 administration, be prepared to come to both
18 sides to answer any additional questions that
19 we have that are of a, more of a legal,
20 technical strategy nature as opposed to the
21 details of the settlement.

22 Any other debate or discussion?

23 Call for a vote in Finance.

24 LEGISLATOR KOPEL: For Finance.

25 All those in favor of this item please signify

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2 by saying aye. Those opposed? So, I guess
3 it's four to three.

4 LEGISLATOR NICOLELLO: Rules.

5 All in favor signify by saying aye. Those
6 opposed? It passes by a vote of four to
7 three. This is committee level vote. So it
8 will go before the full legislature and all 19
9 will vote in two weeks.

10 We're going to take a five minute
11 break and start with the contracts portion of
12 the Rules Committee.

13 (Finance and Rules committees
14 recessed at 3:09 p.m.)

15 (Finance and Rules committees
16 reconvened at 3:22 p.m.)

17 LEGISLATOR NICOLELLO: We are
18 going to consider the longevity amendment. We
19 are going to call both the Rules Committee and
20 Finance Committee to order. With respect to
21 the Rules Committee, we need a motion to
22 suspend the rules. Moved by Legislator
23 DeRiggi-Whitton. Seconded by Legislator
24 Schaefer. All in favor of suspending the
25 rules signify by saying aye. Those opposed?

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2 Carries unanimously. I'll call the item.

3 We're going to be considering item
4 119 of 2022. Moved by Deputy Presiding
5 Officer Kopel. Seconded by Minority Leader
6 Abrahams.

7 That is a resolution approving a
8 memorandum of agreement and stipulation of
9 settlement by and between the county of Nassau
10 and the Nassau County Sheriff's Correction
11 Officers Benevolent Association, Local 830 of
12 the Civil Service Employees Association, the
13 Detectives Association, Inc. and the Superior
14 Officers Association of the police department
15 of the county of Nassau.

16 Actually a motion by Deputy
17 Presiding Officer Kopel. Seconded by Minority
18 Leader Abrahams. That's before the Rules
19 Committee. You want to do the same?

20 LEGISLATOR KOPEL: Finance
21 Committee. We're going to have to suspend the
22 rules. Motion for that is made by
23 Ms. Walker. Seconded by Mr. Lafazan. All
24 those in favor of suspending the rules please
25 say aye. Any opposed? The rules are

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2 suspended.

3 I'm going to call number 119 of '22
4 on the addendum, which is a resolution
5 approving a memorandum of agreement and
6 stipulation of settlement between the county
7 of Nassau and Nassau County Sheriff's
8 Correction Officers Benevolent Association.
9 Motion is made by Mr. Drucker and seconded by
10 Mr. Ferretti.

11 LEGISLATOR NICOLELLO: So the
12 items are before us. Mr. Bee, would you want
13 to come before the microphone and make a
14 presentation?

15 MR. BEE: Good afternoon
16 presiding officer and members of the
17 legislature. My name is Peter Bee. I'm
18 joined here today by my law partner Bill
19 DeWitt and also by the county budget director
20 Andrew Persich, and we are acting today as
21 special counsel to the county attorney. We
22 were asked to assist in the county executive's
23 efforts to settle a pay dispute with the six
24 unions that represent the unionized county
25 workforce.

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2 In that connection, the problem, as
3 the legislature may be aware and was described
4 in the memorandum of support that we provided
5 earlier today, is a somewhat complex problem.
6 And like many complex problems it has its
7 origins in history. In this case it began
8 with the pay freeze of 2011, which froze
9 virtually all categories of pay and then was
10 further triggered by certain memoranda of
11 agreement in 2014. Which unfroze many areas
12 of pay. But as the legislative members may be
13 aware, pay for county employees is divided
14 into multiple categories of pay. There is
15 base pay, night shift differential pay,
16 holiday pay and one category is longevity
17 pay. Which is a sum of money paid to county
18 employees based on their years of service and
19 it varies somewhat between each one of the
20 separate six unions. But basically it is your
21 years of service multiplied by a sum of money
22 that is the category known as longevity pay.

23 In any event, when the 2014
24 memoranda of agreement was signed with the
25 various unions and which unfroze most

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2 categories of pay the topic of longevity pay
3 was left to the side and the documents
4 indicate that it was to be further
5 negotiated.

6 In 2017, as that year ended and we
7 began 2018, the problem came to a head in that
8 it was the unions' perspective that longevity
9 pay would automatically return in January of
10 '18 and it was the county's position that it
11 would not return until and unless further
12 negotiated.

13 The result was that longevity pay
14 was not paid and remained at the frozen levels
15 that had existed since 2011. This pay dispute
16 lingered and was litigated. It was in the
17 courts between 2018 and 2021 and ultimately a
18 directive was issued by the appellate division
19 to arbitrate the dispute pursuant to the
20 various unions collective bargaining
21 agreements and their mechanisms for dispute
22 resolution ending in binding arbitration.

23 As that process moved forward, the
24 incoming administration determined to make an
25 effort to settle this dispute rather than risk

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2 the vagaries of arbitration. Which, as the
3 members of the legislature may know, is not
4 entirely guided by law. Law is only a guide
5 and the arbitrator is free to do more than
6 simply follow the letter of the law or the
7 letter of the contract.

