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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO

PRESIDING OFFICER

LEGISLATIVE SESSION

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

Monday, April 25, 2022

1:23 P.M.

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2     A P P E A R A N C E S:

3

4     LEGISLATOR RICHARD J. NICOLELLO

5             Presiding Officer

6             9th Legislative District

7

8     LEGISLATOR HOWARD KOPEL

9             Deputy Presiding Officer

10            7th Legislative District

11

12    LEGISLATOR DENISE FORD

13            Alternate Presiding Officer

14            4th Legislative District

15

16    LEGISLATOR KEVAN ABRAHAMS

17            Minority Leader

18            1st Legislative District

19

20    LEGISLATOR SIELA BYNOE

21            2nd Legislative District

22

23    LEGISLATOR CARRIE SOLAGES

24            3rd Legislative District

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2     LEGISLATOR DEBRA MULE

3             5th Legislative District

4

5     LEGISLATOR C. WILLIAM GAYLOR III

6             6th Legislative District

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8     LEGISLATOR JOHN GIUFFRE

9             8th Legislative District

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11    LEGISLATOR MAZI MELESA PILIP

12            10th Legislative District

13

14    LEGISLATOR DELIA DERIGGI-WHITTON

15            11th Legislative District

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17    LEGISLATOR JAMES KENNEDY

18            12th Legislative District

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20    LEGISLATOR THOMAS MCKEVITT

21            13th Legislative District

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23    LEGISLATOR LAURA SCHAEFER

24            14th Legislative District

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2     LEGISLATOR JOHN FERRETTI, JR.

3             15th Legislative District

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5     LEGISLATOR ANDREW DRUCKER

6             16th Legislative District

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8     LEGISLATOR ROSE WALKER

9             17th Legislative District

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11     LEGISLATOR JOSHUA LAFAZAN

12             18th Legislative District

13

14     LEGISLATOR STEVEN RHOADS

15             19th Legislative District

16

17     MICHAEL PULITZER

18             Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: I'm going  
3 to call the meeting to order and ask  
4 Legislator DeRiggi-Whitton to lead us in the  
5 Pledge of Allegiance. Please rise everyone.  
6 Thank you very much.

7 Mike could you call the roll  
8 please?

9 MR. PULITZER: Thank you  
10 Presiding Officer. Roll call. Deputy  
11 Presiding Officer Howard Kopel.

12 LEGISLATOR KOPEL: Here.

13 MR. PULITZER: Alternate Deputy  
14 Presiding Officer Denise Ford.

15 LEGISLATOR FORD: Here.

16 MR. PULITZER: Legislator Siela  
17 Bynoe.

18 LEGISLATOR BYNOE: Here.

19 MR. PULITZER: Legislator Carrie  
20 Solages.

21 LEGISLATOR SOLAGES: Here.

22 MR. PULITZER: Legislator Debra  
23 Mule.

24 LEGISLATOR MULE: Here.

25 MR. PULITZER: Legislator C.

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2 William Gaylor III.

3 LEGISLATOR GAYLOR: Present.

4 MR. PULITZER: Legislator John  
5 Giuffre.

6 LEGISLATOR GIUFFRE: Here.

7 MR. PULITZER: Legislator Mazi  
8 Pilip.

9 LEGISLATOR PILIP: Here.

10 MR. PULITZER: Legislator Delia  
11 DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON:  
13 Here.

14 MR. PULITZER: Legislator James  
15 Kennedy. We'll come back.

16 Legislator Thomas McKevitt.

17 LEGISLATOR MCKEVITT: Here.

18 MR. PULITZER: Legislator Laura  
19 Schaefer.

20 LEGISLATOR SCHAEFER: Here.

21 MR. PULITZER: Legislator John  
22 Ferretti.

23 LEGISLATOR FERRETTI: Here.

24 MR. PULITZER: Legislator Arnold  
25 Drucker.

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2 LEGISLATOR DRUCKER: Here.

3 MR. PULITZER: Legislator Rose  
4 Marie Walker.

5 LEGISLATOR WALKER: Here.

6 MR. PULITZER: Legislator Joshua  
7 Lafazan.

8 LEGISLATOR LAFAZAN: Here.

9 MR. PULITZER: Legislator Steven  
10 Rhoads.

11 LEGISLATOR RHOADS: Present.

12 MR. PULITZER: Minority Leader  
13 Kevan Abrahams.

14 LEGISLATOR ABRAHAMS: Here.

15 MR. PULITZER: Presiding Officer  
16 Richard Nicolello.

17 LEGISLATOR NICOLELLO: Here.

18 MR. PULITZER: We have a quorum  
19 sir.

20 LEGISLATOR NICOLELLO: Thank you  
21 very much. As is our custom, our first order  
22 of business is going to be our presentations  
23 to the top cops. The public comment will  
24 follow the presentation to top cops. If you  
25 intend to make a comment, please submit a slip

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2 to the clerk's office, to the table in the  
3 front, and you will be called when we do call  
4 the public portion of the meeting.

5 To start things off with the top  
6 cops presentation I'd like to invite the PBA  
7 president Tom Shevlin.

8 MR. SHEVLIN: Good afternoon  
9 everybody. Thank you for having us. I hope  
10 everybody is having a great day.

11 On March 11, 2022 at approximately  
12 three p.m. police officer Ryan Patterson of  
13 the First Precinct was driving off-duty on  
14 Hicksville Road in Massapequa when he observed  
15 a two car auto accident. One of the vehicles,  
16 a white Ford sedan, immediately ignited and  
17 within moments the front end was engulfed in  
18 fire.

19 Officer Paterson stopped to render  
20 assistance. Upon approaching the burning  
21 vehicle he observed that the driver was still  
22 inside. Officer Paterson, with complete  
23 disregard for his own personal safety and  
24 well-being, gained entry to the front driver  
25 side door where the occupant was located. He



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2 then engaged the occupant who was conscious  
3 but disoriented. It quickly became apparent  
4 that the driver was not able to get out of the  
5 vehicle on his own.

6 At this time the fire that had  
7 engulfed the front was now spreading to the  
8 cabin. Officer Paterson knew he had seconds  
9 to act before the fire consumed the interior  
10 of the vehicle with the driver inside. After  
11 multiple attempts he was able to pull the  
12 driver from the vehicle and to safety.

13 The driver was treated at the scene  
14 by Nassau County Police medics and transported  
15 to NUMC for further medical treatment.

16 For his courage, swift action and  
17 dedication to serving others, the PBA is proud  
18 to honor Ryan Paterson, legislative top cop  
19 for April 2022.

20 Before Ryan speaks, I just wanted  
21 to point out the fact that this shows  
22 everybody that we are police officers 24-7.  
23 Ryan is off-duty and pulls over to help  
24 another citizen, a community member. He  
25 risked his own life even when he's not getting

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2 paid. That's what we're all about. We are  
3 police officers and we risk our lives every  
4 day on duty and off duty for all of you, our  
5 community and our neighbors. Thank you.

6 MR. PATERSON: My family and I  
7 would just like to thank you for this  
8 prestigious award. For recognizing my actions  
9 as well as all my fellow brothers and sisters  
10 officers on the job. Thank you.

11 LEGISLATOR NICOLELLO: Legislator  
12 Walker.

13 LEGISLATOR WALKER: Officer  
14 Paterson, I just want to thank you and  
15 congratulate you on doing this and saving one  
16 of our residents when, like it was you said,  
17 that you were off duty and you saw an  
18 emergency situation and that is just what's in  
19 your mind. You're a police officer 24 hours a  
20 day. We want to say this, that other  
21 residents might stop and help too, might not  
22 be a police officer, but for you this is just  
23 part of what you do day in and day out 365  
24 days a year 24 hours a day.

25 And I look at you and to me you're

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2 a very young officer. And I think to have  
3 that strength and to have that knowledge of  
4 what you should do all the time it's there in  
5 your heart and that's what you're going to  
6 do.

7 So I thank you so much. You saved  
8 this man's life. Sometimes we put things and  
9 we say oh no, I was there. I could get him  
10 out. But literally, if you did not do that  
11 within minutes that car was totally engulfed.  
12 If he was able to still get out of that car  
13 the disaster that would have been to that  
14 man. Thank you so much for doing this, for  
15 saving this man's life and we have a citation  
16 here for you signed by all of us on the  
17 legislature.

18 And again, thank you to all our  
19 officers because I know that that's what you  
20 are, officers 24 hours a day 365 days a year.  
21 God bless you all.

22 MR. SHEVLIN: I just wanted to  
23 mention that he's the proud son of our  
24 recently retired first vice president of the  
25 PBA Peter Paterson.

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2 LEGISLATOR NICOLELLO: Just  
3 wanted to add one thing. I think most of us  
4 are fearful of fire. In particular in that  
5 situation where it's encroaching on you,  
6 coming towards you. The fact that you had the  
7 courage to insert yourself and to continue to  
8 do what you had to do to get him out as the  
9 fire came closer and closer is truly  
10 astonishing. Wonderful job.

11 Pete, you have to be very proud of  
12 your son there. Congratulations guys.

13 What we will do is we will do the  
14 presentations for the DAI and SOA next and  
15 then we'll call you up for the citation.

16 Superior Officers Association  
17 president Rick Frassetti.

18 MR. FRASSETTI: Good afternoon.  
19 I'm Ricky Frassetti, president of the Nassau  
20 County Police Department Superior Officers  
21 Association.

22 Presiding Officer Nicoletto,  
23 legislators thank you for taking the time to  
24 honor our top cops today. I have to say it's  
25 a real fitting day to follow the PBA and

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2 president Shevlin because our incident also  
3 involves an off-duty incident.

4 So, as you realize, the SOA does  
5 not present every month as we are supervisors  
6 and our job is to do just that, supervise.  
7 But this month is extraordinary. We are here  
8 to honor sergeant Jimmy Lee, a 28-year veteran  
9 of the NYPD and Nassau County Police  
10 Department.

11 On March 23rd at approximately 2:30  
12 in the afternoon Sergeant Lee was off duty  
13 walking on the boardwalk in Rockaway Beach,  
14 Queens. Sergeant Lee observed a subject  
15 firing a gun towards the beach. Sergeant Lee  
16 then immediately called 911 giving a detailed  
17 description of the subject and what the  
18 subject was wearing and his location while  
19 continuing to follow the subject at a safe  
20 distance and all the while keeping the 911  
21 operator updated on the continuance location  
22 of the subject.

23 The subject continued to fire  
24 numerous times towards the beach.  
25 Unfortunately, the police cars passed by and

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2 responded to the wrong location. At one point  
3 the 911 operator tells Sergeant Lee that she  
4 is going to hang up and Sergeant Lee orders  
5 her not to hang up and stay on the line with  
6 him. Sergeant Lee then directs the operator  
7 to have the police cars respond to specific  
8 locations so they can surround the subject and  
9 trap him in.

10 At this point Sergeant Lee now  
11 observes a pedestrian walking on the beach as  
12 well as one riding a bike on the boardwalk,  
13 and Sergeant Lee then observes the subject  
14 firing again. It is then Sergeant Lee  
15 realizes that the civilians are in danger and  
16 makes the decision to put himself between the  
17 civilians and the subject. He then decides he  
18 has to take action to make sure these  
19 civilians are safe.

20 Sergeant Lee, with his shield out  
21 and his gun drawn, yells police, don't move.  
22 Just as we are trained to do. The subject  
23 then comes towards Sergeant Lee in an  
24 aggressive manner. Sergeant Lee then with one  
25 hand takes the subject and puts him against

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2 the boardwalk railing trying to control the  
3 subject. All the while knowing that the  
4 subject has a gun. The subject at one point  
5 places his right hand in his pocket and  
6 Sergeant Lee was certain that's where the gun  
7 was. The subject then pulls out the gun and,  
8 thank God, decides to toss it away.

9 The struggle continues and the  
10 subject then breaks free and a few moments  
11 later the NYPD shows up. And after a brief  
12 foot pursuit they place the subject in  
13 custody.

14 While that's happening Sergeant Lee  
15 picks up the telephone that he was on and  
16 tells the 911 operator to make sure that the  
17 officers know that the gun was thrown away.  
18 That there could be no accidental shooting.  
19 To have the mind set to do that is just  
20 unbelievable.

21 This whole incident lasted about  
22 seven minutes. One minute is an eternity.  
23 Seven minutes, I can't imagine what seven  
24 minutes is like when you're fighting with  
25 somebody, struggling with somebody who has a

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2 gun.

3 I want to commend Sergeant Lee for  
4 his brave actions while off duty and  
5 unbelievable restraint. I spoke to Sergeant  
6 Lee numerous times. I asked him how did he  
7 restrain from shooting? I've been a police  
8 officer a long time. There's no doubt in my  
9 mind I probably would have fired my weapon.

10 Unfortunately, in today's day and  
11 times, Sergeant Lee's comments to me was he  
12 didn't want to be Monday morning quarterbacked  
13 or second guessed. Sergeant Lee was in all  
14 the rights to shoot this subject when he  
15 pulled out that gun and he didn't. And I  
16 still cannot believe that he was able to do  
17 that. One split second and things could have  
18 turned out very different.

19 At half of a -- not even, a tenth  
20 of a second the subject could have shot  
21 Sergeant Lee and we would have been attending  
22 his funeral possibly. It is unbelievable how  
23 he did this. And in my mind it's  
24 mind-boggling.

25 I'd just like to note that Sergeant



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2 Lee was injured during this struggle but is  
3 back to work full duty and Sergeant Lee is  
4 also a first responder that spent many days  
5 and hours after ground zero.

6 Thank you very much for taking the  
7 time.

8 MR. LEE: First, I'd like to just  
9 say thank you. Thank you for this prestigious  
10 honor for myself in the presence of my  
11 family. Thank you to the members of the  
12 legislature for presenting me with this  
13 honor. I also want to say thank you to God  
14 that things worked out the way they did.  
15 Thank you again to the SOA, the police  
16 commissioner and thank you again.

17 LEGISLATOR NICOLELLO: Legislator  
18 Ford then Legislator Solages.

19 LEGISLATOR FORD: Good  
20 afternoon. President Frassetto you said it  
21 best. It is a very sobering moment and  
22 thought about what you went through that day.  
23 The fact that you were able to size up a  
24 situation with somebody with a gun and to be  
25 able to follow yourself through with a phone

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2 call to 911, to be able to get the police come  
3 back all the while just keeping your eye on  
4 this person and to make that split second  
5 decision when you saw pedestrians, private  
6 citizens, coming your way and to make that  
7 choice that you were going to put yourself in  
8 harm's way to protect them. It just is  
9 really -- there are no words to say. You  
10 truly, truly are a hero.

11 Somebody who has lived by I guess  
12 this mantra that you knew as a police officer  
13 what your duty would be. You are basically  
14 that ultimate type of guy I guess. You just  
15 underscore the professionalism, the dedication  
16 and just so many wonderful attributes and  
17 qualities that a police officer actually has.  
18 I thank you very much for what you did and how  
19 you helped saved people from maybe even  
20 themselves losing. I can't even -- I'm just  
21 so emotional because I can just only imagine.

22 You're right. I remember one time  
23 sitting in something and waiting 30 seconds  
24 for something to happen. You get so nervous.  
25 So I can't imagine what seven minutes had been

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2 like when you were like in this type of  
3 situation. The fact is that you yourself, as  
4 well as officer Pete Paterson, did this on  
5 your day off. It just goes to show you our  
6 officers are always on. There is never a time  
7 when you aren't.

8 Presiding Officer Nicoletto said  
9 it's something about to take a look at fire  
10 and you approach a situation like officer  
11 Paterson did. But for you then to know, to  
12 see somebody with a gun, not knowing the mind  
13 set of that person, what they were going to  
14 do, how they would respond to you really is  
15 just a testimony to the quality and the type  
16 of person that you are. And I thank you very  
17 much for all that you do.

18 And yes, let us thank God that it  
19 all worked out well. I'm sure that your  
20 family is very happy. I can only imagine  
21 probably afterwards they probably said to you  
22 what, were you crazy? I'm very happy that it  
23 all turned out well. I thank you for your  
24 service and continue many, many good safe  
25 years for you. Thank you very much.

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2 LEGISLATOR NICOLELLO: Legislator  
3 Solages. He's on remote.

4 LEGISLATOR SOLAGES: I just want  
5 to echo the sentiments by Legislator Ford. I  
6 thank them for their bravery. Thank you.

7 LEGISLATOR NICOLELLO: One thing  
8 I just took note of is obviously the  
9 incredible courage that you showed. But to be  
10 able to manage that situation while on the  
11 phone with NYPD, while keeping track of the  
12 suspect, while restraining yourself and making  
13 sure that the civilians weren't harmed it's  
14 just extraordinary. Truly heroic act.  
15 Congratulations. We're all proud to honor you  
16 today Sergeant Lee.

17 LEGISLATOR NICOLELLO: Arnie  
18 Drucker. Legislator Drucker.

19 LEGISLATOR DRUCKER: Thank you  
20 Presiding Officer. I just want to say one  
21 thing. What resonates with me -- obviously  
22 the heroism is amazing-- but what resonates  
23 with me is your instincts are different than  
24 ours. I'd like to think that we're all good  
25 persons and we value human life and we do

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2 whatever we can to help people. But your  
3 instincts to run into danger without a second  
4 thought is what amazes me. I don't think I  
5 have that instinct or matter of us have that  
6 instinct but you do. And thank God you do  
7 because you keep us all safe.

8 Every one of you in law enforcement  
9 when you're trained you get these instincts  
10 that never leave you. And that resonates with  
11 me. I'm so proud and so fortunate on behalf  
12 of all of us to have you protect us each and  
13 every day. Thank you so much.

14 LEGISLATOR NICOLELLO: Thank you  
15 very much. We will have you come up in a  
16 couple of moments to take a photograph.

17 MR. LEE: Thank you again.

18 LEGISLATOR NICOLELLO: The one  
19 other presentation we have is from the  
20 Detectives Association, Inc. we have Mike  
21 Maloney from the DAI.

22 MS. MALAHAME: Thank you  
23 Presiding Officer Nicolello, Minority Leader  
24 Abrahams and the full legislative body for  
25 honoring detective lieutenant Bryan Kohlmier,

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2 detective Sean Burns and detective Christopher  
3 Smith.

4 On Tuesday, March 15, 2022 at 0920  
5 hours detectives Burns and Smith were inside  
6 the fourth squad monitoring the police radio  
7 while working their cases. At that time the  
8 communications bureau dispatched an assignment  
9 for an aided case, possible cardiac person not  
10 breathing at Grant Park located at 1625  
11 Broadway in Hewlett directly adjacent to the  
12 Fourth Precinct station house.

13 After hearing the notification of  
14 the assignment, detective lieutenant Kohlmier,  
15 Burns and Smith quickly gathered medical PPE,  
16 and a portable radio and the AED and proceeded  
17 to Grant Park on foot.

18 Upon arrival at the scene, the  
19 aided, a 73-year old male was lying on his  
20 back not breathing with no pulse. Detective  
21 Smith began CPR, performing chest compressions  
22 on the aided. Detective Burns worked with  
23 arriving police officers to apply the AED to  
24 the aided. The aided was shocked once on  
25 scene while detectives and officers were

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2 performing CPR. Detective lieutenant Kohlmier  
3 assisted by interviewing witnesses and  
4 gathering information on the circumstances of  
5 the aided prior to his collapse. Including  
6 obtaining his pedigree and medical history.

7 After the arrival of the police  
8 ambulance, detectives assisted patrol with  
9 securing the aided to the stretcher and  
10 lifting the stretcher into the ambulance. The  
11 aided was transported to South Nassau Hospital  
12 for further treatment. Upon arrival at the  
13 hospital it was determined that the aided  
14 regained a normal heart rhythm and was able to  
15 breath on his own.

16 Due to their alertness in  
17 monitoring the patrol assignments over the  
18 police radio and immediate actions, including  
19 quickly rendering CPR to the aided, detective  
20 Burns, detective Smith, detective lieutenant  
21 Kohlmier used their training to save a life  
22 and the aided is extremely grateful for their  
23 response and I'm happy to say he's doing very  
24 well still today. Thank you.

25 R. KOHLMIER: On behalf of myself

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2 and the two detectives with me we'd like to  
3 thank you and we appreciate being honored  
4 today.

5 MR. BURNS: I really appreciate  
6 this award. Thank you very much. It means a  
7 lot to myself and my family and I all the best  
8 to the individual and his family.

9 MR. SMITH: It's a great honor to  
10 be here. So thank you very much. And we had  
11 a great outcome and we're pleased to hear that  
12 the gentleman is doing just fine. Thank you.

13 LEGISLATOR NICOLELLO: Legislator  
14 Gaylor.

15 LEGISLATOR GAYLOR: Thank you  
16 Presiding Officer. Wow. There's a man who's  
17 alive today that wouldn't be alive without the  
18 heroic actions of three of our detectives.  
19 There's a family who has a man who's alive is  
20 grateful. There's a community in Nassau  
21 County grateful knowing that our police  
22 officers run to harm's way, run to where they  
23 need to be to protect all of us. Situational  
24 awareness. Outstanding.

25 To hear the call come in through



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2 the precinct, to grab the gear, to run -- it's  
3 no short distance. Got to be a quarter mile,  
4 a half mile, whatever it is. To run to the  
5 scene. Come upon a man who is for all intents  
6 and purposes dead, bring him back to life.  
7 That's heroic. So the county owes you a debt  
8 of gratitude. We're grateful for your  
9 actions.

10 You definitely are, as well as  
11 officer Patterson and sergeant Lee, dedicated  
12 public servants who put your lives above  
13 the -- at risk in order to protect all of  
14 ours. So I thank you. Your decisive action  
15 saved somebody and we won't forget that. You  
16 guys are truly heroes and we won't forget  
17 that. Thank you again.

18 LEGISLATOR NICOLELLO: We would  
19 like to invite all the honorees to come up for  
20 a presentation.

21 We are going to do things a little  
22 bit out of out of order now. We will have the  
23 public comment in a moment, but first we are  
24 going to consider a motion to suspend the  
25 rules. Why are we suspending the rules?

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2 Several items were filed within 17 days of the  
3 legislature. So, in order to consider those  
4 items today we need to suspend the rules of  
5 the legislature.

6 The three items in particular are  
7 two appointments to Nassau Community College  
8 and a home rule message on behalf of the fire  
9 marshal. So, I'm going to ask for a motion to  
10 suspend the rules. Moved by Legislator  
11 Walker. Seconded by Legislator Gaylor. Any  
12 debate or discussion on suspending the rules?  
13 Hearing none, all in favor signify by saying  
14 aye. Those opposed? Carries unanimously.  
15 The rules are suspended.

16 Now we will go back to public  
17 comment. First slip I have is from Pat Boyle,  
18 Coalition of Youth Service agencies.

19 MR. BOYLE: Hi everyone. I have  
20 to say it because I'm feeling it. I know you  
21 kind of see me coming back up here again and  
22 again month after month and you must be saying  
23 here he is to whine again about money. The  
24 reason why I do it is because I kind of feel  
25 that the legislature is an important cog in

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2 the wheel of government in Nassau County, and  
3 I really want you to know what's going on.  
4 I'm going to try to get younger people to come  
5 here. I'm going to try to get other faces to  
6 pop up. But we'll worry about that down the  
7 road a little bit.

8 Let me give you a little bit of a  
9 timeline about ARPA money. We were told in  
10 May of 2021 that ARPA money was going to be  
11 coming into the county and that it would  
12 distributed amongst different persons. We  
13 were told, as far as youth service agencies  
14 were concerned, that we would receive a  
15 request for that funding, and we did, in June  
16 of 2021 and that decisions would be made. The  
17 request at 20 percent of our contracts. Which  
18 for some of us is a very substantial amount of  
19 money and we were very happy to be able to get  
20 that because our expenses had risen through  
21 COVID so high.

22 I can just give you one example of  
23 what happened to us was is that we went to a  
24 virtual homework assistance program that had  
25 other things going on with it. But we saw

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2 what was happening in the schools when they  
3 had classrooms of 20 kids and one teacher  
4 trying to teach the 20 kids. It was extremely  
5 difficult. They really couldn't do it. What  
6 we did was we did it individually or with two  
7 kids at a time which meant hiring more workers  
8 to do it and there was an expense involved.

9 So we were very happy to hear about  
10 this ARPA money that was coming down because  
11 it was perfect. It was COVID related, it was  
12 all there.

13 In the beginning of June the  
14 requests were put in. This was supposed to be  
15 emergency money. It was supposed to move  
16 quickly. But you all know that.

17 After we got it we were supposed to  
18 receive the money in September of 2021. We  
19 did not receive the money in September of  
20 2021. And October went by, November went by  
21 and December went by. We kind of knew that  
22 that was going to happen with the change of  
23 administration. Now we're in a new  
24 administration and the time is still ticking  
25 and we still haven't seen any of that money.

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2 Now we were told last week by both  
3 the executive director of youth services and  
4 also by people within county government that  
5 all of our youth service agencies had to be  
6 vetted first to find out whether or not they  
7 should get this money.

8 Now, I know my agency has had a  
9 contract with the county for 40 years. I  
10 think we're doing what we're supposed to be  
11 doing. People have come out to look at it and  
12 do that. And the ARPA money that we were  
13 going to receive was really kind of replacing  
14 any increase that would come out of the  
15 budget.

16 I'm sorry about the time. I'll end  
17 with it in saying that we really need this  
18 money and it's not moving. And the vetting  
19 process now to us is just kind of a waste of  
20 time. I mean, we're doing what we're supposed  
21 to be doing. We've had people come to our  
22 agencies and look at our agencies and see that  
23 we're doing what we're supposed to be doing.

24 So, if there's anything that you  
25 can do to get this ARPA money moving. The

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2 comptroller's office said they'll send it out  
3 as soon as they get the opportunity to but  
4 they're being told to hold it right now by the  
5 administration.

6 We do have a meeting with the  
7 deputy county executive for health and human  
8 services scheduled for May 3rd. We're hoping  
9 that we can get some more clarity there. But  
10 I really do think the legislature could push a  
11 little.

12 LEGISLATOR NICOLELLO: We have  
13 been pushing on this. We have been following  
14 up and we're looking for the same answers  
15 you're looking for. May 3rd is next week. We  
16 will be pushing on our end to get that funding  
17 released and get it into your hands as soon as  
18 possible.

19 MR. BOYLE: I appreciate that.  
20 And I'll let John Giuffre know what goes on  
21 with regard to the meeting with the deputy  
22 county executive so that he can pass it along  
23 to you. Thanks very much. Appreciate it.

24 LEGISLATOR NICOLELLO: Thomas  
25 Watson from Wantagh.

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2 MR. WATSON: Hi everyone. I'm  
3 Tom Watson from Wantagh, and I'm here to voice  
4 my opposition to the Mount Sinai Medical  
5 Center coming to the Wantagh Avenue location.  
6 A lot of people in Wantagh don't think it's  
7 the right location for such a large medical  
8 center. I think to date there's about 700  
9 people who have signed an online petition  
10 against it. I personally think a popular  
11 location would be something like the Sunrise  
12 Mall, which is closing. That would be the  
13 right location for something so large.

14 I'm looking forward to seeing the  
15 Nassau County Planning Commission I think is  
16 supposed to write a report on this issue. And  
17 I think it will be a very important report  
18 because such a report was very valuable I'd  
19 say about ten years ago when Wantagh was  
20 fighting a condo development. So, this Nassau  
21 County Planning Commission report is going to  
22 be very important to us. So, a lot of people  
23 in Wantagh are really looking forward to  
24 seeing it. I don't see how the Town of  
25 Hempstead could be making any decisions on

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2 this until this report is available.

3 I know that Laura Curran is now on  
4 the Mount Sinai board. I would think that  
5 somebody could reach out to her and tell her  
6 that a lot of people in Wantagh are against  
7 this and see if she could nix this from her  
8 position on the board.

9 I know this issue of Mount Sinai  
10 coming to the Wantagh Avenue location has been  
11 bubbling for about five years. So, Laura  
12 Curran was on the board when this has been  
13 bubbling. So she obviously knows it from two  
14 perspectives. She was on this board and now  
15 she's on the Mount Sinai board.

16 I know she knows Wantagh. She's  
17 been to Wantagh many times and I think she  
18 probably knows it's not the right location. I  
19 hope she can use her influence on the board  
20 also to nix this. So, I'm hoping somebody up  
21 here can give her a call.

22 I just want to end at Wantagh is  
23 not -- it's incorporated, so we don't have a  
24 mayor. So, basically our mayors are you and  
25 the Town of Hempstead. So, we do really rely



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2 on the county government and on the Town of  
3 Hempstead government to sort of do right by  
4 Wantagh and that's what I'm asking. I really  
5 appreciate your attention.

6 LEGISLATOR NICOLELLO: Legislator  
7 Rhoads.

8 LEGISLATOR RHOADS: Tom, first  
9 off, I want to say thanks for coming and  
10 discussing the topic here at the legislature.  
11 A lot of times we don't get the opportunity to  
12 hear about local zoning issues. Certainly not  
13 ones of the importance of the Mount Sinai  
14 project which has been bubbling since it was  
15 South Nassau, their predecessor.

16 I share your concerns and I've  
17 voiced those concerns as well. It's a project  
18 that while we would love to see a medical  
19 facility and there certainly is a need for it,  
20 any time you have development like this it has  
21 to be done with respect to and in conjunction  
22 with the community that surrounds it. It's  
23 not that it's a bad project. It's just not a  
24 good project at this particular location given  
25 the scope and size of it.

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2 So, I want to thank you for coming  
3 here regardless of what side of the issue you  
4 were on but I would still thank you for coming  
5 here and voicing those concerns Tom. But the  
6 concerns of the community need to be given  
7 voice and I appreciate you coming down here to  
8 make sure that happens.

9 MR. WATSON: Because, Legislator  
10 Rhoads, I think the more I talk to people  
11 about it and explain both sides, I think from  
12 a fair perspective, I think I'm a fair person,  
13 when people know the facts then they're  
14 against it. When you just talk to somebody  
15 who doesn't know the facts, yeah, oh, a  
16 medical center, wouldn't that be great? But  
17 when you explain everything to them and they  
18 have all the facts, again, both sides, they  
19 usually come out this is not the right thing  
20 at that location.

21 LEGISLATOR RHOADS: That  
22 location.

23 MR. WATSON: Exactly. Thank  
24 you.

25 LEGISLATOR RHOADS: Thank you.

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2 LEGISLATOR NICOLELLO: Thank  
3 you. Richard Clolery.

4 MR. CLOLERY: To the members of  
5 the legislature, first of all, I would I like  
6 to say thank you for helping me get on the  
7 NICE bus mailing list. Because of this, I was  
8 able to attend the TACB online that they were  
9 hosting. For this I am grateful to the  
10 legislature even though in the eyes of certain  
11 party members I can be a pain in the rear  
12 because of the issues that I bring up every  
13 month.

14 From what I learned at the meeting  
15 the state will theoretically help NIFA making  
16 bus service to the state budget process to a  
17 certain extent. Along with what whatever you  
18 give to NICE.

19 They have also talked about  
20 something called the NICE mini bus service  
21 which through the app or new one a person can  
22 call for a small bus in the areas that have  
23 had their bus lines cut and allow them to go  
24 to areas where there are bus service.  
25 However, right now it's going through an

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2 experimental phase. Not unlike one under  
3 Laura Curran -- the service that Laura Curran  
4 advertised one day.

5 However, it's being used in an area  
6 I don't live in. Which to me is not fair. We  
7 as a county right now are dealing with high  
8 gas prices. We need to find a way to increase  
9 funding for the buses so that other people can  
10 go to places where they do need or want to be  
11 at.

12 We also need to find a way to  
13 increase the number of areas the NICE bus  
14 service can operate in. Especially along  
15 routes that were cut. Which includes the  
16 N-47, N-50 corridor and the N 73, 74 corridor  
17 along Jerusalem Avenue north of Hempstead.

18 If you people truly care about the  
19 state of Nassau County then please find a way  
20 to increase funding for the buses. Thank  
21 you. Have a good day.

22 LEGISLATOR NICOLELLO: Thank you  
23 Richard.

24 MR. CLOLERY: Any questions?

25 LEGISLATOR NICOLELLO: No. We're

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2 good. I have two other slips, both of which  
3 relate to the LIPA settlements. So, unless  
4 you, Richard Schurin and Jessica Koenig, have  
5 to leave early, I'll wait to call these when  
6 we do the settlements. Is that all right with  
7 you?

8 We will do the consent calendar.  
9 We're going to call the nominations after the  
10 consent calendar. The consent calendar is the  
11 items that went through committees two weeks  
12 ago and the Minority and Majority have agreed  
13 that no further debate or discussion is needed  
14 at this time on these items.

15 Item 3, Ordinance 23. Four,  
16 Ordinance 24. Item five, Ordinance 25. Item  
17 six, Ordinance 26. Item seven, Ordinance 27.  
18 Item 11, Resolution 55. 12, Resolution 56.  
19 13, Resolution 57. 14, Resolution 58. 15,  
20 Resolution 59. 16, Resolution 60. 17,  
21 Resolution 61. 18, Resolution 62. 19,  
22 Resolution 63. 20, Resolution 64. 21,  
23 Resolution 65. 22, Resolution 66. 23,  
24 Resolution 67. 38, Resolution 82. 39,  
25 Resolution 83. 40, Resolution 84. 41,

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2 Resolution 85. 42, Resolution 86. 43,  
3 Resolution 87.

4 Those items are moved by Minority  
5 Leader Abrahams. Seconded by Legislator  
6 Ford. Any debate or discussion? Hearing  
7 none, all in favor signify by saying aye.  
8 Those opposed? They all carry unanimously.

9 We're going to the nominations  
10 portion of the meeting at this point. So,  
11 we're going to call items 27, 28, 29 and 30  
12 together. These are resolutions to confirm  
13 the county executive's appointment of  
14 Florestano Girardi to the Assessment Review  
15 Commission. Laura Monfiletto to the  
16 Assessment Review Commission. Marc Stone to  
17 the Assessment Review Commission. And Rocco  
18 Totino to the Assessment Review Commission.

19 Moved by Legislator Giuffre.  
20 Seconded by Legislator Gaylor. That puts  
21 those items before us. I would like to invite  
22 up Mr. Girardi, Ms. Monfiletto, Mr. Stone and  
23 Mr. Totino.

24 MR. LEMOINE: Chris Lemoine from  
25 the administration. Mr. Totino is running a

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2 few minutes behind. He's hoping to get here  
3 as soon as possible. Sorry about that.

4 LEGISLATOR NICOLELLO: We will  
5 hold him to vote later.

6 MR. LEMOINE: Thank you.

7 MR. GIRARDI: Good afternoon to  
8 the county legislature. My name is Flo  
9 Girardi. I would like to thank County  
10 Executive Blakeman and the legislature for  
11 considering me for appointment for the  
12 Assessment Review Commission. I was born in  
13 Queens. Raised in Oceanside. I'll try to  
14 keep it brief.

15 After graduating Oceanside High  
16 School I went to work at my father's dry  
17 cleaning plant. We had two plants at the  
18 time. One in Elmont and one in Queens at  
19 Saint Albans. From there, in 1978, I opened a  
20 plant in Wantagh. When my father retired back  
21 in '84 I took over the plant in Elmont. And  
22 at my peak I had a total of, between part time  
23 and full time, 60 employees. At that time I  
24 started to divest into real estate and over  
25 the years I owned various commercial

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2 properties for multifamily, office, industrial  
3 and retail establishments.

4 Being a landlord in the landlord  
5 business the properties have various assessed  
6 value. Various assessed rate of taxes. So I  
7 have a little background in property taxes.

8 For the last six years I've been in  
9 the Town of Hempstead IDA. I've been a member  
10 there. I've been the chairman for the last  
11 three years. And, as we all know, granting  
12 PILOTs it gives me some experience in tax  
13 abatements between sales tax, property tax to  
14 various PILOTs that we've granted.

15 Other than that, I've been married  
16 for 32 years. I have four children. And if  
17 there's any questions, anybody has a question  
18 that I can't answer I will be more than happy  
19 to bluff.

20 LEGISLATOR NICOLELLO: Any  
21 questions for Mr. Girardi? Thank you. Next is  
22 Ms. Monfiletto.

23 MS. MONFILETTO: Good afternoon.  
24 I'm Laura Monfiletto. Thank you for the  
25 opportunity today to the legislature and to



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2 County Executive Blakeman. I grew up in  
3 Elmont, New York. I went to Sewanhaka High  
4 School where in my senior year my mom, who  
5 also works in the guidance office, got a phone  
6 call from an alumni and said looking for a  
7 young student to come work for our title  
8 insurance company as a report typist. My  
9 mother said I have just the person for you and  
10 I started my senior year in high school typing  
11 title reports for a title insurance company.  
12 At that point I didn't know what title  
13 insurance was. And I worked through my two  
14 years at Nassau Community College and wound up  
15 working there for another four years.

16 The vice president of the company  
17 then decided to open his own company and asked  
18 me to go with him. I've been there since. So  
19 I have 31 years experience in title  
20 insurance. I've learned every aspect of the  
21 business starting off as a typist. I learned  
22 how to read titles, policies, closings, some  
23 estate work. So, I'm very familiar with  
24 taxes. Which is a big portion of the title  
25 insurance.

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2 I have two children. One son that  
3 goes to Kellenberg. He's a freshman. And my  
4 daughter is a junior in Oceanside High  
5 School. I live in Oceanside. And that's  
6 about it. I thank you for the opportunity  
7 today. I really appreciate it. You have any  
8 questions?

9 LEGISLATOR NICOLELLO: Any  
10 questions? We're good. Thank you.  
11 Mr. Stone.

12 MR. STONE: Good afternoon. How  
13 is everybody? My background, I live now in  
14 Merrick. I grew up in Valley Stream. My  
15 background is I owned a mortgage banking  
16 company for over 20 years out on Long Island.  
17 Grew it to have over 200 employees through  
18 numerous states, 18 states throughout the  
19 country. I'm very, very familiar with the  
20 appraisal system dealing with Fannie May and  
21 Freddie Mac and also selling loans to the FHA  
22 and other governments and other banks such as  
23 Chase and Citi.

24 So, the most important thing, aside  
25 from the person qualifying, clearly is the

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2 collateral that we take in. Especially with  
3 FHA loans where the borrower puts down as  
4 little as three and a half percent. So we are  
5 very, very critical of appraisals to make sure  
6 they're not overblown, overvalued. I think  
7 it's very important to recognize that the  
8 appraisal process right now, and I'm still in  
9 the mortgage banking business, you can have a  
10 house -- my own situation, the house to my  
11 right was sold for \$700,000. The house to the  
12 left was sold for \$975,000. The \$700,00 had  
13 no work done. The other one was new. But yet  
14 the one to the right was paying over \$8,000  
15 more in taxes than the one that was just built  
16 out.

17 So, the appraisal issue, the value  
18 issue, that's the experience I can bring. As  
19 well as I was president of the Empire State  
20 Mortgage Bankers Association and dealt with  
21 many of the senators up in Albany. As well as  
22 what's called the rickets from the New York  
23 Department of Financial Services. So, I just  
24 think it's time to look into this and see if  
25 we can correct what I believe is unfairness.

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2 Any questions?

3 LEGISLATOR NICOLELLO: Okay,  
4 thank you Mr. Stone. Thank you. I'll take a  
5 motion to table the resolution nominating Mr.  
6 Totino at this time. Moved by Legislator  
7 Ferretti. Seconded by Legislator Schaefer.  
8 All in favor of tabling that nomination  
9 signify by saying aye. Those opposed? That's  
10 tabled. Any debate or discussion on the three  
11 nominees that are before us?

12 LEGISLATOR ABRAHAMS: Thank you.  
13 First, I want to thank all three of you for  
14 being willing to participate in the process  
15 and be here today. I think obviously we're in  
16 a time when individuals like yourselves -- I'm  
17 talking. I know it's a little crazy when  
18 wearing a mask.

19 Whenever we have individuals like  
20 yourselves that want to participate in the  
21 process that's always welcoming.  
22 Unfortunately, our side is not going to be  
23 able to affirm your confirmation today. It  
24 has nothing to do with you in particular. It  
25 has everything to do with the county executive

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2 not presenting to us a reassessment plan. In  
3 a utopia, a perfect world, or even close to  
4 one, we would like to see a reassessment plan  
5 and hear your philosophical beliefs on  
6 reassessment and be able to make a better  
7 decision. The county executive has not  
8 presented us a reassessment plan to date.

9 Also, in the assessor side of  
10 things, not where you are with the Assessment  
11 Review Commission, Robin Laveman, who's term  
12 as acting assessor expired on April 11th. So,  
13 it then feeds into the perception,  
14 unfortunately the reality, that this  
15 administration either has a plan and is not  
16 being forthright with it by not presenting it  
17 to the legislature or doesn't have a plan at  
18 all. I would think that it would be more  
19 prudent to be able to have a plan, review the  
20 plan, hear from distinguished individuals like  
21 yourselves and then be able to see how we want  
22 to vote on your particular appointment.

23 To this date, the county executive  
24 has not presented any plan. And the fact, as  
25 I said before, Ms. Laveman's term as county

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2 assessor, which is on another side but it  
3 addresses the issue of assessment, has  
4 expired. So, we're concerned about the  
5 direction, the transparency and how this  
6 particular administration wants to move  
7 forward. And from that standpoint, we're not  
8 going to be able to support your confirmation.

9 If the county executive was to  
10 present a plan to us and we had a chance to  
11 review it and sit back and look into your  
12 resumes in a little bit greater detail and  
13 understand your philosophical beliefs on how  
14 you would execute your duties as assessment  
15 review commissioners, that's the more prudent  
16 way to do it.

17 So I don't want you think that our  
18 no vote is -- I'm sorry -- our vote not  
19 affirming your confirmation is indicative of  
20 you personally. It's more addressing the  
21 county executive's lack of issue to address  
22 our reassessment plan holistically for the  
23 county. But thank you.

24 LEGISLATOR NICOLELLO: Any other  
25 debate or discussion? Hearing none, all in

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2 favor signify by saying aye. Those opposed?

3 Passes by a vote of 11 to seven.

4 Congratulations to all three of you. Look

5 forward to your service in the assessment

6 review commission.

7 Legislator Kennedy was here before

8 and then he's no longer participating.

9 Next items are Nassau Community

10 College. These are items 24, 25 and 33 and

11 34. Which actually two separate resolutions

12 for each of these nominees appointing them to

13 Nassau Community College board of trustees.

14 But they are, 24 and 34 are resolutions

15 confirming the appointment of Ronald Rosenberg

16 as a member of the Nassau Community College

17 board of trustees. 25 and 33 are resolutions

18 confirming the appointment of William Stris as

19 a member of the Nassau Community College board

20 of trustees.

21 Motion by Legislator McKeivitt.

22 Seconded by Legislator Pilip. Those

23 nominations are before us. Mr. Rosenberg,

24 Mr. Stris you want to join us at the podium.

25 First of all, you have to tell us

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2 what happened.

3 MR. ROSENBERG: I apologize for  
4 the way I look. I just got out of the  
5 hospital. I had a bad fall but I'm okay.  
6 That's good news to some bad news to others.

7 I'm a lifelong resident of Nassau  
8 County. I love Nassau County. Was born  
9 here. South Nassau Communities Hospital.  
10 Grew up on the north shore. I've had a  
11 practice of law for the past 43 years. I  
12 brought up three children. I have five  
13 grandchildren. I can tell you if I knew the  
14 grandchildren were this good I would have had  
15 them first. I have paid for three college  
16 educations, two law school education. And I'm  
17 very involved in community affairs and Nassau  
18 County in particular. I am honored that the  
19 county executive has bestowed this appointment  
20 nomination upon me and I hope to have your  
21 approval.

22 LEGISLATOR NICOLELLO: Any  
23 questions for Mr. Rosenberg? Legislator  
24 Drucker.

25 LEGISLATOR DRUCKER: Thank you



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2 Presiding Officer. Mr. Rosenberg, thank you  
3 for coming down today. Your reputation as an  
4 attorney precedes you and I'm very impressed.  
5 But as a former trustee on the board of  
6 trustees of Nassau Community College, that  
7 institution holds a special place for me. I  
8 have real concerns about its current state of  
9 affairs and what's going on there. And just,  
10 in fact, over the past three or four days I've  
11 received a couple of phone calls, more than a  
12 couple, from board members, from  
13 administrators, from union people, all  
14 decrying a movement there that is afoot to  
15 dismantle the entire board and replace them  
16 entirely with one that is more politically  
17 aligned. And that concerns me a great deal.

18 I have been in touch with the  
19 college now for a while trying to come up with  
20 initiatives to address the declining  
21 enrollment. The problems they have in  
22 retention. Their economic difficulties. So,  
23 I feel like the college might be sliding  
24 backwards now. We have a person in charge, no  
25 president right now. It's in a state of

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2 flux. And I'm concerned that members, new  
3 members of the board are going to present  
4 themselves with an apolitical agenda that's  
5 only intent on improving and trying to get  
6 this college to survive the obstacles that  
7 it's facing right now. That really concerns  
8 me.

9 When I was on the board we were on  
10 probation with Middle States. We were in  
11 jeopardy of losing our accreditation. One of  
12 the foremost criticisms that Middle States had  
13 of Nassau Community College in those days was  
14 political intrusion. Political intrusion was  
15 something that disturbed SUNY, it disturbed  
16 Middle States and it seems to be permeating  
17 the school again and that concerns me a great  
18 deal.

19 Number one, I'd like to be assured,  
20 Mr. Rosenberg, that you are going in there  
21 with the expectation and skill set that is  
22 going to allow you to serve in that capacity  
23 in an apolitical fashion. Can you assure us  
24 of that?

25 MR. ROSENBERG: I can assure

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2 you. And I did leave out in my presentation I  
3 represent Five Towns College who had a similar  
4 situation with the leadership of Five Towns  
5 College and the Middle States' evaluation. I  
6 successfully represented them through that  
7 evaluation and they got nothing but high  
8 approval since then. So, I've been through it  
9 once before. I've been through it  
10 successfully. And I see no reason why I can't  
11 do it again. Whatever I will do I will do it  
12 to the best of my ability without  
13 partisanship.

14 LEGISLATOR DRUCKER: Are you  
15 aware, Mr. Rosenberg, that the strategic plan  
16 at the college expired on 12-31-21?

17 MR. ROSENBERG: I was not aware  
18 of that.

19 LEGISLATOR DRUCKER: The  
20 strategic plan that they had expired. Right  
21 now the college is without a strategic plan.  
22 I'd like to know what you plan -- how would  
23 you advance a strategic plan with the college  
24 concerning the problems they have in retention  
25 and recruitment, diversity and inclusion? Can

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2 you talk about that a little bit?

3 MR. ROSENBERG: Obviously I'm not  
4 prepared to discuss something I have not been  
5 briefed on. I have not been appointed. I am  
6 not familiar with it. But it's like any other  
7 case that I handle, any other matter that I  
8 litigate or transaction that I handle. I will  
9 get all the relevant information together, get  
10 all the right people assembled and I will  
11 address the problem like I did as I mentioned  
12 before, Five Towns College, and I have no  
13 doubt that I will be successful in that  
14 endeavor.

15 LEGISLATOR DRUCKER: Do you have  
16 any ideas right now on how you want to improve  
17 retention and recruitment and diversity?