8 There being risk to both sides, the
9 county executive requested former Judge Silver
10 from the New York City court system to assist
11 and act as a mediator. A number of days of
12 mediation took place in the county executive's
13 office and we believe we have arrived at a
14 tentative settlement that is subject to your
15 approval and that settlement basically
16 provides that with respect to the claimed
17 wages that would be owed from 2018 to the
18 present time in the category of longevity pay
19 the union employees would be paid 50 percent
20 of their claimed back pay. That is the
21 differential between what they would get if
22 they won the arbitration and the amounts they
23 did receive under the frozen amounts that they
24 were getting all along. So, for retroactive
25 purposes it was a 50-50 split.

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2 As to the second half going
3 forward, the directive had always been from
4 the county's point of view to negotiate future
5 longevity and those negotiations took place in
6 the context of the settlement negotiations and
7 it was ultimately arrived at the conclusion
8 that the longevity scales, the payment plans,
9 would prospectively be only 72 percent of what
10 they had been. So, a 27 point something
11 percent reduction in future longevity payments
12 will be made.

13 There were some other details that
14 the topic of longevity would not be subject to
15 interest arbitration for a number of years
16 into the future and certain caps on longevity
17 were in place so that you wouldn't have a
18 multiplier of years of service times a sum of
19 money indefinitely for employees with 35, 40,
20 45 years of service. They would be capped at
21 a 35 year mark. And that is in essence the
22 settlement.

23 We stand before you today to
24 recommend this settlement as being a
25 reasonable split of the risk for retroactive

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2 payments at 50-50 and a significant and
3 structural change in future longevity
4 payments, such payments only being 72 percent
5 of what they formally were.

6 I'd be happy to answer any
7 questions. And with me today is the budget
8 director for the county who can give you
9 answers to more of how that translates into
10 actual dollars.

11 LEGISLATOR NICOLELLO: Any
12 questions for Mr. Bee? Mr. Bee, thank you
13 very much. Excellent presentation. Maybe
14 we'll have Andy come up and give us the
15 financial.

16 MR. PERSICH: Good afternoon.
17 Andy Persich. The cost of this deal is
18 approximately \$100 million. It's about \$43.8
19 million in retro payments and \$15 million
20 going forward. The funding, which are items
21 that are before this legislature today, coming
22 from surplus from this year that will be put
23 into I will call it into a reserve that will
24 fund this. So it will have no impact on the
25 operating budgets going forward.

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2 We did have some money in the
3 multiyear plan that included some longevity
4 payments. This is going to mitigate any
5 additional need for resources to cover the
6 funding for this deal.

7 In a nutshell, it's 72.2 cents on
8 the dollar under go forward and 50 percent on
9 the back end. Our liability could have been
10 much higher. It was in the \$180 million range
11 if we got there. This controls the trajectory
12 of the county finances in a way that we're not
13 being -- with the judgements shoved down our
14 throat for lack of a better thing and having
15 to pay this out at 100 cents on the dollar.

16 LEGISLATOR NICOLELLO: Thank you
17 Andy. Any questions? I think we're good.
18 Any public comment on this item? Hearing
19 none, you want to call Finance first?

20 LEGISLATOR KOPEL: Finance. We
21 already had the motion. All those in favor of
22 this item please signify by saying aye. Any
23 opposed? That item passes unanimously.

24 LEGISLATOR NICOLELLO: Likewise
25 in Rules. All in favor signify by saying

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2 aye. Those opposed? Passes unanimously. Off
3 to full legislature in two weeks. We will go
4 into the contracts portion of the rules
5 Committee now. You want to put Finance in
6 recess?

7 LEGISLATOR KOPEL: Finance will
8 be in recess. We will come back after a
9 while.

10 (Finance committee recessed at 3:34
11 p.m.)

12 LEGISLATOR NICOLELLO: With
13 respect to the contracts, we have A-3 of '22,
14 A-7 of '22. Resolutions authorizing the
15 commissioner of shared services to award and
16 execute blanket purchase orders between the
17 county of Nassau and American Wear, Inc. and
18 Aetna Electric.

19 B-4, B-5, B-7, B-8 B-9 of '22.
20 Resolutions authorizing the county executive
21 to award and execute contracts between the
22 county and Pratt Brothers, Inc., DF Stone
23 Contracting, Posillico Civil, H and L
24 Contracting.

25 E-17, E-18, E-19, E-20, E-22 E-23,

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2 E-24, E-25, E-26, E-27, E-29, E-30. These are
3 resolutions authorizing the county executive
4 to execute personal services agreements or
5 amendments to personal service agreements
6 between the county and Richard Remauro, Segal
7 Company, Research Foundation for the State
8 University of New York, BRNT Consulting, Fund
9 for the City of New York, Choice for All,
10 Hispanic Counseling Center, Aetna Life
11 Insurance Company, Ashbritt, Inc., CG-3PL
12 Engineering, Aeluxt Group.

13 E-28 is a resolution making certain
14 determinations pursuant to the State
15 Environmental Quality Review Act in
16 authorizing the county executive to execute a
17 lease agreement with EGB Hospitality L.L.C.

18 Then E-14 is a resolution
19 authorizing the county executive to execute a
20 personal services agreement or amendment to a
21 personal services agreement between the county
22 and YMS Management Associates, Inc.

23 Moved by Minority Leader Abrahams.
24 Seconded by Deputy Presiding Officer Kopel.
25 Before we start calling those items we also

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2 need a motion to untable for E-12 of 2022. A
3 resolution authorizing the county executive to
4 execute a personal services agreement between
5 the county and Greenman-Pederson, Inc.

6 Moved by Legislator Bynoe.

7 Seconded by Legislator Schaefer.

8 And now we have to table three of
9 those contracts. So, with respect to E-23
10 Choice For All, A-7 Aetna Electric, E-29
11 CG-3PL Engineering, we need a motion to
12 table. Moved by Legislator Rhoads. Seconded
13 by Legislator DeRiggi-Whitton. All in favor
14 of tabling those contracts signify by saying
15 aye. Those opposed? Those contracts are
16 tabled.

17 Now we go to the full list starting
18 with probation. E-25 Fund for the City of New
19 York. Anyone here from the probation
20 department?

21 MR. SCHILIRO: Sorry about that.
22 I dropped all my papers when I stood up. Good
23 afternoon. Joe Schiliro, fiscal officer for
24 department of probation department. I'm here
25 to discuss the amendment to a contract with

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2 Fund for the City of New York Center for Court
3 Innovation.

4 This is a one-year amendment to a
5 previously executed contract that has four
6 options, four one-year renewal options. This
7 is the first of the renewal options for the
8 period of October of 2020 through September of
9 2021. There have been delays in getting the
10 contract amendment here as there were in the
11 previous contract due to delays in obtaining
12 the disclosure forms from the vendor. The
13 principals in the organization are high
14 profile New Yorkers and it's very difficult
15 for them to get the disclosure forms into us.
16 It's been a problem we've been dealing with
17 and this is the latest round of it.

18 We are currently working on an
19 amendment to the second phase of this covering
20 the balance of the contract period going
21 through 2025 I believe it is, and hopefully I
22 will be here in the next one or two months to
23 present that one as well.

24 LEGISLATOR NICOLELLO: Thank
25 you. Any questions? Discussion?

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2 MR. SCHILIRO: Also it's a
3 grant-funded program. It's a Raise the Age
4 funded program. Delays in the past have also
5 been attributed to delays in getting the RTA
6 plan approved before we can enter into the
7 contract process.

8 LEGISLATOR NICOLELLO: Thank you
9 very much Mr. Schiliro. Appreciate it.

10 Next is with Parks E-28, EGB
11 Hospitality L.L.C.

12 MS. BELYEA: Good afternoon
13 everyone. Darcy Belyea, parks commissioner.
14 Please to present the license agreement
15 between the county and EGB Hospitality to
16 operate the current Carlton facility in
17 Eisenhower Park effective October 1, 2022.
18 It's the result of an RFP conducted and
19 reviewed in August of 2021. There were two
20 respondents. EGB Hospitality was the highest
21 scoring and EGB Hospitality includes five
22 partners. Elias Johannas, Bobby Johannas,
23 Dennis Marshapoulos, Nick Marshapoulos and
24 Jerry Hagavartos. They are operators of three
25 restaurants and catering facilities and

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2 currently operate the Jones Beach and Robert
3 Moses concessions.

4 This agreement proposes a 15-year
5 term. The term of the license we are
6 proposing would begin on October 1st.

7 At that point they would put in
8 \$1.5 million in capital improvements into the
9 existing facility, and then as soon as that
10 work is completed, no later than 15 months if
11 not sooner, then we would begin the
12 commencement date at which point fees would be
13 payable for a fixed fee of \$504,000 or a
14 variable fee of 20 percent for catering and 15
15 percent for other concession services being
16 the four golf course concessions and it will
17 be the higher of those two payments.

18 And as a side, the golf course
19 concessions by this agreement would need to be
20 opened by April 1 of 2023. So before the
21 15-month deadline for the commencement date.
22 And utilities in this agreement, which differ
23 from the current agreement with the current
24 operator, are paid by the operator. And that
25 is pretty much it.

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2 LEGISLATOR NICOLELLO: My
3 question is in terms of evaluating the
4 responses to the RFP, was that just done in
5 house with a committee? Did you have an
6 appraiser or somebody in the industry take a
7 look at it also?

8 MS. BELYEA: So, it was prior to
9 my time. There was a panel and it was
10 in-house within the county with no outside
11 consultant.

12 LEGISLATOR NICOLELLO: Thank
13 you. Any other questions?

14 MS. ZAKI: Good afternoon
15 legislators. I'm Zeema Zaki for human
16 services. Department of Human Services for
17 clerk item 17 for Richard Remauro.

18 He is a psychosocial worker who
19 serves the court diversion services case
20 management program which is a 50-50 funding.
21 50 percent state, 50 percent county. And the
22 skill sets he possess are the case management
23 of clients, in need of care coordination
24 services. The services he provides is very
25 much needed for that program and he actually

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2 does a lot of other stuff. Conducts
3 toxicology testing and reports the results to
4 court. Document progress notice of compliance
5 and treatment. He performs jail assessments.
6 Phone screening and transportation set up of
7 placement into treatment. Do crisis
8 intervention as needed. Organize records and
9 files and maintains the data base for
10 treatment program. So, he's selected for that
11 reason.

12 LEGISLATOR NICOLELLO: Thank
13 you. Any questions or discussion? Thank you
14 very much. Next two with human resources,
15 E-26 with the Aetna Life Insurance Company.
16 Good.