18 MR. ROSENBERG: I do not have any  
19 biases going into it. I have to first get all  
20 the facts. I don't act, both in my practice  
21 of law and myself personally, I don't act on  
22 half knowledge or incomplete knowledge. I  
23 first must get a grasp of all the facts and  
24 knowledge of the entire situation before I can  
25 start to make an assessment of how I think it

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2 should be addressed. Any attempt to do so now  
3 would be pure guesswork and I would not do  
4 that as a matter of course.

5 LEGISLATOR DRUCKER: Do you  
6 believe that politics has no position on the  
7 board of trustees?

8 MR. ROSENBERG: Correct.

9 LEGISLATOR DRUCKER: You would  
10 not be vulnerable to any political pressures  
11 that might be placed upon you?

12 MR. ROSENBERG: Never have in the  
13 43 years of practicing law have I allowed  
14 politics to affect my judgement. I do the  
15 best for my clients. And this time my client  
16 will be college and I'll do my best for the  
17 college without any partisanship or any  
18 influence from outside forces.

19 LEGISLATOR DRUCKER: I like that  
20 answer. What do you believe is the most  
21 important duty of a trustee?

22 MR. ROSENBERG: To do his best  
23 job to promote the college, to improve the  
24 college and to get the best education that  
25 college can afford to our students.

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2 LEGISLATOR DRUCKER: Okay.

3 That's all I have. Thank you very much  
4 Mr. Rosenberg.

5 MR. ROSENBERG: My pleasure.  
6 Anyone else?

7 LEGISLATOR NICOLELLO: Any other  
8 questions for Mr. Rosenberg? Thank you.  
9 Mr. Stris.

10 MR. STRIS: My name is Bill  
11 Stris. I spent my public career in teaching.  
12 My wife is also a teacher. We're retired. I  
13 live in Valley Stream. I have been a board  
14 member for 30 years. It's an honor to be a  
15 long trustee. I have the honor of shaping the  
16 Nassau Community College. I thank you for  
17 this.

18 LEGISLATOR NICOLELLO: Any  
19 questions? Thank you Mr. Stris. Any  
20 questions?

21 LEGISLATOR FORD: Good afternoon  
22 and welcome. Thank you very much for wanting  
23 to take on this position and Mr. Rosenberg you  
24 as well. Just stay sitting because I hope you  
25 feel better. Very brave to come from that to

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2 here.

3 I too I do love Nassau Community  
4 College. I had the opportunity, along with  
5 the presiding officer and some of our other  
6 fellow legislators, to take a tour of one  
7 element of the school, which is the theater  
8 and live production and all that.

9 I have to say that the college is  
10 very blessed with a very vibrant and engaged  
11 faculty. They understand their needs and are  
12 willing to fight for it. They're willing to  
13 advocate for it. And they have found partners  
14 with many of us here on the legislature. I  
15 look forward to working with both of you in  
16 looking to see what we can do to help Nassau  
17 County to stay in existence and even to  
18 thrive.

19 We know that enrollment is down.  
20 So, I'm sure if we all put our collective  
21 minds together we may come up with some pretty  
22 good ideas on maybe changing some things, the  
23 way that maybe some of the courses are given.  
24 But I just want to make sure that this fine  
25 institution continues to be able to provide

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2 good quality education.

3 My daughter and my son both had the  
4 opportunity to attend. My son decided to  
5 spend four years there only because he needed  
6 college credits. He knew he was going into  
7 civil service. But he found that the  
8 environment and the classes, just everything  
9 about Nassau Community College satisfied him.  
10 He was very happy there. My daughter spent a  
11 year preparing to go away to a private  
12 school. It's a great place. I look forward  
13 to working with you and to making sure that  
14 Nassau Community College will be the premier  
15 college throughout the United States. Thank  
16 you.

17 LEGISLATOR NICOLELLO: I just  
18 want to echo what Legislator Ford just said.  
19 We did have a tour about ten days ago.  
20 Obviously the college is something that we in  
21 the county have been very proud of for many,  
22 many years. It offers an education to, a  
23 phenomenal education, to so many students who  
24 might not get that education otherwise. It is  
25 a great competition to these four-year schools



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2 for someone who is interested.

3 But what it was was eye opening in  
4 terms of some of the facilities and some of  
5 the problematic needs and the faculty needs  
6 that exist at the college. So, we're looking  
7 to have some new ideas, some energy, some  
8 fresh blood in there to hopefully shakes  
9 things up a little bit and get us moving in  
10 the right direction.

11 My understanding is that recently  
12 there was a no-confidence vote by the entire  
13 academic senate in a couple of the board  
14 members. When you have an unanimous vote  
15 there's something wrong there. So we need to  
16 really go in there and preserve this school.  
17 It's been said in that presentation that we  
18 had many times it really is a gem in Nassau's  
19 crown and we have to preserve it.

20 MR. STRIS: I'll do my best.

21 LEGISLATOR NICOLELLO: Legislator  
22 Rhoads.

23 LEGISLATOR RHOADS: I had the  
24 opportunity to participate as part of that  
25 tour as well, and I've got to tell you the

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2 passion among the students and the passion  
3 among the faculty for that institution is  
4 outstanding. I found it interesting that as  
5 part of that tour it was the faculty and it  
6 was the students. There was not a single  
7 member of the administration actually came out  
8 to meet our delegation from the legislature  
9 and I found that to be very strange.

10 We just heard today that it's an  
11 institution without a president. That it's an  
12 institution without a strategic plan. It's an  
13 institution with declining enrollment. It's  
14 an institution with concerns, as voiced by the  
15 faculty, with concerns that we may be heading  
16 back to a period where its accreditation may  
17 be in jeopardy. If members of the legislature  
18 are receiving calls from the existing board  
19 that they're concerned there might be change  
20 it sounds as though there should be change on  
21 that board.

22 I'm hoping that both of you will be  
23 proactive, passionate advocates for the  
24 college that will help to be architects of  
25 that change. Because this is an institution

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2 that deserves saving. This is an institution  
3 that serves -- that should have at its focus  
4 at every turn the students of Nassau County  
5 that we serve.

6 I know from both of your  
7 presentations, one is an accomplished  
8 litigator and board member of Five Towns  
9 College and yourself as an educator have that  
10 passion. And I do share my colleagues'  
11 concerns that politics should never be a part  
12 of the running of that institution. And I  
13 know that both of you will keep as your focus  
14 the success of the institution and the  
15 students that we serve and I'm looking forward  
16 to working with you.

17 LEGISLATOR NICOLELLO: One slight  
18 correction. We did have, before you joined us  
19 Legislator Rhoads on the tour, Adrian Carrigan  
20 from the administration was there and then  
21 later on there was somebody from buildings and  
22 grounds.

23 MR. ROSENBERG: I just want to  
24 correct the record, I was not a board member  
25 of Five Towns College. I was an attorney.

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2 LEGISLATOR RHOADS: Thank you.

3 LEGISLATOR NICOLELLO: Legislator  
4 Mule.

5 LEGISLATOR MULE: Thank you  
6 Presiding Officer. I certainly echo all of my  
7 colleagues' concerns and wishes for the Nassau  
8 Community College. This comment really is not  
9 towards the candidates. I keep hearing about  
10 this tour and I do not believe that anyone  
11 from our side was invited to a tour. So, I'd  
12 like to put it on the record that if something  
13 like this happens in the future that we at  
14 least receive an invitation. Thank you.

15 LEGISLATOR NICOLELLO: It was  
16 arranged by the faculty. Actually, they  
17 invited me and then a couple of legislators  
18 joined in. But I would reach out to the  
19 president. She would be thrilled to have as  
20 many legislators as possible to go on that  
21 tour. Whenever you have the time they'll  
22 bring you over there and see exactly what we  
23 saw.

24 LEGISLATOR MULE: Okay. Thank  
25 you. I guess it's just a general comment just

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2 to make sure that we receive invitations that  
3 have gone out.

4 LEGISLATOR NICOLELLO: Legislator  
5 Drucker you wanted to add something?

6 LEGISLATOR DRUCKER: Just a  
7 couple of things Mr. Stris. Thank you for  
8 being here too. I'm not going to make you  
9 answer all of the tough questions I asked Mr.  
10 Rosenberg but I'm hoping that you have similar  
11 answers.

12 Just to comment briefly, quickly on  
13 Legislator Ford's comment. The college has a  
14 tremendous course handbook. The variety of  
15 courses that they offer is outstanding. The  
16 problem they have is purely economic and they  
17 don't have enough faculty. They're scrambling  
18 to have faculty members teach these courses.  
19 Aside from the declining enrollment and  
20 retention problems. So, I'm hoping that you  
21 have fresh ideas. As Legislator Rhoads said,  
22 we welcome fresh ideas. But it has to be  
23 ideas that are geared towards the  
24 sustainability of this college.

25 From what I'm hearing, the pathway

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2 that the college is on now does not bode well  
3 for its ability to stay open. I'm concerned  
4 about that and I hope you appreciate that as  
5 well.

6 In your career so far in education  
7 you were on the board is that it, in Valley  
8 Stream?

9 MR. STRIS: Yes. In Valley  
10 Stream.

11 LEGISLATOR DRUCKER: In all of  
12 your years in Valley Stream did you feel any  
13 sort of political pressure at times?

14 MR. STRIS: Yes.

15 LEGISLATOR DRUCKER: How did you  
16 respond to that?

17 MR. STRIS: I did my best. I  
18 explained what my position was and I stuck to  
19 it.

20 LEGISLATOR DRUCKER: Would you  
21 describe what type of political pressure you  
22 received?

23 MR. STRIS: People wanted jobs in  
24 the school system. So I referred them to the  
25 superintendent and that was it.

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2 LEGISLATOR DRUCKER: They tried  
3 to use your influence to obtain employment?

4 MR. STRIS: That's right.

5 LEGISLATOR DRUCKER: Do you have  
6 any particular ideas on how you think the  
7 college should be heading right now?

8 MR. STRIS: No, I don't have any  
9 idea. I will listen. I will listen to my  
10 fellow trustees and come up with a plan.

11 LEGISLATOR DRUCKER: Thank you.

12 LEGISLATOR NICOLELLO: Legislator  
13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON: Hi.  
15 I also want to thank both of you for trying to  
16 help with this college that we all do care  
17 about. I agree with my colleagues that the  
18 number one issue we have has been money. I  
19 think you know or you'll find out that there's  
20 a formula and the county is supposed to give a  
21 certain percentage. And, unfortunately, the  
22 county has, up until very recently, has been  
23 very strapped financially. Right now we're  
24 sort of in good position. So, I think it  
25 might behoove you to take a look at that

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2 formula and put pressure on the county to give  
3 a little bit more than they have to this point  
4 because the money is available. That's my two  
5 cents.

6 LEGISLATOR NICOLELLO: Thank you  
7 Mr. Stris. Appreciate it. Thank you  
8 Mr. Rosenberg.

9 Any further debate or discussion on  
10 the two nominations? If not, all in favor  
11 signify by saying aye. Those opposed? It  
12 passes by a vote of 11 votes in the  
13 affirmative and seven abstentions.  
14 Congratulations guys.

15 Now, actually, we're going back.  
16 My understanding is that Mr. Totino is here.  
17 We're going to ask for a motion to untable by  
18 Legislator Rhoads. Seconded by Legislator  
19 Giuffre. All in favor of untabling that  
20 nomination signify by saying aye. Those  
21 opposed? So now that's before us. Mr. Totino  
22 you want to come up. Be well John.

23 MR. TOTINO: Good afternoon  
24 Presiding Officer Nicoletto and members of the  
25 county legislature. I just want to first say



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2 I apologize for my tardiness. I appreciate  
3 you temporarily tabling this resolution. I  
4 had a deposition that went a lot longer than  
5 it should have gone.

6 LEGISLATOR NICOLELLO: It wasn't  
7 with Mr. Rhoads because I know he's here.

8 MR. TOTINO: That being said, as  
9 you are all aware, I have been appointed by  
10 our county executive to the Nassau County  
11 Assessment Review Commission pending your  
12 confirmation. Which I hopefully will get  
13 today. Just wanted to come in, introduce  
14 myself, give you a little background and  
15 answer any questions you may have.

16 First things first. I'm a lifelong  
17 Nassau County resident. Originally from Glen  
18 Cove, the good city of Glen Cove, where I  
19 still currently reside and am a homeowner. I  
20 am a trial attorney by trade. I work for  
21 Geico staff counsel that also our offices are  
22 in Nassau County. I've been a trial attorney  
23 for about six years now. On the side I do  
24 dabble in land use law and residential  
25 closings as well.

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2 In the past couple I've been on the  
3 city zoning board for about two years and also  
4 became a city councilman for two years shortly  
5 thereafter.

6 I'm excited for the opportunity to  
7 be helping the county of Nassau with the  
8 assessment review commission. I look forward  
9 to making a contribution to ARC. That's it.  
10 If you have any questions I'll be happy to  
11 answer them.

12 LEGISLATOR NICOLELLO: Any  
13 questions? Legislator DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON: I  
15 just want to say that I have had the pleasure  
16 of working with Ron Totino. I have complete  
17 respect for him. He's a straight-up person.  
18 He'll tell you if he agrees with you. He  
19 tells you if he doesn't agree with you. You  
20 left out that you just got engaged.

21 MR. TOTINO: I did. I apologize  
22 for that. I just got engaged.

23 LEGISLATOR DERIGGI-WHITTON:  
24 Three weeks ago. But any way, Rocco, this is  
25 a challenge but I have faith in you that

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2 you're going to address it and I look forward  
3 to working with you.

4 MR. TOTINO: Thank you. Thank  
5 you so much. Thank you to everybody on the  
6 legislature. I appreciate it.

7 LEGISLATOR NICOLELLO: Any other  
8 questions, debate or discussion? Hearing  
9 none, all in favor signify by saying aye.  
10 Those opposed? It passes by a vote of 12  
11 votes in the affirmative and six votes in the  
12 negative. So, it's 12 votes in the  
13 affirmative, six abstentions and it passes.  
14 Congratulations Mr. Totino.

15 Next appointments are to the  
16 planning commission. We have items 31, 32.  
17 31 and 32 I'll call right now. These are  
18 resolutions to confirm the county executive's  
19 appointments of Murray Forman and Reid  
20 Sakowich to the Nassau County Planning  
21 Commission.

22 Moved by Legislator Ferretti.  
23 Seconded by Legislator Gaylor. Those two are  
24 before us.

25 But in the mean time, so we can

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2 consider all these together, we do have an  
3 emergency item, which is 125 of '22. A  
4 resolution to confirm the Nassau County  
5 executive's appointment of Khandan Sharona  
6 Kalaty to the Nassau County Planning  
7 Commission. We need a motion to establish an  
8 emergency. Moved by Legislator Walker.  
9 Seconded by Legislator Ferretti. Any  
10 discussion or debate on the emergency?

11 LEGISLATOR ABRAHAMS: We were  
12 under the impression before we provide votes  
13 for the emergency that someone was going to  
14 come up and justify the need for the emergency  
15 from the administration.

16 MR. LEMOINE: Chris Lemoine from  
17 the administration. The original item as  
18 filed had a mistake in it. It referenced that  
19 Ms. Kalaty would be replacing Sean Sallie.  
20 That was a mistake. Ms. Kalaty is going to be  
21 filling an open seat on the planning  
22 commission. We apologize for any confusion  
23 and thank you for the courtesy.

24 LEGISLATOR NICOLELLO: Chris,  
25 currently are there enough members on the

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2 planning commission to have a quorum?

3 MR. LEMOINE: Yes.

4 LEGISLATOR NICOLELLO: Any other  
5 debate or discussion? Hearing none for the  
6 emergency, all in favor signify by saying  
7 aye. Those opposed? The emergency is  
8 established.

9 So, I will call the item, 125 of  
10 '22. A resolution confirming the county  
11 executive's appointment of Khandan Kalaty to  
12 the Nassau County Planning Commission.

13 Moved again by Legislator  
14 Ferretti. Seconded by Legislator Giuffre. So  
15 now all three of those appointments are before  
16 us. You want to come up? How are you doing  
17 Reid. Who wants to go first?

18 MS. KALATY: Hi. My name is  
19 Khandan Kalaty. I would like to first of all  
20 thank the county executive and all the  
21 legislators for considering me for appointment  
22 to the planning board commission.

23 I was born in Iran. I migrated to  
24 the United States in 1981. I went to school  
25 and I got married and I have, skipping a few

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2 decades, I have three children, four  
3 grandchildren. I'm working currently at the  
4 board of elections. I also am one of the 15  
5 elected members of the UMJCA central board in  
6 Great Neck. That's the Persian Jewish  
7 community in Great Neck. We have a very stout  
8 system. We have a central board and many  
9 committees that are conducted underneath. I  
10 am very dedicated to community work. We have  
11 many meetings and we make a lot of decisions.

12 I'm also a member of the public  
13 affairs committee in my community. Which we  
14 try to keep a good relationship with all  
15 public officials. That's about it. I'm  
16 hoping to be able to use my experience and  
17 serve the county.

18 LEGISLATOR NICOLELLO: Thank  
19 you. Any questions for Ms. Kalaty? No.  
20 Thank you.

21 MR. FORMAN: Good afternoon. My  
22 name is Murray Forman. Thank you to County  
23 Executive Blakeman and to the legislature for  
24 considering my appointment this afternoon to  
25 the Nassau County Planning Commission. I've

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2 been a resident of Nassau County for the past  
3 25 years. My highest degree is a masters of  
4 business administration from Columbia  
5 University. I'm a lifelong mergers and  
6 acquisitions practitioner. Mostly in the area  
7 of what you would call today private equity.

8 Currently my area of focus is in  
9 health care, real estate, in the operation and  
10 ownership primarily of skilled nursing  
11 facilities throughout the United States. I am  
12 also active in the community having been the  
13 long-serving president of the Lawrence Union  
14 Free School District for the past 15 years.

15 I look forward to bringing my  
16 broad-based business development and community  
17 service experience to my post on the Nassau  
18 County Planning Commission. I will entertain  
19 any questions that you might have.

20 LEGISLATOR NICOLELLO: Legislator  
21 Drucker.

22 LEGISLATOR DRUCKER: Thank you  
23 Presiding Officer. Hello Mr. Forman. How are  
24 you?

25 MR. FORMAN: Fine. Thank you.

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2 LEGISLATOR DRUCKER: Thank you  
3 for being here. Couple of questions. I've  
4 been given some information. I was given some  
5 articles concerning major issues of Medicaid  
6 fraud and breach of fiduciary duties brought  
7 against you. Specifically a press release  
8 from the FBI from 2010. Indicates that the  
9 federal government accused you of involvement  
10 in a multimillion dollar Medicaid fraud  
11 scheme. Is that true?

12 MR. FORMAN: Unfortunately,  
13 anybody who's been in the health care business  
14 has from time to time been subject to claims  
15 that are brought by what is called ketan,  
16 which is basically a bounty system where the  
17 individual people can bring a cause of  
18 action. That specific item that you referred  
19 to, if you read the rest of the press release,  
20 was settled without the admission of any  
21 guilt. So, there's really nothing to say  
22 clearly. I deny all claims and it never  
23 proceeded.

24 LEGISLATOR DRUCKER: But you  
25 agreed to settle the claim by paying \$14



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2 million to settle those charges?

3 MR. FORMAN: That is not  
4 correct. I was part of a group that was, as I  
5 said, it was subject of what they call a ketan  
6 action. And again, if you read the press  
7 release in detail again, I personally did not  
8 pay one penny towards that settlement.

9 LEGISLATOR DRUCKER: But you were  
10 involved in that settlement though?

11 MR. FORMAN: Yes. Similarly, as  
12 allegations were made I was involved in the  
13 settlement. But, again, I did not pay one  
14 penny towards the settlement.

15 LEGISLATOR DRUCKER: But the  
16 allegations didn't go further because it was  
17 settled?

18 MR. FORMAN: The allegations did  
19 not go further because they were unfounded.

20 LEGISLATOR DRUCKER: But yet  
21 somebody paid \$14 million to settle those  
22 allegations?

23 MR. FORMAN: Somebody did.

24 LEGISLATOR DRUCKER: Do you know  
25 who it was that paid \$14 million?

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2 MR. FORMAN: That's confidential.

3 LEGISLATOR DRUCKER: You can't  
4 share that with us?

5 MR. FORMAN: Cannot.

6 LEGISLATOR DRUCKER: How many  
7 years ago did that happen?

8 MR. FORMAN: That was settled in  
9 excess of 12 years ago.

10 LEGISLATOR DRUCKER: That's not a  
11 matter of public record who the individuals  
12 were?

13 MR. FORMAN: The entities if you  
14 read the press release are a matter of public  
15 record.

16 LEGISLATOR DRUCKER: That's what  
17 I thought.

18 You were also involved in a nursing  
19 home problem in which a bankruptcy court  
20 findings, they found a diversion of assets, a  
21 sham company was created to divert assets to  
22 avoid paying \$1 billion in wrongful death  
23 judgments. Do you know anything about that?

24 MR. FORMAN: Again, that too was  
25 a litigation brought by some very aggressive

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2 plaintiffs attorneys, which unfortunately is  
3 also a risk of the nursing home business, and  
4 that too was settled without any adverse  
5 finding.

6 LEGISLATOR DRUCKER: One man's  
7 trash is another man's treasure as they say.  
8 But you call it the risk of being in the  
9 nursing home or health care business. But  
10 you're still obligated to conform yourself to  
11 legal activities, correct?

12 MR. FORMAN: That is correct.  
13 And as I stand here today I am not implicated  
14 in any of the type of activities that you are  
15 speaking about.

16 LEGISLATOR DRUCKER: The  
17 bankruptcy court findings I think named you in  
18 those findings.

19 MR. FORMAN: Again, those were  
20 allegations. Those were not findings. Those  
21 were not entered into the judgements.

22 LEGISLATOR DRUCKER: Can you talk  
23 about the genesis of what those claims or  
24 allegations were about?

25 MR. FORMAN: Again, very

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2 aggressive plaintiff attorneys looking for a  
3 source of payment for some, again, what I  
4 would say were very aggressive claims. And  
5 again, there's probably not enough time here  
6 today to really go into the whole story.

7 LEGISLATOR DRUCKER:

8 Notwithstanding aggressive litigators, you  
9 escaped unscathed?

10 MR. FORMAN: Again, I would say  
11 that there were no adverse findings. So that  
12 is correct.

13 LEGISLATOR DRUCKER: I have  
14 nothing further of this witness.

15 LEGISLATOR NICOLELLO: Anyone  
16 have any other questions for Mr. Forman?

17 Okay. Reid.

18 MR. FORMAN: Anything else?

19 LEGISLATOR NICOLELLO: No.

20 You're good for now.

21 MR. FORMAN: Thank you so much.

22 MR. SAKOWICH: Thank you. My  
23 name is Reid Sakowich. I am a lifelong  
24 resident of the Village of New Hyde Park.  
25 I've been a proud graduate of New Hyde Park

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2 public schools starting at New Hyde Park Road  
3 School, New Hyde Park High School. I am  
4 currently the owner of a plumbing company.  
5 I'm a licensed master plumber, Sakowich  
6 Plumbing. I'm also a partner in the In It New  
7 Hyde Park, a family-run company business that  
8 my family owns.

9 Currently I'm the chairman of the  
10 fire commission in the New Hyde Park fire  
11 district. I am an ex-chief in the New Hyde  
12 Park fire district. I am married with two  
13 children, a young lady and my son. I look  
14 forward to serving Nassau County and in trying  
15 to get them to proceed in a great direction.