17 MS. HOWARD: Marissa Howard,
18 director of human resources. Item E-26-22 is
19 a request to approve renewal of the flexible
20 spending account administrative services
21 agreement with Aetna Life Insurance Company.
22 This renewal will allow the county to continue
23 administrative services for flexible spending
24 with it through December 2023.

25 LEGISLATOR NICOLELLO: Any

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2 questions about this one? No. Thank you. We
3 also have another one, E-30, the Aelixt
4 Group.

5 MS. HOWARD: Item E-30-22 is a
6 request to approve the award for sexual
7 harassment prevention and training services
8 for county employees to Aelixt Group doing
9 business HR Train. The training is required
10 by New York State as well as by local county
11 resolution. This item is for an initial
12 three-year agreement with the option to extend
13 services under two additional one-year
14 agreements.

15 LEGISLATOR NICOLELLO: Any
16 questions on this one? Legislator Bynoe.

17 LEGISLATOR BYNOE: Do they
18 provide any other type of training for the
19 county?

20 MS. HOWARD: HR training?

21 LEGISLATOR BYNOE: Yes.

22 MS. HOWARD: Not for the county,
23 no.

24 LEGISLATOR BYNOE: They don't?

25 MS. HOWARD: No.

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2 LEGISLATOR NICOLELLO: Any other
3 questions? We're good. Thank you. Next
4 contracts are with purchasing. First one is
5 A-3, American Wear, Inc.

6 MR. NIMMO: Bill Nimmo, deputy
7 commissioner for Public Works Nassau County.
8 This is a contract they supply uniforms for
9 the county employees. On a rental basis they
10 take them, they clean them, return them.

11 LEGISLATOR NICOLELLO: Any
12 questions for Bill? Thank you. E-18, the
13 Segal Company.

14 MS. MALAHAME: Allison Malahame,
15 deputy commissioner of shared services. This
16 agreement increases the maximum amount of the
17 original Segal contract by \$75,000. 15,000
18 for the dental and vision competitive
19 solicitation and 15,000 for each of the four
20 years remaining on the contract to advise the
21 health benefits committee during the ongoing
22 benefits evaluation phase.

23 Segal is paid on an hourly basis
24 for work performed. The initial contract for
25 \$46,000 included Segal's assistance with

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2 finding a plan consistent with collective
3 bargaining agreements that have similar
4 NYSHIP's Empire plan but at a cost that is
5 over 20 percent lower than the 2022 NYSHIP
6 plan.

7 This amendment expands the
8 contract's original scope to cover the
9 county's dental and vision competitive
10 solicitations that were evaluated and selected
11 in late 2021 to be effective January 1, 2022.
12 As well as advising ongoing annual reviews of
13 all benefit plans with the health benefits
14 committee. The health benefits committee is
15 pleased with Segal's performance under this
16 contract and values Segal's expertise
17 regarding the health insurance industry.
18 Thank you.

19 LEGISLATOR NICOLELLO: Thank
20 you. Any questions? Legislator Bynoe.

21 LEGISLATOR BYNOE: What was the
22 name of the company -- good afternoon. What
23 was the name of the company that provided
24 service previously?

25 MS. MALAHAME: This is the same

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2 company.

3 LEGISLATOR BYNOE: They were
4 pleased?

5 MS. MALAHAME: Yes.

6 LEGISLATOR BYNOE: I know I
7 wasn't but okay.

8 LEGISLATOR NICOLELLO: Any other
9 questions? Thank you. Next one is E-19.
10 Contract with the Research Foundation of SUNY.

11 MS. MALAHAME: The Research
12 Foundation for SUNY, also known as the
13 Rockefeller Institute of Government was
14 selected by an RFP process to develop and
15 implement on an annual basis Nassau County's
16 shared services plan. The Rockefeller
17 Institute has been instrumental in Nassau's
18 2019, 2020 and 221 shared services plans,
19 content, presentation and implementation under
20 a contract that ended in June 2021.

21 Whereas, the first agreement
22 focused on the development of the county's
23 agreement shared services plan, this contract
24 is more focused on the implementation of plan
25 initiatives.

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2 Matching grant funds of \$339,000
3 have been awarded to Nassau County and its
4 villages for 2019 and 2020 successful plan
5 project implementation.

6 The maximum spend on the contract
7 is \$240,000 over three years, or \$80,000 a
8 year. State matching funds Nassau County
9 receives as a result of the contractor's
10 services are expected to cover the cost of
11 their contract. Thank you.

12 LEGISLATOR NICOLELLO: Thank you
13 again. Any questions on this one? No. All
14 set.

15 Contracts, next three are with the
16 district attorney's office starting with E-20,
17 BRNT Consulting L.L.C.

18 MR. MCDERMOTT: Good afternoon
19 presiding officer, legislators. Dennis
20 McDermott, assistant district attorney.

21 First, BRNT Consulting, we are
22 requesting approval for an extension. The
23 first of two one-year renewals. BRNT provides
24 maintenance and configuration upgrades for the
25 district attorney's Justware case management

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2 system. The term runs through 9-30-22. We're
3 increasing the maximum amount by \$20,000 and
4 raising the per hour to \$65 an hour.