16 LEGISLATOR NICOLELLO: Thank  
17 you. Before I open it up to questions, I've  
18 known Reid for probably 30 years or longer. I  
19 actually knew his father as well before him.  
20 Both Reid and his two brothers, one of whom  
21 was a New York City fire fighter and the other  
22 whom also served as commissioner and their  
23 father having been active in serving our  
24 community for not just decades, we're talking  
25 50, 60, 70 years that they've been giving back

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2 to the community. You would be an excellent  
3 addition to serving the county.

4 Any other questions or discussion?  
5 Thank you Reid. We're good. Any debate or  
6 discussion before we vote?

7 LEGISLATOR ABRAHAMS: I just want  
8 to further expound on my colleague Legislator  
9 Drucker's points in regards to Mr. Forman. It  
10 sounds like Mr. Forman gave some clarity in  
11 terms of the issue at hand but I really would  
12 want to hear, and I would respectfully request  
13 that that appointment be tabled, I really want  
14 to hear from the administration as to whether  
15 or not they were concerned or even aware of  
16 some of the stuff that occurred some 12 years  
17 ago and were they comfortable with those  
18 responses. It seems like a very large issue.

19 I understand Mr. Forman had  
20 indicated that he didn't pay anything towards  
21 the \$14 million. But obviously he was cited  
22 and there's some concerns here with the FBI.  
23 I would think I would want to hear from the  
24 administration to get a little bit more  
25 clarity. I'm just concerned we don't start to

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2 set a precedent that we're just going to look  
3 past this kind of stuff without hearing from  
4 the administration when we hear something on  
5 the floor that references Medicaid fraud.

6 Which I understand in that  
7 business, as Mr. Forman indicated, a lot of  
8 people are investigated in regard to that.  
9 But it just seems like the county has a  
10 history of stuff like this happening. And it  
11 has happened in previous administrations. It  
12 just seems logical to me that rather than just  
13 rushing to pass it through, it just seems  
14 logical that we at least hear from the  
15 administration to make sure that they're  
16 still -- I would like to know if they're  
17 aware. We discovered it by doing a Google  
18 search because we didn't get a chance to  
19 interview Mr. Forman. But I just want to make  
20 sure that they're aware.

21 So, either someone come up or we  
22 table it or we discuss it another time. But  
23 to me it just seems a little imprudent to move  
24 forward after hearing what we just heard and  
25 to find out that they still want to be able to

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2 move forward.

3 LEGISLATOR NICOLELLO: There's  
4 members of the administration here, they're  
5 upstairs. Nobody has approached us and said  
6 we're withdrawing this nomination. So that's  
7 really not an issue. If you want to make a  
8 motion to table you can ahead and do so. You  
9 need a second.

10 LEGISLATOR ABRAHAMS: I don't  
11 know if Chris Lemoine is still in the back.  
12 I'm not too sure if he -- he may not be able  
13 to comment on it. I don't know if he's able  
14 to comment on what we just heard. I would  
15 like to start with whether or not the  
16 administration was aware. If the  
17 administration was aware then we can go there  
18 and maybe he can't comment on that part. But  
19 I would at least like to know, Chris, if you  
20 don't mind coming up. He may say he doesn't  
21 know, which is fine. That's okay.

22 LEGISLATOR NICOLELLO: Chris, why  
23 don't you come to the microphone and tell us  
24 whether or not the administration is  
25 withdrawing this nomination?



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2 MR. LEMOINE: Presiding officer.

3 MR. LEMOINE: We are not  
4 withdrawing the item. You heard from  
5 Mr. Forman. He explained the factors around  
6 the matters that were brought up. So, at this  
7 time we're not withdrawing it.

8 LEGISLATOR ABRAHAMS: We just  
9 want this to be clear, you were aware before  
10 it was presented to us today of the concerns  
11 of Mr. Forman?

12 MR. LEMOINE: I was not aware.

13 LEGISLATOR ABRAHAMS: Not you  
14 particularly but the administration.

15 MR. LEMOINE: The administration  
16 obviously has the background on Mr. Forman and  
17 was more than happy to present him for the  
18 nomination today.

19 LEGISLATOR ABRAHAMS:  
20 Understand. No further questions. We don't  
21 need to table.

22 LEGISLATOR NICOLELLO: We are  
23 going to have a vote on the three  
24 nominations. All in favor of these three  
25 nominations signify by saying aye. Those

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2 opposed? Passes by a vote of 11 to seven.

3 They pass.

4 Last two nominations we have today  
5 are items 36 and 37. Resolutions 80 and 81.  
6 These are resolutions to confirm the county  
7 executive's appointment of William Rockensies  
8 and Reginald Spinello to the Nassau County  
9 Industrial Development Agency.

10 Moved by Legislator Ford. Seconded  
11 by Legislator Walker. Those two nominations  
12 are before us. Come on up.

13 MR. ROCKENSIES: Good afternoon  
14 everyone. I'm Bill Rockensies. Thank you for  
15 inviting me here today for a confirmation.  
16 Thank you to Bruce Blakeman for nominating me  
17 I believe you have my resume but I'll just  
18 give a brief synopsis.

19 I'm a civil engineer. I graduated  
20 from Manhattan College. I have a license to  
21 practice engineering in the state of  
22 New York. Formally 30 years of service in  
23 municipal government working for the Village  
24 of Freeport, Town of Hempstead as their  
25 engineer for the town. I was a commissioner

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2 of engineering.

3 In those roles I did a lot of,  
4 obviously, project design. But also involved  
5 in site plan reviews both residential and  
6 commercial. Subdivision work. So I'm very  
7 familiar with zoning and planning and that  
8 sort of thing.

9 Currently I work for a private  
10 engineering firm on Long Island, H2M. Been  
11 there over five years. I feel that my  
12 background could help the board. My  
13 services.

14 I am a lifelong resident of Nassau  
15 County. I live in West Hempstead with my  
16 wife. I raised my kids in West Hempstead.  
17 Two of them have owned houses in Nassau  
18 County.

19 If anybody has any questions I'm  
20 here. I look forward to hopefully serving in  
21 this roll.

22 LEGISLATOR NICOLELLO: Any  
23 questions for Mr. Rockensies? All right.

24 MR. SPINELLO: Good afternoon.  
25 I'm Reggie Spinello. I want to thank the

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2 county executive for the nomination and the  
3 opportunity to speak here in front of all of  
4 you. I was a councilman for two years in Glen  
5 Cove. I was also the mayor for four years for  
6 the City of Glen Cove. Also during that time  
7 I was the chair of the IDA, the CDA and the  
8 local economic development corp.

9 One of the things that we did that  
10 was really tremendous for the City of Glen  
11 Cove we had a revitalization. It was a  
12 property that was many years in the making.  
13 We revitalized 56 acres on the waterfront. It  
14 was a billion dollar public-private  
15 partnership with RXR. It created about 1,000  
16 jobs. About \$58 million in salaries. And  
17 because of the jobs and everything going  
18 forward with it and overtime it will -- had  
19 \$50 million more dollars of spending into the  
20 local economy.

21 We set it up, it was interesting,  
22 it was called a PIF, which is a pilot  
23 incremental financing. The city was  
24 responsible for the infrastructure. There was  
25 a bond floated for that. The city was able

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2 to, during the sale of the property, we  
3 collected \$15 million for the sale of the  
4 property. Which paid off the HUD loan to the  
5 county. We had \$10 million in fees that  
6 helped us to turn a \$5 million deficit in the  
7 City of Glen Cove into a surplus when I left.

8 Additionally, we were able to  
9 revitalize the downtown. We put together a  
10 mixed use project in the middle of downtown.  
11 146 rental units. And I think it's about  
12 5,000 square feet of retail. So, I'm familiar  
13 with IDAs and how they work.

14 I look forward to the opportunity  
15 to serve the county. I think it's a very  
16 important thing. I think IDAs are very  
17 important. I think sometimes they're  
18 misunderstood. But I also think it's  
19 important that they be transparent and explain  
20 how they're doing everything. With things  
21 going on in New York and people leaving, I  
22 think it's important that IDA take a role in  
23 actually maintaining residents here, bringing  
24 new ones in and creating job opportunities so  
25 that we can keep people here.

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2 If you have any questions.

3 LEGISLATOR NICOLELLO: Thank you  
4 Reggie. Legislator Ferretti.

5 LEGISLATOR FERRETTI: Thank you  
6 Presiding Officer. Good afternoon gentlemen.  
7 Thank you and congratulations. I served on  
8 the Town of Hempstead IDA for a couple of  
9 years before I was a legislator. One of the  
10 things we did in the Town of Hempstead IDA was  
11 we put in place a policy that required any  
12 PILOT proposal that notification go out to the  
13 elected representatives, the local elected  
14 representatives in that municipality. While I  
15 don't believe that policy has been implemented  
16 in the county IDA, I do recall when the  
17 appointments to the IDA were made a couple of  
18 years back that I did ask that nevertheless  
19 even though it's not a policy that that be  
20 done.

21 I'm asking for myself, that I  
22 specifically be notified of any IDA PILOT  
23 proposal in the 15th Legislative District.  
24 But I'm sure my colleagues would agree that  
25 they would want to be notified as well. That

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2 has happened. I have been notified any time.  
3 Would you agree to ensure that we are notified  
4 of any PILOT proposal prior to it being voted  
5 on?

6 MR. SPINELLO: Yes. In Glen Cove  
7 we did that actually. This was a tax  
8 deviation. So we had to present it to each  
9 affected tax jurisdiction. We came and  
10 presented to the county also. And rather than  
11 just a straight PILOT where the IDA would  
12 approve it, because it was a tax deviation we  
13 needed the approval of each of the four taxing  
14 districts. We needed the city, the school,  
15 the county and the library. And we sent the  
16 information to all of them. It was a very  
17 complicated deal. And all of them had their  
18 attorneys look at it and eventually all of  
19 them approved it.

20 LEGISLATOR FERRETTI: I  
21 understand that there's legal requirements to  
22 notify the taxing municipality. I'm saying  
23 specifically to me. I want an email being  
24 alerted that there's a proposed PILOT in the  
25 15th Legislative District. Fair enough?

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2 MR. SPINELLO: Fine. Absolutely.

3 LEGISLATOR FERRETTI: Thank you.

4 LEGISLATOR DERIGGI-WHITTON: I  
5 think that goes for all of us. We're all very  
6 concerned about PILOTs and recently so.

7 LEGISLATOR WALKER: Did anyone  
8 else have anything? Steve.

9 LEGISLATOR RHOADS: Mayor, first  
10 of all, thank you for agreeing to take on this  
11 responsibility. And actually from both of the  
12 nominees. What do you view as being the  
13 proper function of the IDA?

14 MR. ROCKENSIES: I would say to  
15 help with the economic growth of the county.  
16 To help bring in businesses. Help keep  
17 businesses. I think it's important, I think  
18 small businesses need IDAs to help them where  
19 ever possible. I think it's to help the  
20 economic growth of the county.

21 LEGISLATOR RHOADS: Mr.  
22 Spinello?

23 MR. SPINELLO: As I had mentioned  
24 some of my thoughts, I also believe it's  
25 important that the IDAs, depending on the



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2 project, we need also affordable housing.  
3 With some of these IDA projects, like the one  
4 at the waterfront, there's about a ten percent  
5 component for affordable they call it  
6 workforce housing. But you have to make sure  
7 that housing is 120 or 100 to 120 percent of  
8 AMI. You want it to be where other people can  
9 get there. So it should go from like 60  
10 percent up to 80 percent. Get those kind of  
11 people involved in it.

12 The project downtown there were so  
13 many people. Ten percent of it was lottery  
14 and some of those apartments down there are 60  
15 to 80 percent. Which is much more really  
16 helping somebody out. Because if you take  
17 100, 120 percent of AMI it's like a regular  
18 worker making 70, 80, \$90,000 a year. So that  
19 really doesn't benefit the people that need  
20 it. That's a component and I think it's  
21 important.

22 LEGISLATOR RHOADS: Thank you. I  
23 appreciate it. With respect to -- what would  
24 be your I guess basis of evaluating a  
25 particular project? What's your philosophy on

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2 that? In other words, what are you looking  
3 for in your evaluation of specific projects?  
4 What's your thought process?

5 MR. SPINELLO: You need to have  
6 some community benefit. It's got to benefit  
7 the community in certain ways. Obviously  
8 you'll take a piece of property -- like with  
9 the waterfront. There were no taxes for 30  
10 years on that property. So, new revenue  
11 stream. More revenue. And you hope -- and  
12 some of these projects that IDAs do  
13 unfortunately a lot of them are rental units  
14 and then when the numbers go to everyone it  
15 doesn't look that good because the number of  
16 jobs created, how many jobs have you created  
17 in a rental unit? You have four or five  
18 workers. That's it.

19 So, I think you have to look at  
20 everything as whole and you have to see what  
21 the needs of the community are. Especially  
22 downtowns. If we're going to maintain people  
23 we need feet on the ground in downtowns.  
24 Downtowns need people walking around at  
25 night. City of Glen Cove unfortunately we're

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2 probably closed at five o'clock. You don't  
3 want a nine to five downtown. Those kind of  
4 things that can keep people around and  
5 spending money in the local economy I think  
6 that's important for an IDA.

7 LEGISLATOR RHOADS: I appreciate  
8 it. Thank you for your insights.

9 LEGISLATOR NICOLELLO: Thank  
10 you. Any other questions?

11 LEGISLATOR SCHAEFER: I don't  
12 have a question just a comment. I've gotten  
13 to know both of you over the years. I know  
14 Bill. In my other life as an attorney I've  
15 dealt with you at the Town of Hempstead in  
16 land use issues. I'm just very happy to see  
17 you both here for this today. It gives me a  
18 lot of confidence moving forward with the IDA.

19 LEGISLATOR NICOLELLO: Legislator  
20 Drucker.

21 LEGISLATOR DRUCKER: Thank you  
22 Presiding Officer. Mr. Spinello, I just have  
23 one question for you. This is just to  
24 piggyback a little bit on what Legislator  
25 Rhoads had elicited from you about how your

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2 philosophy is that these PILOTs should benefit  
3 the community at large.

4 In my district Amazon built this  
5 tremendous last mile destination facility.  
6 I'm sure you've seen them now. They're  
7 cropping up all over Long Island and heard  
8 about them. Although this was a blighted area  
9 and it was not on the tax rolls for 40 years  
10 or more, so I certainly welcomed a development  
11 project that conformed to the zoning there and  
12 provided a tax -- put them on the tax rolls.  
13 But they applied for a PILOT. And I  
14 vehemently opposed it because if there was any  
15 other company in the world that is less in  
16 need of a PILOT it's Amazon. But yet,  
17 nonetheless, they got one. I'd like to know  
18 how you feel about something like that that  
19 would come across your desk as a member of  
20 IDA.

21 MR. SPINELLO: I think that the  
22 way they evaluate these projects for the IDA  
23 is it may not be the size of the company and  
24 what they have, it's the amount of investment  
25 they want to make in that piece of property

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2 and the return that they're going to get from  
3 it. If it's feasible for them with those  
4 particular numbers. And that's why they do  
5 the studies. They do the economic impact  
6 studies to see if that's the case.

7 LEGISLATOR DRUCKER: In this  
8 particular case I think Amazon was playing a  
9 little bit of a game of poker with the  
10 community saying that if they didn't get the  
11 tax PILOT they were going to withdraw from the  
12 project. This particular property was perfect  
13 for them. It was a vast swap of land. The  
14 project did not require any major excavation.  
15 It was a two-story building. It didn't  
16 require a lot of disturbance of the ground, of  
17 the soil. Which certainly that was concerning  
18 to the residents. And we had the Department  
19 of New York State DEC on premises every single  
20 day making sure that they did comply with the  
21 regulations.

22 So, they built it according to  
23 specs, according to zoning, but why in God's  
24 name did they need a PILOT? This was not a  
25 major investment on their part. It was a

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2 two-story structure that required minimal  
3 excavation. And their allegation that if they  
4 didn't get the PILOT they're going to build it  
5 elsewhere. I said well, good luck. Go find  
6 another property like this one. They didn't.  
7 But they didn't have to go look.

8 I just would like to know your  
9 comments. You mentioned the investment has to  
10 be commensurate with the return. Well, I  
11 don't think the investment was commensurate  
12 with the return of a PILOT here. I wonder  
13 about your thoughts on that.

14 MR. SPINELLO: I mean, I can't  
15 answer. I mean, people like PILOTs and people  
16 don't like PILOTs and that's very  
17 understandable. Because the measuring stick  
18 is, the measuring stick should be the amount  
19 of taxes that the property is generating  
20 versus, okay, future taxes. But there's the  
21 but-for theory. That but for the incentive  
22 they wouldn't get their return on investment.

23 So, I understand what you're saying  
24 and sometimes companies are greedy and that's  
25 where IDAs have to make decisions and say no.

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2 But PILOTs don't lower taxes.

3 PILOTs slow the rate of growth for a PILOT.

4 But a PILOT never takes what the taxes are and  
5 lowers them. The theory is that they grow at  
6 a slower rate over time so that whoever's  
7 project they get to absorb and make the money  
8 back.

9 LEGISLATOR DRUCKER: But the  
10 reduction in taxes at the early stages that a  
11 PILOT offers that gap is made up by the  
12 taxpayers, the residents, and there better be  
13 a return of investment there for the  
14 community. There better be a clawback if they  
15 don't comply with what you're talking about.  
16 The IDA puts these specifications on community  
17 improvements or benefits to the community.  
18 Well, you know what? I don't believe you can  
19 ever paint it with a broad brush and say I  
20 either like PILOTs or I don't like PILOTs.  
21 Every PILOT should be evaluated on its own  
22 merits. But I just wanted to know your  
23 philosophy in following up with Legislator  
24 Rhoads if you had a philosophy vis-a-vis a  
25 company like Amazon?

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2 MR. SPINELLO: Amazon hasn't come  
3 to Glen Cove and I doubt they will. Every  
4 project, like you said, has to be looked at on  
5 its own merits and see what type of benefit it  
6 is for their community. I don't think you can  
7 paint it with a broad brush. I don't think  
8 there's one set formula that works for  
9 everyone.

10 LEGISLATOR DRUCKER: Thank you  
11 very much.

12 LEGISLATOR NICOLELLO: Legislator  
13 Rhoads.

14 LEGISLATOR RHOADS: Just again,  
15 one additional question. Obviously in Nassau  
16 County and county projects we have prioritized  
17 the use of union labor. What's your view on  
18 either requiring or strongly encouraging the  
19 use of union labor with respect to these  
20 projects?

21 MR. SPINELLO: I mean, as far as  
22 what we did in the city was, the public  
23 amenities, which were the city's  
24 responsibility that we bonded for, that was  
25 union. That had to be union. When it came to



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2 the private piece of it that became between  
3 the union and RXR.

4 LEGISLATOR FORD: But it doesn't  
5 guarantee that union labor will be used on  
6 these projects and I think I understand what  
7 Legislator Rhoads -- I didn't mean to take  
8 over from you Steve.

9 MR. SPINELLO: I mean, I think  
10 union labor should be used on things. But in  
11 our particular case there was a whole field  
12 and those are the things that sort of get  
13 negotiated. That could be negotiated in the  
14 beginning. We had that as the participation  
15 plan. We also had 20 percent local hiring for  
16 the project. We had things like that that all  
17 went into it.

18 LEGISLATOR FORD: But when you  
19 look at the issue of PILOTs, and I agree with  
20 you, every PILOT should be looked at  
21 independently and evaluated on its own basis  
22 as to what the project is and what the  
23 investment is and what it will bring back to  
24 the community. But I think that my concern,  
25 and it may be shared by some of my fellow

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2 members up here, that when you look at PILOTs,  
3 even though you're claiming that it doesn't  
4 take away from the taxes, it does stop the  
5 growth of taxes on that property because --

6 MR. SPINELLO: It slows the  
7 growth.

8 LEGISLATOR FORD: It slows it  
9 down. It could be 20 years, 15 years.

10 So, when you look at that that is  
11 something any increases will be borne by the  
12 tax paying base. Because as increases --  
13 their increases will stay flat. It can  
14 fluctuate even higher for residents. I think  
15 sometimes when we look at the fact that a  
16 developer is going to get a benefit in the  
17 form of a PILOT that we look at perhaps maybe  
18 they should advocate toward either a project  
19 labor agreement utilizing union labor because  
20 in almost all the cases those union members  
21 will be local residents.

22 So, that investment would be that  
23 they will then be hiring and bringing in  
24 people who actually live in the community or  
25 close to that community and that they will

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2 spend their money within that community.

3 So, when you go to nonunion without  
4 having an apprenticeship program that is  
5 required in place the developers then can  
6 bring people from out of state. That's where  
7 we lose even more so.

8 That is I think why -- and I'm  
9 sorry for jumping on your question, I'll give  
10 it back to you -- but that is why I say that  
11 the IDA has to seriously look at and petition  
12 New York State to start changing this and  
13 require a certain percentage. If an IDA -- if  
14 somebody's getting a PILOT payment of a  
15 certain percentage of the project it must be  
16 mandated that they either sign a PLA or  
17 utilize all union labor so we can be assured  
18 that the local people are working it.

19 MR. SPINELLO: We had an  
20 apprenticeship also. And minority business.

21 LEGISLATOR RHOADS: Legislator  
22 Ford, you certainly covered the topic and the  
23 rational for the question. So I appreciate  
24 that. Thank you.

25 LEGISLATOR NICOLELLO: Thank

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2 you. Any other questions? Any debate or  
3 discussion? Thank you both. Reggie, Bill.  
4 All in favor signify by saying aye. Those  
5 opposed? Passes again by a vote of 11 in the  
6 affirmative and seven negative.

7 Those are all the appointments that  
8 we have. The next item we have is item 10  
9 Resolution 54. A resolution approving a  
10 memorandum of agreement and stipulation of  
11 settlement by and between the county and the  
12 Nassau County Sheriff's Correction Officers  
13 Benevolent Association, Local 830 of the Civil  
14 Service Employee Association, the Detectives  
15 Association, Inc. and the Superior Officers  
16 Association of the county of Nassau.

17 Motion by Legislator Schaefer.  
18 Seconded by Legislator Walker. That's before  
19 us. Peter.

20 MR. BEE: Good afternoon members  
21 of the legislature. My name is Peter Bee and  
22 I am a principal in the law firm of Bee, Ready  
23 Fishbein, Hatter and Donovan. With me today  
24 is my law partner Bill DeWitt. We had  
25 previously spoken to several of your

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2 committees on this topic but for the benefit  
3 of those of you who may have missed the  
4 legislative presentation we were asked to  
5 assist the county in resolving what has been  
6 referred to as the longevity dispute. A  
7 long-standing dispute between the county and  
8 its several unions. Five of them  
9 specifically.

10 By way of background, each of the  
11 county's union collective bargaining  
12 agreements calls for compensation to be paid  
13 in a number of different categories not just  
14 base pay. There is base pay. There are  
15 provisions for night shift differential.  
16 Holiday pay. A variety of different  
17 categories.

18 Back in 2011 you will recall that  
19 NIFA imposed a wage freeze and that freeze  
20 covered essentially all categories of pay. In  
21 2014 that freeze was lifted with respect to  
22 most categories of pay as a result of  
23 agreements between the unions and the county,  
24 which were approved by NIFA. That wage freeze  
25 lasted right through 2014 when those

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2 agreements were executed with the county and  
3 approved by NIFA.

4 However, those agreements left  
5 longevity frozen and, therefore, the county  
6 continued to pay longevity at the frozen  
7 dollar amounts which were then in place in  
8 2014 and which had been frozen since 2011.  
9 That longevity pay basically provided for a  
10 certain amount of money to be paid based on  
11 years of service with the county.

12 When the 2014 agreements expired in  
13 2017 the unions took the position that  
14 longevity was fully restored and no longer  
15 frozen. The county took the contrary position  
16 and, as such, since 2018, longevity has  
17 remained at those frozen rates and the topic  
18 was put into litigation. The matter was  
19 litigated through the courts with the ultimate  
20 disposition that the courts directed that the  
21 resolution be the result of binding  
22 arbitration. Preparations were made fairly  
23 recently to go into binding arbitration.