5 LEGISLATOR NICOLELLO: Any
6 questions on this one? Hearing none, doing
7 the next one too?

8 MR. MCDERMOTT: If I must.

9 LEGISLATOR NICOLELLO: E-22, the
10 Fund for the City of New York.

11 MR. MCDERMOTT: This is sort of a
12 prequel to probation's presentation. This was
13 is actually a contract that the term ran
14 through 2019. The district attorney's office
15 ran into the same problems on disclosures that
16 probation has now. I believe the office is
17 glad that probation now has to handle this
18 contract. It was for running youth court and
19 it was for \$92,878.

20 LEGISLATOR NICOLELLO: Any
21 questions on this one? We're good. Last one.

22 MR. MCDERMOTT: Last one is
23 Hispanic Counseling Center. This is for the
24 final one-year extension to fund the Batterers
25 Intervention Program, which is the program

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2 that Hispanic Counseling has run for several
3 years. It's 100 percent funded by the state
4 forfeiture funds. This matter was actually
5 before you and was tabled in March of 2021 for
6 the inspector general's review. By the time
7 it was reviewed and by the time that the
8 office had satisfied to the IG's approval of
9 all the issues that had been raised that
10 brought us to past the election and then we
11 had to refile. And it's for \$85,000. Again,
12 it's state funded.

13 And just as a quick note. All of
14 those type contracts that are really not
15 calendared indicated or sensitive in the
16 future all of these terms and the services
17 will not start until it's signed by the county
18 to prevent late contracts.

19 And those that are sensitive, such
20 as the grand jury court reporting services,
21 which current contract runs through December
22 of this year, we're issuing the RFP next
23 week. So, the new district attorney is taking
24 concrete steps to make sure this happens as
25 rarely as possible. But in all honesty, there

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2 are probably a few in the works right now that
3 you will see.

4 LEGISLATOR NICOLELLO: We
5 appreciate that in any efforts of contracts
6 being current. Any other questions? No.
7 We're good. Thank you.

8 Next contracts are with DPW
9 starting with B-4 and B-8 of 2022. These are
10 contracts with Pratt Brothers, Inc.

11 MR. GEORGE: Good afternoon. My
12 name is Thomas George. I'm the deputy county
13 assistant for DPW. B-4-22 is amendment number
14 two with Pratt. This is an amendment to an
15 agreement with Pratt Brothers for additional
16 funding required to repair the damage caused
17 by hurricane tropical storm Ida to the
18 county's infrastructure. The majority of this
19 work was not anticipated in the current
20 contract cap for our general requirements
21 contract.

22 LEGISLATOR NICOLELLO: Legislator
23 Kopel.

24 LEGISLATOR KOPEL: Is this a
25 general requirements contract? In other

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2 words, is this an on-call type of contract?

3 MR. GEORGE: Yes. Requirement
4 contract basically.

5 LEGISLATOR KOPEL: So basically,
6 we're not talking about one discreet project,
7 we're talking about a number of projects?

8 MR. GEORGE: Correct.

9 LEGISLATOR KOPEL: Well, then, my
10 question to you is, why was this not rebid?
11 This is a very -- \$4 million is a significant
12 increase. The original contract as bid was
13 only 16. This would be the second time that
14 it's just being extended without any
15 whatchamacallit, without any rebid, and why
16 would that be?

17 MR. GEORGE: This is basically a
18 general requirement contract and terms of the
19 contract is for first three years and then
20 there is an optional one-year extension. We
21 are still in the second year of the project
22 term actually. It's not done. So, it's 2021,
23 2122, 2023.

24 LEGISLATOR KOPEL: I'm sorry.
25 But with an option, but we still could have,

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2 in other words, once you've used up the money
3 you could have rebid.

4 MR. GEORGE: I mean, the contract
5 is for three years actually. After that there
6 is an option of one year. We have the option.

7 LEGISLATOR KOPEL: I heard you.
8 What I'm saying is that you need not have gone
9 further with this contract because you used up
10 the money that was allotted to it to begin
11 with. You could have hired somebody else is
12 that not right?

13 MR. GEORGE: There are a couple
14 of reasons actually. The funding source,
15 FEMA, they prefer us to use the existing
16 contract due to the situation like hurricane
17 Ida since the procurement time is very long.

18 LEGISLATOR KOPEL: What you're
19 saying is that we're using the same one
20 because of FEMA?

21 MR. GEORGE: Correct.

22 LEGISLATOR KOPEL: I got it.

23 Thank you.

24 LEGISLATOR NICOLELLO: Any other
25 questions on B-4? Legislator DeRiggi-Whitton.

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2 LEGISLATOR DERIGGI-WHITTON: I
3 think you just answered it but is FEMA paying
4 for all of this, all \$4 million?

5 MR. GEORGE: FEMA is paying for
6 all of this.

7 LEGISLATOR DERIGGI-WHITTON:
8 That's great. Thank you.

9 LEGISLATOR NICOLELLO: B-8, also
10 another contract with Pratt for resurfacing.

11 MR. GEORGE: Yes. That's a
12 priority resurfacing contract actually. B-8.
13 This contract is for resurfacing our 15 lane
14 lines of the county roads in Town of
15 Hempstead.

16 LEGISLATOR NICOLELLO: Any
17 questions or discussion? No. We're good.
18 B-5 with DF Stone.

19 MR. GEORGE: That's also drainage
20 requirement contract similar to the one with
21 Pratt.

22 LEGISLATOR NICOLELLO: Is this
23 also being FEMA funded?

24 MR. GEORGE: Yes, that's also
25 FEMA funded.

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2 LEGISLATOR NICOLELLO: Any other
3 questions on this one, B-5? No. Let's go to
4 B-7, Posillico.

5 MR. GEORGE: B-7 is, I'm sorry,
6 priority requirement contract. This is a
7 contract to resurface over 15 lane lines of
8 the county roads in Town of Hempstead and Town
9 of North Hempstead.

10 LEGISLATOR NICOLELLO: Nice to
11 see North Hempstead in there. Any questions?
12 Let's go to B-9 H and L.

13 MR. GEORGE: H and L. Again,
14 that's also a priority resurfacing contract.
15 This is a contract to resurface over 50 lane
16 lines of county roads in Albertson, City of
17 Glen Cove, Hicksville, Middle Neck, Old
18 Westbury, Glen Cove, Garden City, Hamlet of
19 Uniondale and Lattingtown.

20 LEGISLATOR NICOLELLO: Question I
21 had was obviously people are very concerned
22 about their condition of the roads and we have
23 obviously encouraged the resurfacing. Very
24 much needed. Is there a priority for DPW to
25 start attending to the various county roads in

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2 the county? Any new special initiatives?

3 MR. GEORGE: Talking about new
4 projects?

5 LEGISLATOR NICOLELLO: Any new
6 and more focused on resurfacing road surfaces
7 here in the county?

8 MR. GEORGE: The total we are
9 looking at is about 175 lane miles for this
10 year actually.

11 LEGISLATOR NICOLELLO: And your
12 infrastructure money is coming as well so DPW
13 is preparing for that going forward?

14 MR. GEORGE: Absolutely.

15 LEGISLATOR DERIGGI-WHITTON: I
16 know we have some of the names of the roads in
17 the capital budget, but can you provide us
18 with what roads are going to be paved? What
19 county roads? Not right now but before the
20 full legislature meeting can you just give us
21 a list of all the roads?

22 MR. GEORGE: Sure. You want the
23 name of the roads to be repaved?

24 LEGISLATOR DERIGGI-WHITTON: And
25 if you could give us a schedule as to when.

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2 There's a lot of roads in Hempstead for
3 instance. We just want to see to make sure
4 where we are.

5 MR. GEORGE: You want a breakdown
6 of all the roads to be paved?

7 LEGISLATOR DERIGGI-WHITTON: All
8 the roads to be paved and if you have a start
9 date for any of them.

10 MR. GEORGE: Sure. No problem.
11 Definitely.

12 LEGISLATOR NICOLELLO: The last
13 contract for DPW, actually it's not the last,
14 E-27 of 2022 with Ashbritt, Inc.

15 MR. GEORGE: Thank you.

16 MR. SALLIE: Good afternoon.
17 Sean Sallie, Nassau County Department of
18 Public Works. This is a proposed contract
19 with Ashbritt. This is a preposition disaster
20 management contract. Basically in the event
21 of a storm, hurricane, tropical storm,
22 etcetera we would have a contract in place to
23 have a contractor come mobilize and be
24 prepared to remove debris should that become
25 an issue. The proposed contract has a term of

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2 four years with a one year potential
3 extension. This contract has a \$4 million cap
4 associated with it.

5 LEGISLATOR NICOLELLO: Thank
6 you. Any questions on this contract?
7 Legislator DeRiggi-Whitton.

8 LEGISLATOR DERIGGI-WHITTON: Am I
9 reading this correctly? Is Looks Great
10 Service one of the companies?

11 MR. SALLIE: Looks Great Services
12 did submit a proposal. They were not
13 selected.

14 LEGISLATOR DERIGGI-WHITTON: So
15 these have not -- who was selected?

16 LEGISLATOR NICOLELLO: Ashbritt.

17 LEGISLATOR DERIGGI-WHITTON: Only
18 Ashbritt?

19 MR. SALLIE: There is a second
20 that is not before you today but DRC Emergency
21 Services. Those are the only two.

22 LEGISLATOR DERIGGI-WHITTON: I
23 know we normally have more than one.

24 MR. SALLIE: That was already
25 approved.

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2 LEGISLATOR NICOLELLO: Any other
3 questions? Thank you Sean. We have one
4 contract that was untabled which is E-12 of
5 2022. We should have made that motion when we
6 call the items. You know what? Just in case
7 we didn't I'll do it. Motion to untable by
8 Legislator Rhoads. Seconded by Legislator
9 DeRiggi-Whitton. All in favor of untabling
10 this contract signify by saying aye. Those
11 opposed? It's untabled.

12 MR. LUTZ: Harold Lutz, Nassau
13 County Department of Public Works, traffic
14 engineering director. This is a new contract
15 to enter in with Greenman-Pederson
16 Incorporated to develop a crash analysis
17 system. Basically it will be a GIS web-based
18 platform to allow us to analyze accidents on
19 county roadways, calculate the accident rates
20 countywide at basically the touch of a
21 button. Currently today we do all these
22 things still by hand. So, it's an antiquated
23 system. And I'm sure you're all well aware it
24 takes us a long time to get things done.

25 Having something like this in place

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2 gives us the ability to analyze things on
3 county roads. We can better direct our
4 resources, physical resources of staffing
5 towards particular studies. We can also
6 direct our financial resources and have them
7 more directed at our highest accident rate
8 locations on our roadways.