24 However, prior to the arbitration  
25 taking place, the current county executive

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2 suggested the possibility that the parties  
3 attempt to mediate the dispute and that was  
4 done with the assistance of a retired New York  
5 State Supreme Court judge, Justice George  
6 Silver. The results of those mediations was  
7 that the parties did reach an agreement. The  
8 mediation was successful and the outcome of  
9 that mediation is before you today.

10 It provides, in short, that  
11 employees will get only one half of the  
12 additional monies retroactive to January of  
13 '18 that they would have gotten had the  
14 unions won the arbitration. And only 72.22  
15 percent of the frozen longevity formula going  
16 forward starting in January of '22.

17 It further provides for a ceiling  
18 or cap of 32 years of service for the  
19 accumulation of additional years of service  
20 towards longevity pay. While the retroactive  
21 portion of the settlement reflected a 50-50  
22 risk assessment of going into arbitration, the  
23 going forward portion of the settlement is a  
24 prospective structural change significantly  
25 reducing the longevity formula that were in

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2 effect previously.

3 If any member of the legislature  
4 has any questions we'd be happy to answer  
5 whatever we can.

6 LEGISLATOR NICOLELLO: Just  
7 wanted to confirm what you just said. The  
8 matter's been referred to binding  
9 arbitration?

10 MR. BEE: Yes, sir.

11 LEGISLATOR NICOLELLO: Once it  
12 goes to binding arbitration there's no  
13 appeals, no court that's going to intervene.  
14 Essentially what the arbitrator rules is going  
15 to be what the county will be stuck with?

16 MR. BEE: That is essentially  
17 correct.

18 LEGISLATOR NICOLELLO: Over the  
19 years the county's history of binding  
20 arbitration has not been good.

21 MR. BEE: Well, there are of  
22 course two kinds of arbitration. There's both  
23 interest arbitration and grievance  
24 arbitration. This was ordered into grievance  
25 arbitration. An arbitrator is not bound by



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2 traditional rules of evidence. He is not  
3 bound by many of the rules of law that would  
4 apply in a court. And, therefore, there is a  
5 risk that an arbitrator would reach a result  
6 that you or I might feel was not the proper  
7 remedy based on the documents before us.  
8 Notwithstanding a potentially erroneous  
9 result, the courts are very unlikely to  
10 overturn it in the absence of irrationality.

11 LEGISLATOR NICOLELLO: Any other  
12 questions for Mr. Bee? Thank you Peter.

13 MR. BEE: Thank you very much for  
14 your time and attention. Appreciate it.

15 LEGISLATOR NICOLELLO: Like to  
16 ask Maurice to come up for a moment.

17 MR. CHALMERS: Maurice Chalmers,  
18 Office of Legislative Budget Review.

19 LEGISLATOR NICOLELLO: You took a  
20 look at the longevity deal?

21 MR. CHALMERS: Yes, we did. We  
22 came up with a number that is pretty close to  
23 their number. Our estimation was about 106.7  
24 million versus their number.

25 LEGISLATOR NICOLELLO: Did you

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2 also take a look at the possible exposure if  
3 this matter is not resolved?

4 MR. CHALMERS: We were asked  
5 about that this morning and we looked at it.  
6 If this was resolved not in the county's favor  
7 we would lose that 50 percent discount that  
8 we're getting on the retro, the 72.2 cap going  
9 forward and the 30 year cap that this deal is  
10 offering. By doing that, the cost would be an  
11 additional \$81.1 million we estimate.

12 LEGISLATOR NICOLELLO: I noticed  
13 in your report that you had indicated that  
14 Mr. Dellaverson had been negotiating contracts  
15 for the county but was not involved in this  
16 settlement, correct?

17 MR. CHALMERS: That's correct.

18 LEGISLATOR NICOLELLO: Do you  
19 know how much Mr. Dellaverson has been paid to  
20 date?

21 MR. CHALMERS: I believe it was  
22 \$925,000.

23 LEGISLATOR NICOLELLO: So,  
24 Mr. Dellaverson's fees as of now paid by NIFA  
25 with Nassau County taxpayer money is almost a

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2 million dollars?

3 MR. CHALMERS: That is correct.

4 LEGISLATOR NICOLELLO: He's

5 continuing to be paid \$25,000 a month?

6 MR. CHALMERS: That is correct.

7 LEGISLATOR NICOLELLO: So,

8 here's, I mean, it's not for you really, but I  
9 believe NIFA needs an oversight board. This  
10 is a no-bid contract. They appointed him.  
11 There's little oversight and we're going to be  
12 seeking copies of the hours and time sheets  
13 that he's put in for almost a million  
14 dollars. They make almost all their decisions  
15 in executive session. They come out and it's  
16 a pro forma vote. There's no public comment.  
17 I mean, it's astonishing that a governmental  
18 body in the state of New York can get away  
19 with this. But they do. I'll get off my soap  
20 box.

21 Any other questions for  
22 Mr. Chalmers? Any other debate or discussion  
23 on the longevity payment settlement? If not,  
24 all in favor signify by saying aye. Those  
25 opposed? It carries unanimously.

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2 We move to item number nine which  
3 is the settlement with LIPA. It's a  
4 resolution authorizing the county attorney to  
5 compromise and settle the claims of petitioner  
6 Long Island Lighting Company doing business as  
7 LIPA and the county of Nassau pursuant to the  
8 county law, the county government law and the  
9 Nassau County administrative code.

10 Is anyone here from the  
11 administration on this? Motion by Legislator  
12 Ferretti. Seconded by Legislator Schaefer.  
13 So, it's before us. Mr. Vincelette.

14 MR. VINCELETTE: Good afternoon.  
15 I'm Dan Vincelette. I am trial counsel to  
16 Nassau County for the Long Island Power  
17 Authority tax certiorari proceedings.  
18 Previously we provided a summary to the  
19 legislature on April 11th that highlighted the  
20 litigation that's before the court and the  
21 proposed settlement.

22 To recap, a trial is scheduled  
23 before Judge DeStefano in Nassau County  
24 Supreme Court on May 30th. Appraisal reports  
25 have been filed, exchanged by the experts of

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2 the representative parties. Both respective  
3 experts have valued the Barrett and Glenwood  
4 Landing plants significantly below the  
5 indicated market values for the years at  
6 issue, which are 2015 through 2019.

7 If this were to proceed to trial,  
8 the indicated reductions for the plants are in  
9 the range of about 70 to 80 percent over that  
10 course of years. So it would be a very, very,  
11 very significant refund to the county in  
12 hundreds of millions of dollars. Seven  
13 hundred, \$800 million.

14 In addition to the refunds which  
15 would be paid with interest and cost, the tax  
16 revenue from those properties would be  
17 significantly reduced based upon a reduced  
18 assessment found by the court.

19 What is before you is a settlement  
20 that has been negotiated that basically  
21 sets -- well, first and foremost, it waives  
22 refunds from the county to Long Island Power  
23 Authority and National Grid. It sets a  
24 payment plan, a guaranteed payment plan over a  
25 course of six years that is about 46 percent

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2   of the current tax payments. Provides a glide  
3   path to the affected school districts. And it  
4   also provides for an extension. The power  
5   service agreement is supposed to terminate in  
6   2028. If that agreement is extended then the  
7   settlement it would be extended as well. The  
8   payments would remain the same even if assets  
9   were to be retired or removed.

10                   That is the settlement that is  
11   before this legislature. If you wish me to  
12   recap further or answer any questions that are  
13   before us glad to entertain.

14                   LEGISLATOR NICOLELLO:     Just to  
15   highlight a couple of points you just said.  
16   Assuming that the exposure includes the 2005,  
17   2006, 2007, 2008 cases the possible exposure  
18   to the county is in the range of 750 million  
19   to \$800 million?

20                   MR. VINCELETTE:     That is correct.

21                   LEGISLATOR NICOLELLO:     We have  
22   indication from the office of budget review  
23   that if it was in that range the debt service  
24   for the county would approximately be \$100  
25   million a year?

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2 MR. VINCELETTE: Yes.

3 LEGISLATOR NICOLELLO: You  
4 indicate the glide path and that after five  
5 year LIPA will be paying 53.5 percent of what  
6 it's paying now?

7 MR. VINCELETTE: That is correct.

8 LEGISLATOR NICOLELLO: In terms  
9 of the glide path, the first year, in terms of  
10 percentages what will LIPA be paying?

11 MR. VINCELETTE: I don't  
12 believe --

13 LEGISLATOR NICOLELLO: Just an  
14 approximate number.

15 MR. VINCELETTE: I have it in  
16 millions. I believe the first year's payment  
17 I believe is \$42 million from the current --  
18 that can't be right.

19 LEGISLATOR NICOLELLO: I guess in  
20 general terms the percentage will be higher  
21 and it will stop, over the course of five  
22 years will go down to the 53.5 percent?

23 MR. VINCELETTE: Right.

24 LEGISLATOR NICOLELLO: With  
25 respect to the appraisals that have been

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2 submitted to date in terms of E.F. Barrett,  
3 what was LIPA's proposal in their appraisal?  
4 What would the reduction be for Barrett?

5 MR. VINCELETTE: E.F. Barrett has  
6 an indicated market value for the years at  
7 issue between \$578 million and \$503 million.  
8 LIPA's appraisal report came in 2015 at \$371.2  
9 million and in the last year, 2019, at \$27.8.  
10 A significant reduction.

11 The county's appraisal for those  
12 years in the earliest year, 2015, came in at  
13 \$299 million. Which is approximately \$70  
14 million less than LIPA's appraisal report. In  
15 the final year the county's report came in at  
16 \$93.5 million. Which while higher than LIPA's  
17 is still significantly lower than the \$500  
18 million.

19 LEGISLATOR NICOLELLO: Generally  
20 the court will be deciding between those two  
21 appraisals?

22 MR. VINCELETTE: That is correct.

23 LEGISLATOR NICOLELLO: And with  
24 respect to at least Glenwood Landing the  
25 county's appraisal is even lower than LIPA's?



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2 MR. VINCELETTE: Yes, it is.

3 LEGISLATOR NICOLELLO: If the  
4 county goes to trial on this action and loses  
5 there's no glide path, correct?

6 MR. VINCELETTE: There is no  
7 glide path. What will happen is the  
8 reductions refunds will occur. Refunds will  
9 be ordered with interest and then the  
10 assessment will be set at the lower number.

11 LEGISLATOR NICOLELLO: That will  
12 be immediate? We're not talking about five  
13 years from now?

14 MR. VINCELETTE: That is  
15 correct. It will be immediate.

16 LEGISLATOR NICOLELLO: Those  
17 percentage reductions are substantially  
18 higher, greater reductions than under this  
19 glide path?

20 MR. VINCELETTE: Correct.

21 LEGISLATOR NICOLELLO: And there  
22 are no other appraisals out there? The court  
23 is simply going to be considering between one  
24 or the other appraisal that's substantially  
25 worse than this deal is negotiated?

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2 MR. VINCELETTE: The court is  
3 limited to the two appraisal reports that have  
4 been filed and exchanged.

5 LEGISLATOR NICOLELLO: In other  
6 words, the school districts are going to be  
7 hit with these tremendous reductions  
8 immediately?

9 MR. VINCELETTE: Correct.

10 LEGISLATOR NICOLELLO: Any other  
11 questions for Mr. Vincelette? Legislator  
12 DeRiggi-Whitton.

13 LEGISLATOR DERIGGI-WHITTON:  
14 Thank you Presiding Officer. Look, I just  
15 have in my mind this has been going on for ten  
16 years in my district. LIPA. LIPA has also --  
17 their revenue has gone up tremendously in the  
18 last ten years. My district, as well as  
19 Island Park, has suffered environmental losses  
20 that we don't even know yet. LIPA has a  
21 hold-harmless letter saying they're not going  
22 to be responsible for any environmental  
23 cleanup in my district. I can't understand  
24 how that's even imaginable knowing just little  
25 things that I know. Including the fact that

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2 right near LIPA was supposedly one of the  
3 biggest fishing spots because the water was so  
4 hot. Who knows what type of radioactive or  
5 whatever type of materials caused the water to  
6 be so hot in that area? It drew all the fish  
7 there. So we have no idea what the  
8 environmental impact is.

9 I just have a couple of things that  
10 are still bothering me. Look, if the school  
11 districts are doing okay I'm happy about  
12 that. I'm concerned about the residents.

13 Number one, LIPA is a utility. We  
14 have two separate assessment categories for  
15 utilities, correct?

16 MR. VINCELETTE: Yes.

17 LEGISLATOR DERIGGI-WHITTON:

18 Number three and number four. So, when one of  
19 those members of those groups is reduced, like  
20 LIPA is, which we can get into that whole  
21 story because I don't know how they're being  
22 reduced just because they found a way to use  
23 less space basically to do their business.  
24 But that's another whole problem.

25 How is it that the homeowners are

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2 being affected with what I'm hearing is going  
3 to be almost \$200 a month, believe it or not,  
4 within the five years of an increase in school  
5 taxes? How is it that homeowners who are not  
6 those three or four class how are they getting  
7 hit with this increase?

8 MR. VINCELETTE: We don't have  
9 exact figures but what we have shared in the  
10 past is that LIPA does have separate  
11 agreements with the two school districts with  
12 respect to direct payments. The thought is  
13 that the payments that are paid to North Shore  
14 and to Island Park school districts will help  
15 soften the blow if you will.

16 No one knows what the tax levy for  
17 the school districts is going to be or what  
18 the rates are going to be. So we have to  
19 project that. But based on those estimates it  
20 does get absorbed across the four classes.  
21 Plus with the direct payments coming from LIPA  
22 that should help to soften the blow if you  
23 will.

24 LEGISLATOR DERIGGI-WHITTON: I  
25 had a problem with that from day one because

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2 Northport got \$14 million I believe, which is  
3 tremendous. I forget. Got to be four times  
4 what North Shore. And I apologize I don't  
5 know exactly how many more it is for Island  
6 Park? But we can go through this again like  
7 during committees. Island Park is getting hit  
8 even harder in my opinion because not only is  
9 their average income for the area much less  
10 but they're also getting hit percentage-wise  
11 probably more than North Shore. And they're  
12 still producing a lot of energy from there.

13 I don't understand how LIPA is  
14 getting this tax break. I understand that  
15 there seems to be this risk that everyone is  
16 concerned about and it's because they knocked  
17 down a building. I get it. They knocked down  
18 a building. But they're still producing the  
19 same amount of energy. They're still making  
20 the same profit. They're still a monopoly.  
21 We have no place to go other than LIPA. I can  
22 go on.

23 I think it's hurting my  
24 constituents not only with the school district  
25 because what happens in year six? God knows

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2 what's going to happen in year six when  
3 there's no more benefit from the settlement.  
4 We're going to get clocked as the most  
5 professional word I can think of without  
6 saying a bad word.

7 So, the other thing that I'm  
8 concerned about I know they wanted to settle  
9 this for a while. It's one of the reasons --  
10 I understand it's part of the reason we have  
11 oversight from the state. I get it. We have  
12 to get rid of this burden of this lawsuit. I  
13 understand that. However, when the prior  
14 administration tried to do this we were told  
15 that we couldn't do a PILOT with the North  
16 Shore anyway because LIPA does not own the  
17 property. They still don't own the property.  
18 National Grid owns the property. There's no  
19 doubt. There's never been a question.

20 So, in the presentation that was  
21 provided to us during committees PILOT I think  
22 was used I think I counted eight times. Now  
23 you're changing it to some specific usage that  
24 we use for sewer tax saying that that's what  
25 we're going to be using now. I want you to

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2 explain to me number one, has it ever been  
3 used before? And number two, how is it  
4 different from a PILOT?

5 MR. VINCELETTE: A direct  
6 assessment, which is being used, has been used  
7 for assessment purposes for say zombie houses  
8 or properties that are taken off the roll as a  
9 direct tax if you will. It has not been used  
10 in the compromise or settlement of tax  
11 certiorari proceedings.

12 The way it is different from a  
13 PILOT is that in the calculation of the school  
14 tax rate and the school aid formula that value  
15 gets counted in the bucket as far as the  
16 formula for school aid and for school taxes.

17 LEGISLATOR DERIGGI-WHITTON: Do  
18 you think that this could be challenged in a  
19 court of law?

20 MR. VINCELETTE: Anything can be  
21 challenged.

22 LEGISLATOR DERIGGI-WHITTON: I  
23 think it might be. What would be your defense  
24 in saying -- how did we use this? How do we  
25 put the utility in the same category as a

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2 sewage pipe?

3 MR. VINCELETTE: It's a direct  
4 assessment. It's not specific to sewage  
5 pipes. And again, this is consistent with the  
6 real property tax law and with the Nassau  
7 County administrative code. That's how it's  
8 being compromised.

9 LEGISLATOR DERIGGI-WHITTON: I  
10 think it's going to be tough to defend from  
11 what I'm being told. First of all, even the  
12 fact that PILOT was used by LIPA so many  
13 times. They think it's a PILOT. The legality  
14 of just that in I mind is a real question.

15 Again, we want to save the county  
16 money but if we're not doing something that  
17 will stand up in court, if it's challenged, I  
18 don't know how much money we're actually  
19 saving the county.

20 Again, as someone who represents  
21 this district, the school district might be  
22 okay for a couple of years. They're going to  
23 get very hard when this is over. It's very  
24 temporary Band Aid maybe you could say. Right  
25 now we're saying it's a glide path. It's



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2 going to come in pretty hard that sixth year  
3 no matter what you say. I'm hearing \$200 a  
4 month. That was an estimate actually from  
5 prior administration and I believe it. It  
6 fits in just me looking at the calculations.

7 LIPA is a utility. I understand  
8 the risk to the county. But I think a lot of  
9 judges would take a look at this and say hey,  
10 you know what? You're still making the same  
11 amount of energy. You maybe found a more  
12 effective way of doing it, great, but you're  
13 still making the same profit and you still  
14 have environmental impacts -- I forget the  
15 exact percentage that Island Park is still  
16 producing but it's still a tremendous amount.

17 I remember when we looked at a  
18 house in Glenwood Landing before I was  
19 married. There's was a beautiful house near  
20 the water. I couldn't understand why it  
21 didn't sell. It was near a LIPA plant. And  
22 in the backyard there was a wire like ten  
23 inches wide wire buzzing that went right by  
24 the house. Our residents have been exposed to  
25 all of this. They're going to be continuing

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2 to be exposed, especially in the Island Park.  
3 And we're all afraid that a judge is going to  
4 look at it and say oh LIPA, you knocked down a  
5 building so you're entitled to have a \$700 tax  
6 cut. Congratulations. Maybe because my  
7 father was a judge I have more faith in judges  
8 to take a real look at the evidence than  
9 this.

10 I understand the risk and I  
11 understand mitigating the risk. But at some  
12 point when are we going to stand up to these  
13 utilities? When are we going to say you come  
14 into our area, you don't even live in this  
15 area, you make a tremendous amount of money,  
16 you take advantage of our area environmentally  
17 and, you know, we're not doing anything to  
18 stop you. I think it's morally wrong, and I'm  
19 glad that the schools have five years to get  
20 ready for the hit but the hit's still coming.  
21 And the environmental impact. We don't even  
22 have a study. We don't even know what that's  
23 going to be. Great. Maybe you get this  
24 lawsuit off the books, congratulations, but  
25 it's at a big cost in my opinion.

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2 LEGISLATOR NICOLELLO: Legislator  
3 Ford.

4 LEGISLATOR FORD: I'm just going  
5 to follow up with Legislator DeRiggi-Whitton.  
6 When I look at the Island Park School  
7 District, I know it's been over ten years this  
8 has been hanging over our heads. And, you  
9 know, I had a problem in the previous  
10 administration and I just don't understand why  
11 we carried this forward. That when they  
12 negotiated a settlement with LIPA, when you  
13 look at this, that they provide the same  
14 percentage reduction to all of the school  
15 districts that are involved in this. Despite  
16 you had cited these four school districts and  
17 we're going to try to soften the blow.

18 But I can never understand how you  
19 would reduce Island Park to the same level as  
20 Glenwood Landing when Island Park still has  
21 the Barrett. The building has not been  
22 demolished. Not one piece of equipment has  
23 been taken out of it. It's basically an  
24 eyesore within the neighborhood. Which the  
25 people have to live with in close proximity.

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2 There are some environmental  
3 concerns as it draws fresh water to cool the  
4 engines and stuff like that.

5 Why didn't you look at this and say  
6 maybe it would be fairer if we took a look at  
7 what was on the property and what we were  
8 looking to achieve to help LIPA with their  
9 reduction? I had expressed this a while ago  
10 about changing this. Why didn't you take a  
11 look at this?

12 MR. VINCELETTE: We tried to  
13 negotiate the best deal we could for both  
14 properties. The thing with the Glenwood  
15 Landing property was that the structure came  
16 down but the roll was frozen at the time I  
17 believe. It came down 2012 while the  
18 assessment roll was frozen. We believe that  
19 the values that we negotiated at the end were  
20 the best that we could do for the two  
21 properties.

22 LEGISLATOR FORD: But you said  
23 it, there was no building there. There's  
24 nothing there. When you look at Glenwood  
25 Landing nothing. When you look at Island Park

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2 there you go. You have this big, big -- and  
3 the fact is that it still is generating  
4 electricity. It is still a viable power plant  
5 that is generating for hundreds of thousands  
6 of homes. All right? It will still be used.  
7 That location will still be used. It's not  
8 going away. It will still be used by LIPA and  
9 whatever energy company is going to come with  
10 them or after them or whatever. Because  
11 Equinor is planning on building a wind farm  
12 off of Long Beach Island and it's their  
13 intention to run the cables from that wind  
14 farm up into the area of the Barrett.

15 We also have our Bay Park Sewage  
16 Treatment Plant, which is now -- it used to  
17 generate its own electricity but to make it  
18 more stable they invested 10 or \$20 million in  
19 putting two new feeder cables so that it's  
20 stable, the power supply for the Bay Park  
21 sewage treatment plant. So we know that the  
22 power plant is there.

23 But I just don't understand when we  
24 look at this, both the north and the south  
25 shore it's not apples to apples, it's apples

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2 to oranges.

3 So, what's going to happen is when  
4 I look at this and I got to thank you,  
5 Maurice, for providing me with this  
6 information. But when I look at the  
7 difference in what these school districts are  
8 going to be impacted based on their school  
9 district, the number of residents and we're  
10 like, maybe Glenwood Landing might see a  
11 difference of like say \$1,000. Maybe  
12 Oceanside will see a change of \$1,000. But  
13 Island Park will go up maybe about \$2,000 or  
14 \$2,500. So there is -- there really isn't --  
15 the comparison on the value of the plants is  
16 not consistent with the needs of the school.

17 I know Island Park is a much  
18 smaller school district but it also has 43  
19 percent of their students get free lunch.  
20 Which is something that is not considered by  
21 New York State either. Because had New York  
22 State Education Department would take a look  
23 at maybe poverty levels in the various schools  
24 throughout the state maybe they'd change their  
25 formula the way they're handing down school

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2 aid and then maybe Island Park would actually  
3 get its fair share or rightful share to be  
4 able to stay in existence.

5 But have you looked at other or has  
6 anyone in the administration looked at other  
7 opportunities to soften the blow for Island  
8 Park? I know Legislator DeRiggi-Whitton and I  
9 had tried to float an idea of like maybe  
10 trying to establishing a PILOT through the  
11 county that maybe can help offset. Has that  
12 ever been considered? We talked about that  
13 right, Delia?

14 LEGISLATOR DERIGGI-WHITTON:  
15 Unfortunately, on the north shore we can't do  
16 a PILOT because LIPA doesn't own the property.

17 LEGISLATOR FORD: I guess LIPA  
18 doesn't own the property. I think it's  
19 National Grid that owns the property down in  
20 Island Park.

21 The direct assessment, all right, I  
22 was under the impression that by changing it  
23 from a PILOT to a direct assessment that it  
24 would make it more palatable for the school  
25 district, but in essence it really doesn't.

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2 The taxes on the property paid by LIPA will be  
3 frozen, set at a certain rate, correct?

4 MR. VINCELETTE: That's correct.

5 LEGISLATOR FORD: Maybe Michelle  
6 can explain. Will direct assessment, will  
7 this impact the formula that the state may use  
8 in order to award state aid to the school  
9 district?

10 LEGISLATOR NICOLELLO: I think  
11 it's the property tax cap that gets impacted  
12 when there's a PILOT.

13 MS. SPARA: Michelle Spara,  
14 deputy assessor. Regarding the PILOT, I'm not  
15 an expert on how they deal with their tax  
16 cap. It's our understanding that it is a  
17 factor in their tax cap. That's why the  
18 county, after doing research in consultation  
19 with the county attorney's office, has  
20 determined that the direct assessment would  
21 not impact them and they would be able to  
22 lower their levy by the amount of these  
23 payments. Should the school district choose  
24 to do that. We don't know if they're going to  
25 do that but the assumption is they would do



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2 that. That would lessen the blow to the  
3 residents.

4 LEGISLATOR FORD: On the  
5 projections that we have received on, you  
6 know, like, when you look at the glide path  
7 and I guess basically maybe based on what  
8 somebody is paying in school taxes currently  
9 and then with this glide path, the increases  
10 that we see they're usually -- you would  
11 incorporate the basic two percent increase?

12 MS. SPARA: Correct.

13 LEGISLATOR FORD: But this  
14 currently includes the current state aid. It  
15 doesn't include any increase in any school aid  
16 on this, correct?

17 MS. SPARA: That is correct. If  
18 they receive more state aid then their levy  
19 would reduce even more. It also doesn't  
20 include the direct payment that is outside of  
21 the glide path schedule. So this is almost a  
22 worst case scenario because the numbers change  
23 from even Friday.

24 LEGISLATOR FORD: Would we be  
25 able to get like maybe -- I know you can't do

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2 it today -- but I'd like to see overall  
3 because I'd like to -- I guess the county  
4 executive to send something out to the  
5 residents to explain --

6 MS. SPARA: Yes.

7 LEGISLATOR FORD: I know it's  
8 after the fact. I'd like to see so that we  
9 can have a better understanding as we move  
10 forward with something like this.

11 LEGISLATOR NICOLELLO: Michelle,  
12 while you're there, Legislator DeRiggi-Whitton  
13 has a question.

14 LEGISLATOR DERIGGI-WHITTON: Can  
15 you explain to me -- I was told originally  
16 when I met with the assessment office, I'm not  
17 sure if you were there and it was probably  
18 about nine years ago, not to worry about  
19 school taxes or anything going up because  
20 LIPA's a utility and they get assessed by  
21 usage or production rather. How the heck is  
22 this happening that we're giving them such a  
23 huge reduction just based on a building? No,  
24 no, wait. I'd like to hear it from the  
25 assessment department rather than the county

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2 attorney. I understand his thoughts.

3 MS. SPARA: Unfortunately, I'm  
4 not a utility assessor. So I do not have the  
5 expertise to answer that question.

6 LEGISLATOR DERIGGI-WHITTON: Let  
7 me ask you another question then. Class three  
8 and four are for utilities and commercial,  
9 correct?

10 MS. SPARA: Correct.

11 LEGISLATOR DERIGGI-WHITTON:  
12 Normally when an entity that is involved with  
13 one of those groups, like Verizon or whoever,  
14 leave or whatever happens, the other  
15 businesses in that class three and four pick  
16 up the difference, correct?

17 MS. SPARA: No.

18 LEGISLATOR DERIGGI-WHITTON:  
19 Explain how that works.

20 MS. SPARA: It depends on what  
21 the removal is. In this particular case this  
22 is a physical removal out of class three and  
23 four. So that amount that they would share,  
24 that amount of the pie so to speak, the class  
25 share, gets distributed equally to the

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2 remaining classes. In this case that would be  
3 classes one and two.

4 LEGISLATOR DERIGGI-WHITTON:

5 That's exactly contrary to what I was told  
6 like eight or nine years ago when I was with  
7 the mayor of Sea Cliff at the time. Because a  
8 building is knocked down it is now going to  
9 class one and two?

10 MS. SPARA: If a building was  
11 knocked down in class three and class four it  
12 would equally distribute to classes one and  
13 two.

14 LEGISLATOR DERIGGI-WHITTON: So  
15 how does that work for the south shore, for  
16 Island Park?

17 MS. SPARA: Exactly the same way.

18 LEGISLATOR DERIGGI-WHITTON: Did  
19 you knock down any buildings, Denise? Did you  
20 have any buildings being knocked down?

21 LEGISLATOR FORD: No. Island  
22 Park, the Barrett is still the same building.  
23 Right?

24 MS. SPARA: The valuation aspect  
25 of it would be different. And in this

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2 particular instance, it's going to be a direct  
3 assessment. So, it's going to be a removal as  
4 taxable value from the assessment roll.

5 LEGISLATOR DERIGGI-WHITTON: Even  
6 though a building wasn't knocked down?

7 MS. SPARA: Correct.

8 LEGISLATOR DERIGGI-WHITTON: So  
9 the reason it's happening on the north shore  
10 is because a building was knocked down?

11 MS. SPARA: It's being handled  
12 exactly the same way. All of these properties  
13 are going to be removed from the taxable  
14 portion of the roll. That's considered a  
15 physical removal, a quantity removal from  
16 those classes and that's why the share will be  
17 equally distributed to classes one and two.

18 LEGISLATOR DERIGGI-WHITTON: It  
19 does sound like a PILOT. But the other thing  
20 is, I don't understand, again, maybe I just  
21 have it -- I've had it in my mind for so long  
22 that the commercial and utility are completely  
23 separate from residential.

24 MS. SPARA: They are separate as  
25 far as being in separate classes. However,

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2 you have to look at the community as a whole.  
3 You can't just look at one class by itself.  
4 Something that happens in one class will  
5 affect the other classes. The school district  
6 still needs the exact same amount of levy. So  
7 if class three and four are not paying that  
8 same amount classes one and two are going to  
9 pick up the difference.

10 LEGISLATOR DERIGGI-WHITTON: I  
11 was told that the fact that LIPA was knocking  
12 down the building that Verizon, National Grid  
13 and I believe it was Optimum was going to be  
14 picking up the slack. How much did they pick  
15 up?

16 MS. SPARA: I don't have an  
17 answer to that question. We did not look at  
18 the other utility properties.

19 LEGISLATOR DERIGGI-WHITTON: So  
20 the other utility properties didn't have to  
21 pick up? Do you know if they had to pick up  
22 anything?

23 MS. SPARA: We did not look at  
24 the other utility properties.

25 LEGISLATOR DERIGGI-WHITTON: So

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2 class three and four didn't have to absorb any  
3 increase, only the residential?

4 MS. SPARA: We did not look at  
5 the other utility properties.

6 LEGISLATOR DERIGGI-WHITTON: I  
7 don't understand that because I've been told  
8 again, I don't know, I'm not an expert like  
9 you are and I appreciate -- I'm sorry to have  
10 you in this position. It's not your fault.  
11 It's just that you're here representing the  
12 department.

13 So, we don't know how much like of  
14 an increase Verizon or National Grid or  
15 Optimum or all those other members of class  
16 three and four are absorbing?

17 MS. SPARA: Correct. We did not  
18 look at the other utility properties. We  
19 looked specifically at these properties that  
20 are in question.

21 LEGISLATOR FORD: So, what it is  
22 though within the district, within Island Park  
23 school district, when you shifted over for the  
24 class one and class two to pick up the taxes,  
25 if you shifted it also to any utilities it

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2 would only be utilities in the school  
3 district?

4 MS. SPARA: Correct. On the  
5 school side. We're not talking about general  
6 taxes.

7 LEGISLATOR FORD: But the county  
8 would be -- it would be shifted -- if you  
9 shifted it to three and four does the county  
10 portion?

11 MS. SPARA: No. The shift would  
12 be the same way. It's just that when you're  
13 talking about the county it's a very large  
14 county compared to a school district.

15 LEGISLATOR FORD: But the school  
16 portion taxes of the taxes would stay within  
17 the school regardless of it's a utility,  
18 private home or business, correct?

19 MS. SPARA: Correct.

20 LEGISLATOR NICOLELLO: Doesn't it  
21 happen every year that shifts take place  
22 between the different classes?

23 MS. SPARA: Yes.

24 LEGISLATOR NICOLELLO: If there's  
25 a massive reduction in commercial property in



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2 Nassau County then it gets shifted to the  
3 other classes, correct?

4 MS. SPARA: Correct.

5 LEGISLATOR NICOLELLO: We have  
6 several individuals who are here to speak.  
7 Two slips are in. Again, thank you for your  
8 patience. You've been waiting here since we  
9 started the meeting. Richard Schurin.

10 MR. SCHURIN: Thank you for the  
11 opportunity to speak again. Just to clarify  
12 some things that I've heard. It's kind of  
13 frustrating that the county is not up on these  
14 things. They can't answer these questions  
15 clearly to me. Obviously every business,  
16 every residence, every utility in Island  
17 Park's taxes are going to go up because of  
18 this. As you noted, Mr. Nicoletto, the tax  
19 levies are going to stay the same. Every  
20 residence, every business is going to have to  
21 absorb this.

22 I know I spoke about this before  
23 but I want to give a little bit more flavor as  
24 to what's been going on in Island Park for the  
25 last decade.

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2 A decade ago the school came to the  
3 community and said we're faced with a  
4 tsunami. It's potentially catastrophic to the  
5 district. Many people, community-minded  
6 people like myself and the civic association  
7 and Denise was involved, we did what we  
8 could. We protested. Hundreds of students  
9 wrote cards that our library director here  
10 engineered to all of our legislators. To  
11 Albany. To LIPA. We protested at the plant  
12 in the pouring rain. This is five, six years  
13 ago. We went to LIPA board meetings. The  
14 chamber of commerce president, myself, library  
15 president, other people we waited hours to  
16 speak directly to Mr. Falcone and others to  
17 tell them what the impact that their action  
18 was having on us.

19 Our school district spent money,  
20 they increased the money to be spent for our  
21 attorneys and we hired a lobbyist and we did  
22 all of this. I went to the Town of Hempstead  
23 meetings. I came to this meeting. This is  
24 maybe the third or fourth time I've been to  
25 this meeting asking for help. And here we

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2 are. You all failed. It was a failure. We  
3 didn't get the help. This is a political  
4 question. LIPA is a political entity. Okay?  
5 Their board members are appointed by Albany.  
6 We could have made a difference. But it  
7 didn't work. It's a failure.

8 As a result, everyone in my  
9 community is going to pay hundreds if not  
10 thousands of dollars more in five years  
11 certainly. And the glide path you talk about  
12 it's going to get progressively worse. Many  
13 of them can't afford it. They literally can't  
14 afford it. They're going to be forced to  
15 move. Okay?

16 I'm active in the school and I'm  
17 very proud of the little tiny school district  
18 that we have. We have an elementary school  
19 and a middle school. And we send our children  
20 to -- we pay tuition to Long Beach High  
21 School. I think we're the smallest school  
22 district on Long Island. But we provide a  
23 real quality education for children. It's one  
24 of the reasons that I, me and my wife raised  
25 our family there. It's a great little tiny

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2 school district. Okay? But it's always a  
3 question of what we can do.

4 I think we have a \$48 million  
5 budget and LIPA pays like 45 percent of that.  
6 So, you take away 50 percent of that 43  
7 percent contribution. The school district  
8 isn't going to be able to provide the same  
9 services. My children, thank God, are  
10 graduating now and we benefitted from a great  
11 school district. But there's so many families  
12 now that have moved in because Island Park is  
13 an affordable community who have young  
14 children and their children are going to  
15 suffer as a result of this.

16 This is what politicians are  
17 supposed to do. You're supposed to look out  
18 for our interests. And we've had a ten year  
19 warning and we did everything could. As I  
20 said, hundreds of students, hundreds of little  
21 kids wrote letters to everyone. Please help  
22 us. Please help us. We spent hours. I  
23 probably spent 500 hours working on this with  
24 other people. Chamber of commerce, the civic  
25 association. Yet here we are.

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2 I just saw that the county attorney  
3 evidently has some information about what it's  
4 going to cost the residents of Island Park and  
5 shared it with you all. But somehow we don't  
6 have that information. Residents don't know.  
7 At least the last administration had a  
8 presentation to us. And literally hundreds of  
9 people went. We filled the whole Lincoln  
10 Orens Middle School and asked questions all  
11 the way into the night. We weren't satisfied  
12 but at least you heard us. And at least you  
13 had a presentation and we knew what it was  
14 going to cost us.

15 And all sorts of people that I  
16 hadn't seen in many, many years came out.  
17 Simple people. People who care about their  
18 community. They had an opportunity to be  
19 heard. They at least got to see what was  
20 going to impact them. You don't even have the  
21 respect to have a community forum for us.  
22 Nothing. You're just going to vote right  
23 now. You're going to push this through.

24 I also heard the county attorney  
25 say the trial isn't until the end of the

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2 month. You have another meeting before the  
3 end of the month. You could have a community  
4 meeting in Island Park. Chairman, why won't  
5 you have a community meeting in Island Park?  
6 Can you answer that?

7 LEGISLATOR NICOLELLO: We have  
8 urged the administration to have community  
9 meetings but it's not the legislature's  
10 prerogative to hold a meeting in the  
11 community. We have had full meetings here in  
12 which the public is invited to it. You are a  
13 member of the public.

14 MR. SCHURIN: Are you asking  
15 right now in this public forum the county to  
16 please have a community meeting in Island  
17 Park?

18 LEGISLATOR NICOLELLO: No, I'm  
19 not asking. I'm responding to your question.

20 MR. SCHURIN: Well, I'm asking  
21 you. Will you ask?

22 LEGISLATOR NICOLELLO: I'm  
23 responding to your question.

24 MR. SCHURIN: Will you ask?

25 LEGISLATOR NICOLELLO: At this

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2 point we're voting on this today. Time's up.  
3 If they want to have a meeting afterwards then  
4 they can go ahead and do so.

5 MR. SCHURIN: Will you table this  
6 to allow the community to have an opportunity  
7 to see?

8 LEGISLATOR NICOLELLO: I'm  
9 telling you that time is up. We're voting on  
10 this today.

11 MR. SCHURIN: Why is time up?

12 LEGISLATOR NICOLELLO: Because  
13 the trial is imminent.

14 MR. SCHURIN: You have another  
15 legislative meeting scheduled before the  
16 trial.

17 LEGISLATOR NICOLELLO: What's  
18 going to change in a month?

19 MR. SCHURIN: You're going to  
20 show respect to the people that are impacted  
21 by this. You're going to tell us how it's  
22 going to impact us. You're going to give them  
23 an opportunity to tell you how they're  
24 impacted by it. You don't care?

25 LEGISLATOR NICOLELLO: No. I

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2 didn't say that. We had our hearings.  
3 They're open to the public. The public can  
4 come here and speak. The administration has  
5 chosen not to do a forum in the community.  
6 But at this point for our purposes it's on for  
7 a vote today and we're going to vote on it.

8 MR. SCHURIN: As the legislative  
9 leader, as president of this body, you're  
10 happy that the county executive is not  
11 providing a forum for the community?

12 LEGISLATOR NICOLELLO: I'm not  
13 commenting on that. But I'm telling you this,  
14 we have been actively advocating for more for  
15 the school district for years. We have tried  
16 in every possible way to gain more from the  
17 state, from LIPA, from where ever source we  
18 could but time has run out, sir. Time has run  
19 out.

20 And Mr. Schurin, if this case is  
21 not settled you're not looking at a glide  
22 path, you're not looking at a few percentage  
23 points decrease in the first year. You're  
24 looking at 70, 80 percent. You want to talk  
25 about devastation?



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2 MR. SCHURIN: We've known this  
3 for decades. We don't need you to tell us.  
4 We live it. We know it. Our school district  
5 told us ten years ago, the impact.

6 LEGISLATOR NICOLELLO: Legislator  
7 Ferretti.

8 LEGISLATOR FERRETTI: Thanks  
9 Presiding Officer. Just responding to some of  
10 Mr. Schurin's comments. Before attacking this  
11 current administration, the reality is, this  
12 was decided when the prior administration gave  
13 the Village of Island Park and Glenwood  
14 Landing a going away gift before they left  
15 which was an appraisal that tied the hands of  
16 the county and this administration.

17 If this is not approved today we're  
18 going to be sending in Mr. Vincelette for a  
19 trial. It's not going to be walking into a  
20 gunfight with a knife, it's going to be  
21 walking into a gunfight with your hands tied  
22 together and your feet tied together and the  
23 result to Island Park and Glenwood Landing is  
24 certainly going to be more devastating than  
25 what we are seeing now.

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2 So I don't have a lack of  
3 compassion. Nobody wants your taxes to  
4 increase. But the reality is the fate of this  
5 situation was decided -- I mean, how do you go  
6 into court where your evidence is worse than  
7 the evidence for LIPA? How do you expect Mr.  
8 Vincelette to go in --

9 MR. SCHURIN: I can answer your  
10 question, sir. The answer to your question  
11 is, every single person has known for ten  
12 years the assessments were going to be very,  
13 very low. It's not a secret. The assessment  
14 that the county put in evidently before they  
15 left is no secret. Everyone knew. Every  
16 smart person. Our county attorney knew that  
17 we were under the gun and that the assessments  
18 were going to come in low. Nothing new  
19 happened. Okay? Nothing new happened. You  
20 can try to push the blame. I understand it's  
21 your political strategy to do that. But those  
22 of us who have been involved, who know, it's  
23 complete nonsense.

24 LEGISLATOR FERRETTI: Sir, I talk  
25 in reality. The reality is the evidence is

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2 going to be put before a jury in court and the  
3 evidence on behalf of the county in this trial  
4 would be worse than the evidence put forth by  
5 LIPA for our position. I don't know how as an  
6 attorney I would expect to win a case like  
7 that. You're an attorney as well. Would  
8 you?

9 MR. SCHURIN: No one expects to  
10 win the case. It's a political question.

11 LEGISLATOR FERRETTI: Hold on a  
12 second. You came in here and talked about  
13 this administration and their lack of having a  
14 meeting and you praised the prior  
15 administration for having a meeting.

16 MR. SCHURIN: I didn't praise  
17 them.

18 LEGISLATOR FERRETTI: You did.  
19 The prior administration, whose tied our hands  
20 and has put us in this position today.

21 MR. SCHURIN: If you bothered to  
22 go to the meeting that I was at you would know  
23 that I attacked that administration just as  
24 much if not more than I attacked this  
25 administration. I'm the same way. I met with

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2 them privately and I attacked them privately  
3 too. This is not a political question. It's  
4 a community begging for help and not getting  
5 it.

6 LEGISLATOR FORD: Richard, just  
7 two seconds. While I understand why they are  
8 looking to settle this because of the county  
9 guarantee, we understand that. But yes, the  
10 school district, Island Park is going to  
11 suffer more than the other school districts  
12 and more than any other community. We know  
13 that. We tried to get whatever way we could  
14 get some more money to be able to -- I think,  
15 let me just -- and we only got this today. So  
16 it's not like I could have shared it.

17 But if need be, if I have to send  
18 something out myself -- but like based on, and  
19 I'm just going by whatever the number is, like  
20 say currently if somebody's paying in '21-22  
21 their taxes were 4827 at the end of this, by  
22 '26-27, based on -- but it's -- it would be  
23 like say they would end up, based on these  
24 calculations with a two percent increase every  
25 year in school taxes. They built this in to

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2 show it more realistically. Somebody would  
3 then be paying 7549.

4 MR. SCHURIN: Almost double.

5 LEGISLATOR FORD: That's  
6 without -- but that is with -- but even if --  
7 but if they didn't remove it, but they were  
8 saying that they showed with the increases and  
9 everything with the PILOT I guess the same  
10 amount in '26-27 would be 5602. So, it would  
11 like 775 more. In this one it would be \$2,700  
12 more a year that somebody would be paying in  
13 school taxes. This number does not -- we're  
14 try to get better numbers for you -- but this  
15 number does not include state aid.

16 MR. SCHURIN: It goes from four  
17 to seven is that what you said with this  
18 settlement?

19 LEGISLATOR FORD: I don't have my  
20 other glasses on. I apologize. So it would  
21 be like, say, this is just an example. 4827,  
22 it would go up to 7549.

23 MR. SCHURIN: With the  
24 settlement?

25 LEGISLATOR FORD: With the

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2 settlement. But that being said, we have  
3 to -- you know, we fought Richard. We were in  
4 every kind of weather we fought. We fought to  
5 get the Barrett repowered. When they were  
6 looking about repowering that would have been  
7 something that would save the community, it  
8 wasn't done. That was changed.

9 Now we have to look to see what  
10 else can we bring and we will advocate to  
11 bring whatever we can to that Barrett.  
12 Because that plant isn't going anywhere. I  
13 want it to be cleaned up and I want it to  
14 bring in so that the assessment will go up and  
15 Island Park will see a reduction in their  
16 property taxes that they have to pay because  
17 of an increase. We also have to look at  
18 commercial development.

19 But that being said, you have to  
20 realize, Mr. Randazzo and Dr. Rabino both of  
21 them said that Island Park School District has  
22 always been shortchanged on state aid always.  
23 No, no.

24 MR. SCHURIN: It's more  
25 percentage of our tax base. Even if you

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2 quadrupled it it wouldn't make a difference.

3 LEGISLATOR FORD: State aid  
4 offsets property taxes but I'll let you know.  
5 We will be in touch with this.

6 LEGISLATOR NICOLELLO: We have  
7 other speakers. Ms. Koenig from the Island  
8 Park public library.

9 MS. KOENIG: Jessica Koenig from  
10 the Island Park library.

11 MS. KOENIG: So, to start out  
12 with, if you want I can actually explain what  
13 happens on the tax cap form because I do it  
14 for the library.

15 LEGISLATOR NICOLELLO: That would  
16 be helpful.

17 MS. KOENIG: So, I'm going to  
18 give you an example. If we collect \$1.4  
19 million in taxes of which LIPA is paying  
20 something like \$650,000, but because that's  
21 taxes, our two percent that we're permitted to  
22 ask for is \$28,000. Just a straight two  
23 percent. If that were to turn into a PILOT,  
24 so if \$600,000 was now a PILOT, we'd have to  
25 subtract that right off the top. \$1.4 million

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2 minus \$600,000. Now we're only allowed to ask  
3 for two percent on \$800,000. So, where we  
4 were allowed to ask for \$28,000 now two  
5 percent is only \$16,000. That in a nutshell  
6 is the tax cap issue.

7 So, what I wanted to say today is  
8 that we want to make sure that the library is  
9 included in the settlement. We did FOIL the  
10 document which kindly the county attorney sent  
11 us right away so we could see that the school  
12 is listed. We are not specifically listed.  
13 The school district would need to have  
14 instructions of exactly what to forward to the  
15 library. So if it's your anticipation that we  
16 should get a portion of that -- right now we  
17 get approximately four percent. I'm assuming  
18 that that should continue. We get, actually  
19 from Michelle Spara's office, a nice statement  
20 that shows what the school gets and what the  
21 library gets. We're hopeful that even, not  
22 even just hopeful, we really need it to  
23 continued to be that way with the direct  
24 assessment. The same as it is with the  
25 PILOT. That there's a statement that the



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2 school gets every year that shows what they  
3 have to forward to us.