9 With the information we get
10 currently from the state creates issues
11 because it doesn't have all the information
12 that's currently available. As well as the
13 county information doesn't include a lot of
14 the village accident rates or records. So
15 this will give us full access to all these
16 records and then we have the ability now to do
17 analysis on a quick basis to help us procure
18 and move forward faster.

19 LEGISLATOR NICOLELLO: Seems like
20 a very good idea. Any questions, debate? I
21 think we're good Harold. Thanks.

22 The last contract is with social
23 services. That would be E-14 2022, YMS
24 Management Associates.

25 MR. STRONG: Good afternoon.

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2 Darian Strong, director of child support
3 collection and enforcement.

4 This contract is for the YMS
5 Management system to assist the Department of
6 Social Services and child support in answering
7 child support orders, account services and
8 account maintenance. The contract is for five
9 years. The period is February of 2021, excuse
10 me, January of 2021 to December of 2025.

11 LEGISLATOR NICOLELLO: Any
12 questions?

13 LEGISLATOR DERIGGI-WHITTON: Just
14 want to put on the record that it's 14 months
15 late. Do you know why?

16 MR. STRONG: The contract had to
17 be reviewed by OTDA, the Office of Temporary
18 Disability and Assistance before it could be
19 presented today.

20 LEGISLATOR DERIGGI-WHITTON: So
21 maybe in the future, since we know it's a
22 five-year term, maybe after four years we can
23 submit it so we don't run into this situation
24 again.

25 MR. STRONG: Yes.

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2 LEGISLATOR DERIGGI-WHITTON:

3 Thank you very much.

4 LEGISLATOR NICOLELLO: Thank
5 you. Any other questions? All set. We're
6 good.

7 Let me just call the contracts real
8 quickly to make sure we're clear on this.
9 E-25, E-28, E-17, E-26, E-30, A-3, E-18, E-19,
10 E-20, E-22, E-24, B-4, B-8, B-5, B-7, B-9,
11 E-27, E-12 and E-14. Those contracts are
12 before us. Any further debate or discussion?
13 Any public comment? Hearing none, all in
14 favor signify by saying aye. Those opposed?
15 Carries unanimously. Put this committee in
16 recess. Public Safety is next.

17 (Committee recessed at 4:07 p.m.)

18 (Committee reconvened at 7:14 p.m.).

19 LEGISLATOR NICOLELLO: Calling
20 the Rules Committee back into session. We
21 have a consent calendar which are items that
22 went through committees a few minutes ago.
23 Call those items first. 85, 86, 87, 88, 91,
24 92, 105, 108, 120, 121, 122 and 131. They
25 went through committees moments ago and it's

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2 agreed there is no further debate or
3 discussion at this time. Any public comment?
4 Motion by Legislator Schaefer. Seconded by
5 Legislator DeRiggi-Whitton. The items are
6 before us. Any public comments? All in favor
7 signify by saying aye.

8 One item I'm pulling out of the
9 consent calendar is 85 of 2022. All the other
10 items are on the consent items that I called
11 just a moment ago. Any public comment? All
12 in favor signify by saying aye. Those
13 opposed? Carries unanimously.

14 Items 72 and 106 of 2022. These
15 are resolutions to accept gifts. 72 is a gift
16 offered by the Nassau County Police Department
17 Foundation to the police department. And 106
18 is a gift offered by the Hicksville Fire
19 District to the Nassau County Police
20 Department. Inspector Field.

21 MR. FIELD: Good afternoon.
22 William Field, inspector for the police
23 department. Item 72 --

24 LEGISLATOR NICOLELLO: Motion by
25 Legislator Rhoads. Seconded by Legislator

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2 Bynoe.

3 MR. FIELD: Item 72-22 is a
4 resolution to accept a donation from the
5 police foundation of \$110,000 to assist with
6 our renovation of the Safety Town over at
7 Eisenhower Park.

8 Item 106-22 is a resolution to
9 accept a donation of \$5,000 in value from the
10 Hicksville Fire Department for two ambulances.

11 LEGISLATOR NICOLELLO: Quick
12 question. What is the use of the ambulances?

13 MR. FIELD: We're going to try to
14 use them as spares for ambulances when we have
15 a problem with our regular ones.

16 LEGISLATOR NICOLELLO: Any other
17 questions? Any public comment? Thank you
18 inspector. All in favor of those two items
19 signify by saying aye. Those opposed?
20 Carries unanimously.

21 85 of 2022, a resolution
22 authorizing the county attorney to compromise
23 and settle the claims of plaintiffs as set
24 forth in the action entitled Perros versus the
25 County of Nassau. Who wants to make that

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2 motion? Moved by Legislator Schaefer.

3 Seconded by Legislator Rhoads. This was
4 discussed in executive session during the
5 Finance Committee. So, let me ask this, all
6 in favor of this item signify by saying aye.
7 Those opposed? Howard what was your vote?

8 LEGISLATOR KOPEL: I'm with you.

9 LEGISLATOR NICOLELLO: This item
10 fails by a vote of seven to zero.

11 In terms of the consent calendar,
12 not the consent calendar the regular calendar,
13 the next several items are all IMAs. Mostly
14 dealing with community revitalization grants
15 that the legislature is passing. So they
16 include 93, 94, 95, 96, 97, 98, 100, 103, 107,
17 109, 110 and 111.