4 We're not allowed to collect our  
5 own taxes. Everything goes through the school  
6 district and comes to us. That was the first  
7 thing I wanted to mention.

8 For us, it really would be great if  
9 we could be included in one of these one-time  
10 payments. Everybody is understanding that the  
11 school district needs it. The library needs  
12 it too.

13 We're very small. We're one of the  
14 smallest libraries in the county. Our budget  
15 is too small for us to have reasonably spend  
16 the taxpayer money to take on litigation. So  
17 we didn't.

18 We understand why school districts  
19 have received most of the media attention in  
20 these disputes and libraries have been kind of  
21 lost in the shuffle. As you know, libraries  
22 serve all members of the community. If there  
23 were some kind of a payment that would come  
24 our way it would go a long way to the  
25 library. Libraries are very efficient. I

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2 also thought it would give some good PR to  
3 LIPA and they could certainly use it.

4 Our library has stood the test of  
5 time. We were one of the few libraries that  
6 was very, very impacted by Superstorm Sandy.  
7 Took us nine months to come back. And, as you  
8 know our, community is coming back from it.

9 I think the other thing that was  
10 mentioned on April 11th is that some monetary  
11 relief should come to all of us from the state  
12 and we are interested in that too and we may  
13 be coming to you again for some support in  
14 that kind of endeavor going forward.

15 We do feel a bit in the library  
16 like we're collateral damage. That we're a  
17 small entity among much larger entities with  
18 larger concerns. We, of course, understand  
19 why the settlement is happening but we're just  
20 asking for your help. Thank you.

21 LEGISLATOR NICOLELLO: One quick  
22 question for you. Any discussions between the  
23 library and the school district about sharing  
24 any of the payment that LIPA is going to be  
25 making to the school district?

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2 MS. KOENIG: There hasn't been  
3 discussion about that. I'm sure we could try  
4 but, you know, they're a much larger entity.

5 LEGISLATOR NICOLELLO: I got you.

6 LEGISLATOR FORD: Michelle, I  
7 know you've been so kind in the past in  
8 providing the information for Mrs. Koenig to  
9 be able to send the bill to the school so they  
10 could get their payment. Under this direct  
11 assessment formula will you still be able to  
12 do that for them?

13 MS. SPARA: The receiver of taxes  
14 is going to be actually receiving that direct  
15 assessment because it's going to be part of  
16 the tax warrant. So they're going to be  
17 sending out a bill. They're also going to be  
18 collecting that money and they disburse it to  
19 the school district. It's the school  
20 district's responsibility to disburse it back  
21 to the library.

22 LEGISLATOR FORD: So there is  
23 no -- because I know like I think on my school  
24 tax in Long Beach there's like a school  
25 portion and a line item. Is there a line

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2 item -- I'd have to check with Jeannine  
3 Driscoll, right, to find out if there's a line  
4 item on the bill so that they know?

5 MS. SPARA: I don't know that the  
6 mechanics of that have been worked out as far  
7 as creating a two-line item for the direct  
8 assessment. That's something that we can  
9 absolutely --

10 LEGISLATOR FORD: Can you look  
11 into that? That will save Jessica a lot of  
12 headache and trying to run after somebody to  
13 pay her. You're going to take a hit. We're  
14 going to try to work with you Jessica. You  
15 are a very important library. I've been  
16 there. Thank you very much.

17 LEGISLATOR NICOLELLO: Legislator  
18 Bynoe.

19 LEGISLATOR BYNOE: Wouldn't it be  
20 better that we bake that into the item? That  
21 should be baked into the item so that there's  
22 no --

23 LEGISLATOR NICOLELLO: I'm not  
24 following.

25 LEGISLATOR BYNOE: It should be

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2 baked into the item that the school district  
3 is responsible for paying to the library its  
4 portion.

5 LEGISLATOR NICOLELLO: The only  
6 thing that's before us is the settlement  
7 between the county and LIPA as to the assessed  
8 values and the settlement of a lawsuit. So  
9 the school districts are settling their  
10 separate lawsuits and receiving the monies  
11 that LIPA is going to pay them. That's a  
12 separate lawsuit, so we can't bake it in.

13 LEGISLATOR BYNOE: Right. Not  
14 saying that we, the body, should do that but  
15 we should have made sure that that was part of  
16 the agreement with LIPA to make sure that all  
17 parties were made whole.

18 LEGISLATOR FORD: No. Actually,  
19 I did reach out to LIPA and the county and  
20 because we do not directly fund schools or  
21 libraries and LIPA said that the issue that  
22 they have the school district took an action  
23 against LIPA, the library did not. That's why  
24 I couldn't get a separate payment from LIPA to  
25 the Island Park library. I already looked

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2 into that.

3 LEGISLATOR BYNOE: Do we have  
4 anything from the school saying?

5 LEGISLATOR FORD: No. That would  
6 be up to the school. The school is the one  
7 that took the action against LIPA. So, I will  
8 mention it to the school district in the hopes  
9 that they'll take a portion but I cannot  
10 compel them to share any of the money that  
11 they get with the library. It's sad, I know.

12 LEGISLATOR BYNOE: That's a  
13 problem. A huge problem.

14 LEGISLATOR NICOLELLO: Councilman  
15 D'Esposito.

16 MR. D'ESPOSITO: Thank you very  
17 much and good afternoon everyone. Thank you  
18 for having me. I think today there's an  
19 opportunity for the legislature to table this  
20 item. Seems that there's been questions  
21 coming from the dais that are not being  
22 answered. There's no specific numbers. There  
23 seems to be a lot of answers saying we're look  
24 into that and we'll get you, the legislature,  
25 the information when we can.

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2 Today is the vote and today's vote  
3 I understand comes as you need to make sure  
4 that you look out for the county and you have  
5 a fiduciary responsibility to do that. But I  
6 think there's also an opportunity to hold off  
7 a little bit. I'm not saying months. I'm not  
8 saying years. But if we go back or the county  
9 goes back into the courtroom when this trial  
10 is planned and asks for an adjournment, I  
11 really do not see a judge saying no. There's  
12 been more action in this case over the last  
13 month and a half than we've probably seen in  
14 the last decade.

15 We should ask for an adjournment  
16 until our argument, the argument of the Town  
17 of Hempstead, the argument of the Village of  
18 Island Park as to whether LIPA had the  
19 authority to bring such a lawsuit absent  
20 permission from the PACB board.

21 We mentioned the glide path a few  
22 times. This is not a glide path. It's  
23 literally driving the Jeep off of a cliff.

24 We also need more time. And again,  
25 I'm not asking for months. I'm not asking for

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2 years. Because I understand that each one of  
3 you have a responsibility for all 1.4 million  
4 residents of this county and it's not all  
5 about Island Park and it's not all about  
6 Glenwood Landing. But we need some time and  
7 we need help. We need help from every one on  
8 this dais, whether you're a Republican or  
9 Democrat, to put pressure on the state of  
10 New York so that they can find funding to fill  
11 in the gaps that are going to crush our school  
12 district.

13 When you're all voting today I'm  
14 asking you to do one thing. When you're  
15 voting vote as if this was the community that  
16 you grew up in. Vote as if this was the  
17 community that you raised your children in.  
18 That this is the place where they play Little  
19 League or soccer or lacrosse. This is the  
20 place that you're proud to call home. And  
21 think about tabling the item until we can have  
22 a conversation with the judge in the case and  
23 ask for an adjournment.

24 There's more to be done. We've  
25 moved the needle over the last month and a



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2 half going from a \$3.5 million one-time  
3 payment to magically appearing \$9 million from  
4 LIPA to the school district. \$9 million to a  
5 school district that's going to be devastated  
6 but have made the front page of Newsday twice  
7 in the last seven days for paying executives  
8 far over a million dollars who don't even live  
9 on Long Island.

10 Yes, \$9 million is a lot of money  
11 to all of us but to LIPA it's not. And  
12 Mr. Presiding Officer, your comments in the  
13 beginning of session talking about NIFA sounds  
14 eerily similar to LIPA. As a matter of fact,  
15 I don't think anybody from LIPA is even here  
16 today. Which speaks volumes. It speaks the  
17 same volumes that when we did have the  
18 community meeting just before COVID they  
19 literally sat on stage with no emotion as  
20 resident after resident asked how they would  
21 keep their local business open. How they  
22 would continue to live in the home that they  
23 bought from their parents, who bought from  
24 their grandparents so they continue to raise  
25 their kids in the village or community of

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2 Island Park.

3 Ladies and gentlemen, I'm simply  
4 asking today to hold off. We have more to be  
5 done and we've made significant movement over  
6 the last month and a half. Give us the time  
7 to make the difference and that's all I could  
8 ask. Thank you very much for the time.

9 LEGISLATOR NICOLELLO: Thank you  
10 councilman. Senator Al D'Amato.

11 MR. D'AMATO: Mr. Chairman,  
12 members of the board, I will try,  
13 notwithstanding that I've been known to  
14 filibuster once in a while in the old days in  
15 the senate and it's hard to break old habits.

16 Let me commend the board for taking  
17 the time to courteously pay attention to those  
18 who have spoken and raised their concerns with  
19 respect to the proposed settlement.

20 Let me first say I don't know how  
21 many of you may be aware, the Village of  
22 Island Park and the Town of Hempstead were  
23 granted an order that gives us the opportunity  
24 hopefully to participate in the litigation  
25 that is underway. I support Councilman

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2 D'Esposito's request to adjourn this not for a  
3 month, not for a year but for several weeks.  
4 Because there will be a hearing conducted by  
5 Judge Vito DeStefano, who I believe is the  
6 presiding judge in Nassau County and who this  
7 matter with LIPA and the county is in front  
8 of.

9 Larry Kelly and I are proceeding.  
10 I very seldom have undertaken anything since I  
11 left the Congress pro bono. But in this case  
12 it's totally pro bono on behalf of our  
13 community.

14 Anthony mentioned that the  
15 so-called glide path was anything but that.  
16 Imagine your taxes going from \$4,500 a year to  
17 approximately \$9,000. And by the way, oh  
18 we're giving you a glide path of five years.  
19 So we'll only be raising your taxes just on  
20 the basis of that and no other increased  
21 expenditures \$1,000 a year. Do you really  
22 think that's a glide path? What do you think  
23 it does to the value of homes? What does it  
24 do to the prospects of the community? It is  
25 death and destruction.

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2 If you look at the lost income \$9  
3 million, they lose more than \$9 million a year  
4 and they're talking about oh, we're going to  
5 give you a glide path of \$9 million. Come  
6 on. Wake up.

7 Anthony gave you one example. The  
8 LIPA officials. You got a guy who heads LIPA  
9 who cares about himself building an empire.  
10 Four officials getting paid as much as  
11 \$325,000 a year. All of them live out of  
12 state. Oh, but two of them got addresses in  
13 Uniondale within the past three or four weeks  
14 since it was exposed. Probably both of them  
15 two women at Marriott renting a room there  
16 supposedly.

17 This is who's running our utility  
18 and we're standing by? I've spoken to the  
19 governor about this incredible, ridiculous  
20 board and this LIPA wanting to grab  
21 everything.

22 By the way, our lawsuit is not  
23 predicated on something that's rather  
24 important. I want to bring it to you. There  
25 never would have been a LIPA, we never would

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2 have had this situation had there not been a  
3 promise made by the former governor, George  
4 Pataki and made by the once head of LIPA at  
5 the time, Richard Kessel. And both of them  
6 promised at various organizational meetings  
7 that they would never permit the reduction of  
8 the tax payments from the generating  
9 facilities. They would not have any  
10 certioraris unless the local communities did  
11 something that would occasion them to do  
12 that. For example, tried to curtail their  
13 activities etcetera. And none of the  
14 communities did that.

15 Let's talk about the LIPA power  
16 plant in Island Park. Barrett. It operates  
17 at 39 percent capacity. It serves over  
18 300,000 homes. It has been a polluter since I  
19 was a kid and moved there quite a few years  
20 ago. By the way, the coverage that Newsday  
21 gives is not always very accurate. I'm not  
22 88. I'm not 86. I'm 84. And I feel good.  
23 And I'm happy to be in front of you. But I'm  
24 not happy with these circumstances.

25 Let me say this to you. I

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2 understand the county's wanting to get rid of  
3 this potential calamity. I do. But my God,  
4 let's let the judge hear our motions in  
5 person. We're talking about May 13th when the  
6 answers have to be in. We're talking I  
7 believe the 25th when the case begins. I want  
8 to tell you something, we have a good case.  
9 Because LIPA has started to deceive the  
10 people. Not just when Falcone got there but  
11 his predecessors blazed a path of corruption,  
12 of lying, of thumbing their nose at the  
13 courts.

14 Let me refer to a certain judge who  
15 comes from the north shore. Up in your area.  
16 That was Judge Dana Winslow. Did you ever  
17 hear of that name? Did any of you ever hear  
18 that Dana Winslow made an order? And let me  
19 tell you what it was about.

20 LIPA wanted to come in and make  
21 this acquisition. Judge Winslow said wait a  
22 minute. You can't do that. This is a  
23 contract over a million dollars. You have to  
24 go to the PACB board. Guess what they did?  
25 They discontinued that purchase. They didn't

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2 appeal the order. That is still the order of  
3 the day and it is the law. They have broken  
4 the law since that decision in 1999. Supreme  
5 court decision by Judge Winslow. They have  
6 not submitted any of their contracts.

7 You know the Caithness facility,  
8 how it came about? It came about so they  
9 could purchase offshore power that was  
10 produced cheaper, not using the plant up in  
11 the north shore. Reducing utilization of the  
12 plant in Island Park. How did we create or  
13 any of those plants create their problem?  
14 No. They wanted more money.

15 By the way, none of those contracts  
16 went before the PACB board. None of them.

17 We have a moral issue here. The  
18 governor and the head of LIPA both with a  
19 promise, it wasn't written. So now we're  
20 going to get to that? What's morally right?  
21 What's right? We can let them disregard and  
22 we can say we look the other way and the  
23 county's afraid they're going to get crushed.  
24 I don't blame you for being concerned. Not at  
25 all. I don't blame the present county

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2 executive. He inherited the situation. It's  
3 been going on for years. Nobody's stood up.  
4 Including the governor. I brought this to her  
5 attention and she hasn't done a damn thing.  
6 Nothing for the taxpayers of Long Island,  
7 Suffolk County, Nassau County.

8 They want to build an empire. Yes,  
9 build an empire for LIPA. And you guys vote  
10 to continue this you know what you do? You  
11 just strengthen Falcone. He's blackmailed  
12 us. \$9 million. That isn't even half of one  
13 year what Island Park would lose and we're  
14 supposed to say oh, thank you, thank you.  
15 Shove it. That's what I say. What? Are you  
16 kidding?

17 Now, if you can't grant us two  
18 weeks or three weeks, let LIPA know that  
19 they're going to be in for a battle. Let that  
20 court hearing be held on the 13th. Let us  
21 participate and see what the judge says.  
22 Because I'm telling you, I think we have a  
23 very good chance to say all of the things you  
24 have done LIPA without the PAC board  
25 permission are illegal. Void. Ab initio.



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2 They don't want that argument to be raised.  
3 Nobody's raised it. We put it in our  
4 preliminary papers. The judge just signed the  
5 order. I just got it last night. Which gives  
6 us the ability to be heard. The opposition to  
7 depose us.

8 Are we going to win? Will we be  
9 heard? I think we will be if you give us the  
10 time. Don't preclude us by saying oh, there's  
11 a settlement. I'll tell you the first thing  
12 that LIPA will do. Denise, listen to me.  
13 First thing they'll do is say the county  
14 settled. There's no lawsuit for Island Park  
15 or the Town of Hempstead to come into. We  
16 won't get the opportunity to put before the  
17 court what Judge Winslow said. We won't get  
18 the opportunity to say, all of us, I don't  
19 want the county to pay a lot of money but you  
20 will destroying Island Park.

21 A bunch of nonsense. A glide  
22 path. Imagine you're paying \$4,500 a year in  
23 school taxes on your house. You're one of the  
24 lowest working income communities in all of  
25 Long Island and your taxes go up to \$9,000?

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2 You think that's a glide path? I ask each and  
3 every one of you.

4 I'm not telling you to derail the  
5 settlement. I'm telling you to give us an  
6 opportunity to be heard. Put the pressure on  
7 LIPA. On that piece of crap who goes and  
8 hires a million dollars worth of people and  
9 they're going to tell us what to do and not  
10 one of them lived on Long Island. He's an  
11 arrogant SOB. Arrogant. And he's a liar. A  
12 stranger to the truth.

13 Two years ago he promised me we're  
14 going to build a gas facility in Island Park.  
15 It will reduce because it will increase your  
16 assessed valuation. Put it off he said for  
17 three months. Comes in again with his  
18 assistant. We'll put it in the beginning --  
19 nothing.

20 Now, he's got nerve. You know what  
21 he's done? He sent word to the, what is that  
22 board that reduces, when you build something?  
23 Your IDA. Went to the town IDA to know if  
24 they could apply to the town IDA. He tried to  
25 get some changes in their administrative code

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2 about four months ago and I found out.

3 This is a conniver. He doesn't  
4 work for the benefit of the people. He is  
5 hurting the taxpayers of Long Island. He runs  
6 an empire that he wants bigger and he wants to  
7 run all of the electricity here. Him. Number  
8 one. LIPA. Take it away from the private  
9 sector. We'll do better. If he does better  
10 and that's an example of hiring four out of  
11 state people paying them over a million  
12 dollars a year, not one of them living here,  
13 that is incredible.

14 And the governor should do  
15 something. Wake up Hochul. But more  
16 importantly here at home.

17 I'm asking you to do the right  
18 thing. Put this over for three weeks. Put it  
19 over. Let LIPA know that you just don't march  
20 to their drum. That we follow the law. Let  
21 the judge take a look at our arguments. Let  
22 him hear our arguments and decide. Because  
23 I'll tell you this, if we win the county  
24 wins. Thank you. You have any questions? I  
25 wouldn't if I were you.

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2 LEGISLATOR NICOLELLO: We're  
3 going to take a five minute recess.

4 MR. D'AMATO: I'll give you for  
5 the record the judge's decision with respect  
6 to the --

7 LEGISLATOR NICOLELLO: You can  
8 ask when we get back out. Five minute recess.

9 (Meeting was recessed at 4:48 p.m.)

10 (Meeting reconvened at 5:03 p.m.)

11 LEGISLATOR NICOLELLO: We are  
12 back in session. Legislator Ford.

13 LEGISLATOR FORD: Presiding  
14 Officer, I ask that we table this item until a  
15 future date.

16 LEGISLATOR NICOLELLO: We have a  
17 second?

18 LEGISLATOR DERIGGI-WHITTON:  
19 Second.

20 LEGISLATOR NICOLELLO: Second on  
21 the part of Legislator DeRiggi-Whitton.  
22 There's no debate on the motion to table. All  
23 in favor signify by saying aye. An aye vote  
24 is to table. Opposed? Motion to table fails  
25 by a vote of ten to eight. Before we have a

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2 vote on the item if any legislator wants to  
3 speak and have a statement. Minority Leader  
4 Abrahams.

5 LEGISLATOR ABRAHAMS: I didn't  
6 know about the motion to table until it came  
7 out to the floor. It's unfortunate that that  
8 actually failed. But I just want to bring  
9 this back home because what I've heard from  
10 residents over the last several weeks as this  
11 has been considered has been something that's  
12 been more simplified.

13 When we're talking about settling a  
14 case with LIPA, and I understand the  
15 ramifications as it pertains to what the  
16 county exposure is, I don't put all the fault  
17 on County Executive Blakeman nor do I put all  
18 the fault on County Executive Curran. I put  
19 some on both administrations.

20 That being said, let's just  
21 simplify this in terms of who we're talking  
22 about. Are we talking about the same LIPA  
23 that has had poor and shoddy service for the  
24 last 20 some odd years that I experienced  
25 through my residents in Baldwin, in Uniondale

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2 and Roosevelt? During Superstorm Sandy had  
3 power for periods of weeks.

4 Are we talking about the same LIPA  
5 that has raised rates to astronomical numbers  
6 for decades before PSEG came into power? And  
7 now what we are doing is the proverbial while  
8 I have you down I'm going to kick you in your  
9 teeth by saying to residents, not just in  
10 Island Park and for the north shore, that  
11 we're going to say to them today that even  
12 though they did all this stuff to you, that  
13 they provided poor service to you for the last  
14 two years, they don't even have the respect to  
15 be here today, and on top of it they raised  
16 your rates, we're going to say to you today  
17 that we're going to pass a settlement that  
18 one, because it's in the best interests of the  
19 county and then two, that takes them off the  
20 hook.

21 So, I truly have a problem with us  
22 protecting LIPA. And I think that's the most  
23 egregious manner that we can talk about  
24 today. Because ratepayers in Nassau County  
25 have been getting kicked in the face by LIPA's

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2 rates for decades. I don't think anyone in  
3 this room if I asked you who here likes LIPA,  
4 no one is going to raise a hand.

5 But I think that speaks to all of  
6 our public utilities. All of our public  
7 utilities are despicable. There's very little  
8 accountability from the water districts to the  
9 public utilities in terms of LIPA or Verizon,  
10 whoever, Altice, each and every one of them  
11 have very little accountability to their  
12 ratepayers. We've all seen our rates go up  
13 and up and up.

14 I remember during Superstorm Sandy  
15 I had residents that were without power for  
16 two or three weeks. Some of them lost income  
17 because of that. Where does that settlement  
18 help them with this? They're getting off the  
19 hook. This settlement is a sweetheart deal  
20 for them. And I'm not cast aspirations on  
21 County Executive Blakeman and I'm not casting  
22 aspirations on County Executive Curran. I  
23 said it's a shared responsibility on why we're  
24 here today.

25 But ultimately, that guy that lost

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2 his power for several weeks, who helped him  
3 pay for his mortgage when his power was out  
4 and he probably had to lose his job because he  
5 had to watch his kids? Or who helped that  
6 business owner in Uniondale or Roosevelt when  
7 they couldn't operate their business and lost  
8 revenue for that period of time?

9 I bring that up because we're  
10 talking about the same entity today. It's not  
11 some other phantom entity we're talking  
12 about. We're talking about the same guys that  
13 have hurt our residents for decades. And the  
14 best we can do is a sliding scale to the  
15 future? I just feel like that is -- and I  
16 understand the county executive's position in  
17 regards to this but I just feel that's the  
18 wrong message to send to our residents.  
19 Residents that have paid and endured high  
20 rates from this public utility for decades.  
21 If you're a homeowner or a ratepayer in this  
22 county you understand that LIPA has hurt you  
23 for two decades if not more.

24 The bottom line is, we should be  
25 doing more as the government watchdogs not



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2 just for the county. We want to make sure the  
3 county's whole, of course. But for the people  
4 that put us here. Ratepayers, homeowners they  
5 deserve better. This settlement does not do  
6 that for them.

7 So, we are going to vote no today  
8 mainly for the reasons that I indicated before  
9 but also because it does not do enough. We  
10 are not doing enough in this settlement. And  
11 if we need to sit back and get more time, I  
12 heard from Senator D'Amato in regards to this  
13 matter, I rather go the full length, to the  
14 11th hour before I give this utility, which  
15 has been shameful in its actions, have raised  
16 rates, shoddy service, some type of a deal  
17 that they think is fair. If anything, they  
18 should be paying our ratepayers back  
19 something. Who's thinking about them today?  
20 Who's thinking about our homeowners today?  
21 Thank you.

22 LEGISLATOR FORD: I too will be  
23 voting no on this settlement because I believe  
24 that the Island Park school district, as well  
25 as Oceanside, needs to be protected even more

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2 so. The way that it was a blanket reduction  
3 in assessment regardless of the school  
4 district, they had a power plant and not a  
5 power plant, I think has proven to be unfair  
6 to Island Park because I think that maybe if  
7 Glenwood Landing went lower we could have kept  
8 a higher assessment for the Island Park school  
9 district.