18 These are intermunicipal agreements
19 with the Village of Plandome, the Baldwin Fire
20 District, East Meadow Fire District, Village
21 of Farmingdale, Port Washington Police
22 Department, Sanitary District Number 2,
23 Levittown schools, South Farmingdale Fire
24 District, the North Merrick Union Free School
25 District, the Village of East Hills, Woodmere

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2 Fire District, Glen Cove School District.

3 Motion by Legislator

4 DeRiggi-Whitton. Seconded by Legislator

5 Rhoads. Any debate or discussion on these

6 items? Any public comments? All in favor

7 signify by saying aye. Those opposed? They

8 carry unanimously.

9 Now we go to item 99 of 2022. A
10 resolution authorizing the county attorney to
11 compromise and settle the claims of plaintiff
12 as set forth in the action Dover Gourmet
13 Corporation versus the County of Nassau.

14 Motion by Deputy Presiding Officer
15 Kopel. Seconded by Legislator Rhoads.

16 This was also discussed in
17 executive session. Anyone want to add
18 anything at this time? If not, all in favor
19 signify by saying aye. Those opposed? So
20 it's a vote of four positive and three nays.
21 It passed by a vote of four to three.

22 We have appointments to make. They
23 are 112, 113, 114, 115, 116, 117, 118, 123,
24 124, 125, 126, 127, 129, 130. These are
25 resolutions to confirm the following

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2 appointments. John Ardito to the Assessment
3 Review Commission. Flo Girardi to the
4 Assessment Review Commission. Laura
5 Monfiletto to the Assessment Review
6 Commission. Mark Stone to the Assessment
7 Review Commission. Rocco Tortino to the
8 Assessment Review Commission. Murray Forman
9 to the planning commission. Reid Sakowich to
10 the planning commission. William Stris to the
11 Nassau Community College board of trustees.
12 Ronald J. Rosenberg to the Nassau Community
13 College board of trustees. Khandan Sharona
14 Kalaty to the Nassau County Planning
15 Commission. William Rockensies to the
16 Industrial Development Agency. Reginald
17 Spinello to the Industrial Development
18 Agency. William Stris again to the Nassau
19 Community College board of trustees. And
20 Ronald Rosenberg again to the Nassau Community
21 College board of trustees.

22 The board of trustees appointments
23 has been traditionally done there's one
24 appointment made by the county executive and
25 one appointment made by the legislature for

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2 each of the incoming trustees. Those are all
3 the appointments. Legislator Schaefer moves
4 those appointments. Legislator Rhoads seconds
5 them.

6 LEGISLATOR DERIGGI-WHITTON: I
7 think we plan to pass them through as we
8 normally do through committees and then
9 hopefully we can discuss it further at full
10 leg. But we just wanted to note that for the
11 appointments for the planning commission the
12 charter specifies that the members of the
13 commission must have certain qualifications.
14 That's 161. And also the same exists for the
15 Assessment Review Commission. And I would
16 just like to -- that's 6-40.1.

17 I would love to get some of these
18 candidates, like just have these
19 qualifications addressed before full leg. You
20 know, there's just simple things as far as how
21 many I guess are registered Democrat. How
22 many are registered Republican. And a number
23 of other requirements including some of their
24 addresses, where people live and things like
25 that. If we could get a list of that.

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2 LEGISLATOR NICOLELLO: We have
3 two weeks before the full legislature. Most
4 of these appointments came down on Friday.
5 Obviously we will have additional time to
6 gather the information that you're asking
7 for. We just ask that maybe your counsel,
8 Peter, contact Chris for the specific items
9 that we want.

10 LEGISLATOR DERIGGI-WHITTON: If
11 it's possible nice to meet, I know some of
12 them, good to meet some of them at the full
13 leg also.

14 LEGISLATOR NICOLELLO: Yes.
15 That's traditional and they will be here. We
16 can arrange them to come to your caucus room
17 beforehand or meet them on the dais.

18 Anyone else? Hearing none, any
19 public comment? All in favor signify by
20 saying aye. Those opposed? They carry
21 unanimously.

22 Last item that we have is item 123
23 of 2022. A local law to amend Chapter Four of
24 Title Nine of the miscellaneous laws of the
25 county in relation to electing a cents per

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2 gallon rate on sales and compensating use
3 taxes on motor fuel and diesel fuel in lieu of
4 the percentage rate of such taxes.

5 Moved by Legislator Rhoads.

6 Seconded by Legislator Schaefer.

7 LEGISLATOR NICOLELLO: 132 of
8 2022. What did I say?

9 We are going to -- actually I'm
10 going to have a motion to table that item.
11 Motion to table Legislator Rhoads. Seconded
12 by Legislator Schaefer. All in favor of
13 tabling the item signify by saying aye. Those
14 opposed? Carries unanimously. It's tabled.

15 Motion to adjourn the Rules
16 Committee. Put the committee in recess.

17 (Committee recessed at 7:25 p.m.)

18 (Committee reconvened at 7:39
19 p.m.).

20 LEGISLATOR NICOLELLO: Rules
21 Committee. I'm going to motion to adjourn by
22 Legislator DeRiggi-Whitton. Seconded by
23 Legislator Schaefer. All in favor of
24 adjourning the Rules Committee please say
25 aye. Those opposed? We are adjourned.

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2 (Committee adjourned at 7:40 p.m.)
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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 21st day of
April 2022.

FRANK GRAY