10 I understand why the county is  
11 doing this. I think that I may not agree with  
12 it but I do understand why they're doing  
13 this. When you look at an \$800 million  
14 liability, according to our independent budget  
15 review, the exposure for all of our residents  
16 of Nassau County could be about \$90 million a  
17 year. So, everybody else and the other people  
18 in the rest of my district would have to  
19 absorb that cost.

20 You know, we need to go after our  
21 state representatives and our governor. You  
22 know, Legislator, Minority Leader I should  
23 say, Abrahams did mention these public  
24 utilities. LIPA has been out of control.  
25 PSEG, Optimum and Verizon. Each and every

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2 single one of these utilities falls under the  
3 jurisdiction of New York State. I have  
4 reached out to the Public Service Commission  
5 on various issues and, you know, lately they  
6 have been responding.

7 I worked for a utility for 25  
8 years. So, I know in the past when they used  
9 to be a very a -- when the state was very  
10 powerful and did an oversight on the utilities  
11 they responded more prudently to the  
12 residents, to businesses, to everybody here in  
13 the jurisdictions that they served.

14 So, I think now -- and I will keep  
15 reaching out to the county executive. So, I  
16 see that DCE Walsh better get used to the fact  
17 that I'm going to keep reaching out to him in  
18 the hopes of trying to help the school  
19 district find some magic ways.

20 But in the mean time, all of us,  
21 all of us, I know you're going to vote no,  
22 maybe you'll vote yes, but I'm asking all of  
23 you to join me in going after Governor  
24 Hochul. Going after our state  
25 representatives. I have to give credit to

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2 then Assemblywoman Miller, who actually did  
3 come up with a plan to try to make some relief  
4 for the Island Park school district but could  
5 not get it through the senate.

6 But I'm asking all of you because  
7 we need to. This is a community of working  
8 class people. I did not live there. I did  
9 not grow up there but I know a lot of people.  
10 I have relatives who now live in Island Park  
11 and it is a gem of a community and it deserves  
12 all the assistance that it can get. And I'm  
13 hoping that you will join with me.

14 And I just ask for one thing.  
15 Having been a telephone worker and spending  
16 many years climbing telephone poles and  
17 responding to all sorts of disasters, I just  
18 want to put on record because I think it's  
19 unfair to the workers that do that work. When  
20 we say that you've been out of power, yes,  
21 where we don't have power for three weeks, we  
22 don't have power for three months, we don't  
23 have power.

24 You know, unless you do that work  
25 and you know the constraints and you know the

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2 safety considerations that have to be made by  
3 people who do work out in the field then  
4 you'll understand sometimes why it does take a  
5 long time for your power to be restored. It's  
6 not just a matter of flicking on a switch. A  
7 lot of times it's a matter of clearing  
8 debris. Clearing trees. Trying to get access  
9 to rear poles. Highway poles. Poles that are  
10 down.

11 These workers, every time we always  
12 criticize them for not doing -- like, in our  
13 minds, of not doing the job right. But unless  
14 you climb a telephone pole, unless you know  
15 exactly what it is, what it's like running  
16 cable in the most extreme type of weather  
17 conditions, then please, when you want to say  
18 that we didn't have power just say that we  
19 understand that the workers have their  
20 constraints and they try their best but  
21 sometimes it does take a long time. Don't  
22 lump them in with the LIPA executives because  
23 they're a completely different jurisdiction.  
24 Okay?

25 LEGISLATOR ABRAHAMS: No

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2 disrespect Legislator Ford, but maybe you  
3 misheard me. But I never mentioned the  
4 workers.

5 LEGISLATOR FORD: But no, when  
6 you said it takes three to four weeks.

7 LEGISLATOR ABRAHAMS: I was  
8 talking about the LIPA administration.

9 LEGISLATOR FORD: I just want to  
10 point out that it's different because the  
11 workers are also the ones that are restoring  
12 the power.

13 LEGISLATOR ABRAHAMS: I have  
14 nothing but respect for the workers.

15 LEGISLATOR FORD: I just wanted  
16 to be clear.

17 LEGISLATOR ABRAHAMS: It's  
18 already clear coming from my mouth. I never  
19 mentioned the workers. But that being said,  
20 the administration did, LIPA administration,  
21 let me make sure I'm clear, not the workers,  
22 but they did a very poor job not just with  
23 Superstorm Sandy but Isaias. There's multiple  
24 storms that they were unprepared.

25 LEGISLATOR FORD: I'm not

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2 defending LIPA.

3 LEGISLATOR ABRAHAMS: But it  
4 sounded like you just were to some degree.  
5 What I'm saying is, the fact is that people  
6 went without power for weeks. But it sounds  
7 like we're talking about a different LIPA.

8 And I'm glad to see that you're  
9 going to vote no. I wish there was somebody  
10 else on your side that was going to vote no.

11 But that being said, people went  
12 without power for weeks. And here we are  
13 considering LIPA, of all the public utilities,  
14 probably the worst one, here we are  
15 considering LIPA for a settlement today which  
16 they consider to be fair. Which I can't  
17 believe that we would do anything that LIPA  
18 would consider to be fair because that means  
19 they think it's to their benefit.

20 I mean, think about what the  
21 residents went through without power. This  
22 has nothing to do with the workers. It  
23 everything to do with the LIPA administration  
24 handling and poorly executing a plan for  
25 Superstorm Sandy. The reason why we have PSEG

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2 today folks is because they did such a shoddy  
3 job with Superstorm Sandy. So, it's not just  
4 me that's saying that. There's no one  
5 criticizing the workers.

6 The fact remains we're still going  
7 to vote for a settlement that gives shoddy  
8 work, as well as an entity that raised rates  
9 for decades. I just don't see the logic in  
10 that.

11 Look, I understand the position the  
12 county is in today. But that being said, I  
13 from our standpoint, I cast blame on both  
14 sides. Nor do I cast any blame totally on one  
15 entity in terms of the administration.

16 But I think we can do better and I  
17 think we should go forward with doing better  
18 and challenge this up to the 11th hour. But  
19 if we can't get another vote to do that then  
20 that's okay.

21 LEGISLATOR NICOLELLO: I disagree  
22 with one point that was made. Minority Leader  
23 Abrahams indicated that LIPA is on the hook.  
24 That's exactly 180 degree opposite. The  
25 county is on the hook. You litigate cases and



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2 some cases are just you're going to lose.

3 That is this case. We battled with LIPA, the

4 county has, through different

5 administrations. And this case wound its way

6 through the court. It was adjourned. Public

7 meetings were held. But the county was always

8 going to lose the case. They're on the wrong

9 side of the case.

10 Because it comes down to what is

11 the value, assessed value of those plants?

12 When the county looked at those plants it

13 actually came up with lower values than LIPA.

14 So this was a loser. We were going to lose

15 this case. And we are at the point now we

16 have to face that reality. Just as they had

17 to face the reality in Suffolk County.

18 The exposure to county taxpayers by

19 all accounts is upwards of \$800 million. \$100

20 million a year for debt service to pay this.

21 More importantly, for the residents

22 of those districts, if we litigate this case

23 and lose, and we're going to lose because our

24 appraisals are even lower than LIPA's, the

25 immediate reduction in assessed value for that

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2 plant will be either 81 percent or 94  
3 percent.

4 That means that in October, in the  
5 Island Park school district, LIPA will be  
6 paying 81 percent less than they were paying  
7 now or 94 percent. Basically they were going  
8 to wipe all almost the entire amount of money  
9 that LIPA is paying to that district if we  
10 litigate this case, which we're going to lose.

11 So, we have no alternative at this  
12 point. We've battled this for years. It's up  
13 for a vote now. If we don't do this we are  
14 going to do a grave disservice to our county,  
15 to the residents and it's time to vote.

16 LEGISLATOR ABRAHAMS: The message  
17 is today -- I'm sorry Senator D'Amato.

18 MR. D'AMATO: May I make an  
19 observation?

20 LEGISLATOR NICOLELLO: Yes.

21 MR. D'AMATO: I appreciate your  
22 indulgence. I didn't ask you to put it on  
23 after the court meets. You have at least  
24 three weeks before the court meets. Maybe  
25 longer.

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2 LEGISLATOR NICOLELLO: We  
3 understand that Senator. It's our considered  
4 opinion --

5 MR. D'AMATO: What I'm asking is  
6 to give the court an opportunity to listen to  
7 our argument. Because our argument, if indeed  
8 LIPA violated the PACB law, which said every  
9 contract over a million has to be approved by  
10 PACB and it goes back to the Caithness matter  
11 where they started to bring in the power from  
12 outside so these plants did not have to be  
13 utilized.

14 So, if I said put it on after the  
15 case is scheduled you'd say senator, we have a  
16 settlement, the county. I'm not asking you to  
17 jeopardize that settlement. I'm asking you to  
18 give the court an opportunity.

19 And to some of the members on the  
20 board, I don't understand why you would not  
21 give the court an opportunity to hear the  
22 Island Park, Town of Hempstead case before the  
23 court takes up your settlement. You still  
24 don't lose that and if it wants to settle on  
25 it. But why not give us the leverage to do

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2 better with the governor and with LIPA by an  
3 adjournment? Adjourn it for two weeks.

4 LEGISLATOR NICOLELLO: Senator,  
5 you made those arguments eloquently before.

6 MR. D'AMATO: But guess what? If  
7 they're so eloquent and they fail then they  
8 should be failing for a reason. Give me a  
9 reason.

10 LEGISLATOR NICOLELLO: You want a  
11 reason?

12 MR. D'AMATO: I'm not asking you  
13 to jeopardize the county settlement because  
14 they've entered into an agreement already with  
15 the county. They can't rescind it. What I'm  
16 asking you is to give the court an opportunity  
17 to listen, I think it's May 13th, to listen to  
18 Island Park and to the Town of Hempstead. It  
19 does not interfere with the date, which I  
20 think is May 22nd. What do you lose? What  
21 are you jeopardizing? Why not put some  
22 pressure on LIPA?

23 If they were the little choir boys,  
24 if they did everything properly, if they  
25 were -- fine. But I'm going to tell you,

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2 Billy Gaylor, I don't understand why you  
3 wouldn't vote to give us an opportunity before  
4 the court. Not jeopardizing the county  
5 settlement. Give us a chance. Why don't you  
6 put the pressure on LIPA for a change? You  
7 like being blackmailed? That's what's going  
8 on. You're marching to a drum. Some  
9 political drum. What the hell drum is it?  
10 Why won't you vote the right way? That's to  
11 give us an adjournment for three weeks. I  
12 don't understand it. You go ahead and vote.

13 LEGISLATOR NICOLELLO: We will.

14 MR. D'AMATO: But let me tell  
15 you, if you vote not to give us an adjournment  
16 you're failing the taxpayers. Certainly the  
17 taxpayers of Island Park by not giving them an  
18 opportunity. I didn't say back away from your  
19 agreement. I didn't say that. If I said to  
20 do that you'd say it's unreasonable. I say to  
21 my Republican colleagues there, there's a time  
22 to act for what's right. You just don't march  
23 to a political drum. Thank you for your  
24 indulgence.

25 LEGISLATOR NICOLELLO: Thank you

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2 Senator. It's time for a vote. All in  
3 favor --

4 LEGISLATOR ABRAHAMS: I'm going  
5 to request a roll call vote.

6 LEGISLATOR NICOLELLO: Sure.  
7 Roll call vote.

8 MR. PULITZER: Thank you. Roll  
9 call vote proceeding. Deputy Presiding  
10 Officer Howard Kopel.

11 LEGISLATOR KOPEL: Yes.

12 MR. PULITZER: Alternate  
13 Presiding Officer Denise Ford.

14 LEGISLATOR FORD: No.

15 MR. PULITZER: Legislator Siela  
16 Bynoe.

17 LEGISLATOR BYNOE: On the motion  
18 I'm going to vote no for the fact that I do  
19 think there's more time necessary to make sure  
20 that the agreements between our special  
21 districts are baked and that they make sure  
22 that they protect all the special districts.  
23 If even one is left behind it would be a  
24 crime. This is an opportunity for us to make  
25 sure that we're doing our very best as

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2 fiduciaries to protect our special districts  
3 as well as the county. So I'm voting no.

4 MR. PULITZER: Thank you.  
5 Legislator Carrie Solages.

6 LEGISLATOR SOLAGES: I'm voting  
7 no. I want there to be a proper chance of due  
8 process for the residents of Island Park and  
9 the Town of Hempstead to be heard. It would  
10 not inure anyone just also to grant the  
11 adjournment. I'm voting no.

12 MR. PULITZER: Thank you.  
13 Legislator Debra Mule.

14 LEGISLATOR MULE: I will be a no  
15 vote also for the reasons stated. We have the  
16 time. It doesn't make sense to me to not  
17 allow that process to go through. We still  
18 have the opportunity to protect the people who  
19 live in Island Park in particular. And still  
20 protect the taxpayers in all of Nassau  
21 County. I'm voting no.

22 MR. PULITZER: Thank you.  
23 Legislator C. William Gaylor the Third.

24 LEGISLATOR GAYLOR: All right.  
25 It's a difficult decision and the senator

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2 brings up some very compelling arguments. So  
3 does Councilman D'Esposito as well as  
4 everybody else. Looking at the overall bigger  
5 picture to the county we got a certain  
6 fiduciary responsibility that we're charged to  
7 uphold. An obligation to preserve the  
8 taxpayers precious resources where we can.  
9 That's all the taxpayers of Nassau County.

10 You know, this agreement is really  
11 a revocable agreement. It could be pulled by  
12 LIPA tomorrow. It could be pulled by the  
13 county tomorrow. I don't know. It's here  
14 before us to be ratified and it gives us some  
15 certain assurances of a resolution to a matter  
16 that's been contentious for a decade. A  
17 matter that's been discussed, debated in the  
18 courts, out of the courts, in one  
19 administration, in the second administration,  
20 in the third administration now for ten  
21 years. But it still comes back to what's best  
22 for all of the residents in Nassau County. In  
23 this case I think it's best if I vote yes in  
24 the affirmative. That's my vote.

25 MR. PULITZER: Thank you.



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2 Legislator John Giuffre.

3 LEGISLATOR GIUFFRE: My vote is  
4 yes.

5 MR. PULITZER: Thank you.  
6 Legislator Mazi Pilip.

7 LEGISLATOR PILIP: I will vote  
8 yes in order to protect the entire residents.

9 MR. PULITZER: Thank you.  
10 Legislator Delia DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON: I  
12 want to just give like a quick story of what  
13 happened I think it was two years ago. I was  
14 asked to go on a Zoom meeting with LIPA and  
15 president or everyone called him Falcone was  
16 on the call. Everyone introduced themselves.  
17 It was the mayor of Sea Cliff at the time. I  
18 was sitting in my backyard. It was during  
19 COVID. So my husband and daughter were home.  
20 I had already met with the administration and  
21 expressed my concerns and was questioning  
22 about the PILOT and questioning about the fact  
23 that this settlement was going to affect our  
24 residents for decades. For the rest of the  
25 time they owned their homes. It's a major,

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2 major, major decision.

3 And Mr. Falcone said to me,  
4 Legislator, I want you to really consider what  
5 you're doing by going against this  
6 settlement. Because if you continue to do so,  
7 I'm going to take everything out of the north  
8 shore Glenwood Landing plant and bring it in  
9 through Northport and you'll have nothing.  
10 And I said "Are you threatening me?" Because  
11 I've been threatened a couple of times even in  
12 the last week. And usually when somebody  
13 threatens you they feel an insecurity.

14 At that moment some other person  
15 came on the phone. And that's the problem  
16 with Zoom, especially back then, you didn't  
17 always know who was on the phone. He said  
18 "No, no, no legislator. You're not being  
19 threatened. LIPA's not threatening you. No,  
20 no, no." I said "No, I think I was just  
21 threatened." I said "You just told me if I  
22 don't agree with it you're going to take  
23 everything away from the north shore."

24 To make a long story short, I  
25 finished the meeting because I hung up on them

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2 and I walked into my house and my husband said  
3 "I don't know who you were yelling at but I'm  
4 glad it wasn't me." So like, that's how they  
5 were with me. They are bullies.

6 Look, I know, I see how nervous the  
7 deputy county executive is right now. This is  
8 checklist to help us get rid of NIFA. I get  
9 it. We have to get rid of this liability. I  
10 get it. But do we have to give them  
11 everything they want? No.

12 I agree with Senator D'Amato. It's  
13 been a pleasure to see you again. I'm so  
14 impressed with how sharp you still are and how  
15 strong you are and how you don't back down to  
16 people that tried to bully you right 15  
17 minutes ago. I appreciate it from my district  
18 and from Island Park because, again, we're  
19 going to go home today and it's over and  
20 great. But it's going to impact these  
21 families for generations to come. I'm sick  
22 about it.

23 Because again, I feel this is a  
24 company that's making more money than ever.  
25 And, you know, it's just a real shame that

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2 we're -- I feel like we're bowing down. And  
3 I'm a fighter. I was raised by a fighter. I  
4 would fight. I would definitely fight this.  
5 And I appreciate you taking your time to try  
6 to motivate it. Unfortunately, it's very hard  
7 to get anyone to break the ranks. So, you did  
8 a good job and you tried but I haven't seen it  
9 happen before. The odds were against you. So  
10 I vote no for the settlement.

11 MR. PULITZER: Thank you. Is  
12 James Kennedy available.

13 LEGISLATOR NICOLELLO: He's not  
14 available, no.

15 MR. PULITZER: Okay. Legislator  
16 Thomas McKeivitt.

17 LEGISLATOR MCKEVITT: Yes.

18 MR. PULITZER: Thank you.  
19 Legislator Laura Schaefer.

20 LEGISLATOR SCHAEFER: I vote yes.

21 MR. PULITZER: Thank you.  
22 Legislator John Ferretti.

23 LEGISLATOR FERRETTI: Sorry, I'm  
24 going to be a little bit longer. I think  
25 there's been an attempt today, specifically by

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2 my colleagues on the other side of the aisle,  
3 to paint this picture that somehow the  
4 administration has negotiated a deal where the  
5 county is bowing down. I think that's what  
6 was said. Or that LIPA is getting everything  
7 they want. It's just not reality.

8 The reality is that the evidence  
9 submitted by the county, by the previous  
10 administration, we will lose. At best they  
11 will get an award I believe Mr. Vincelette  
12 said between \$500 million and \$800 million.  
13 At best. That's if they agree with the  
14 previous county administration's numbers.  
15 Every one of our residents, with the exception  
16 of two legislators, will be on the hook for  
17 that money.

18 The minority talked about rates,  
19 the high rates of LIPA. I agree. Nobody  
20 wants to pay high rates. Isn't it possible  
21 that because they've been overpaying on these  
22 plants for X amount of years that they  
23 increased their rates as a result and that all  
24 of our constituents in every district are  
25 paying higher rates because of that?

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2 So, when you talk about LIPA rates  
3 and then vote no on this settlement it's a  
4 contradiction to me. It could very well  
5 happen that in the event that this does not  
6 pass that the rates will get even higher. So,  
7 I don't really understand that.

8 I respect and I understand the  
9 complaints about LIPA as an entity and I agree  
10 with them. But I didn't hear anybody on the  
11 other side of the aisle going after the state  
12 when those things were happening. It's a  
13 state utility. That's the reality of that.

14 So, again, I just want to kind of  
15 drill home the fact that this is not a  
16 winnable case. Every one of our residents  
17 will lose. Island Park and Glenwood  
18 Landing -- and look, I don't love the term  
19 glide path either. But talk about a cliff.  
20 If we were to lose it would be more  
21 devastating than it is now. Nobody wants to  
22 pay higher taxes. I have compassion for both  
23 of those communities. We have to go to the  
24 state and get more money for them to mitigate  
25 this disastrous outcome. But we also have to

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2 do what's right for the entire county and that  
3 is why I am voting yes.

4 MR. PULITZER: Thank you  
5 legislator. Legislator Arnold Drucker.

6 LEGISLATOR DRUCKER: Thank you.  
7 You know, my colleagues who are attorneys I'm  
8 so impressed that you have a crystal ball and  
9 you can predict the outcome of every single  
10 trial because I wish I had that crystal ball  
11 every time I went into court.

12 You know, I'm an attorney and I  
13 believe in the rule of law and I believe in  
14 democracy. And I want to thank Senator  
15 D'Amato for educating me on the procedural  
16 defects that LIPA faces that could carry the  
17 day. We don't know. I think there's reason  
18 to pause, not necessarily as the senator said  
19 about waiting until after the court hearing,  
20 but at least give us a few weeks time to just  
21 pump the brakes a little bit.

22 I think that rule of law is  
23 important and we have to respect that. Also,  
24 LIPA is this behemoth that, I don't know, this  
25 particular offer on its face also does nothing

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2 for the ratepayers. Are they offering any  
3 sort of reduction to ratepayers to compensate  
4 them for what has been going on for, as the  
5 minority leader said, decades. Decades of  
6 ineptitude. Decades of abject corruption.

7 I for one believe that there  
8 shouldn't be a rush to judgement here.  
9 Stranger things have happened in pretrial  
10 conferences and maybe something can come out  
11 of this that's a little bit better for Nassau  
12 County taxpayers.

13 Yes, many times we're asked as  
14 legislators when we go into executive session  
15 and approved settlements that all of us, both  
16 sides of the aisle, we don't like. Sometimes  
17 we have to hold our noses and say yeah, we're  
18 going to have to vote for this because it's  
19 better for Nassau County to have to pay this  
20 than pay something a lot larger later on.  
21 That makes a lot of sense sometimes.

22 This one of those cases where I'm  
23 not willing to hold my nose on. I want to  
24 give it some more time to percolate and maybe  
25 some better results can come out of this. So



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2 I'm going to vote no.

3 MR. PULITZER: Thank you  
4 legislator. Legislator Rose Marie Walker.

5 LEGISLATOR WALKER: I guess I  
6 would have to say, and I don't have a crystal  
7 ball either, I look on the other side that  
8 Legislator Drucker was looking on. I think  
9 the result that if it wasn't beneficial to us  
10 that it would hurt the residents so much  
11 more. It would hurt all of our residents and  
12 certainly hurt the residents in both of those  
13 districts very, very much.

14 I'm going to vote yes, but I'm also  
15 going to say I will do everything in my power  
16 and continue to do everything in my power,  
17 along with the rest of us, to petition the  
18 state, to petition the governor to do what is  
19 right too for both of these school districts.

20 MR. PULITZER: Thank you ma'am.  
21 Legislator Joshua Lafazan.

22 LEGISLATOR LAFAZAN: Thank you,  
23 and I appreciate all who came down to speak  
24 today so passionately. This is something that  
25 Legislator DeRiggi-Whitton and I have been

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2   working on together for a number of months if  
3   not years now to protect the residents in  
4   Island Park, to protect the residents in  
5   Glenwood Landing and to do the right thing. I  
6   vote no.

7                   MR. PULITZER:     Thank you.  
8   Legislator Steven Rhoads.

9                   LEGISLATOR RHOADS:     Thank you  
10   Mr. Clerk. We do have I guess different  
11   opinions on what doing the right thing is. I  
12   guess that's a question of our own individual  
13   perspective.

14                   This is not a rate case. This is  
15   not a case about the quality of service. This  
16   is a tax certiorari case. This is a case,  
17   like so many others that come before us, where  
18   we look at facts, look at evidence, look at  
19   what we anticipate the court is going to see  
20   in terms of evidence and make a decision as to  
21   what's in the best interest of the county.

22                   What we know, and I don't have a  
23   crystal ball either, but what I do know is  
24   that I have handled a ton of cases where you  
25   have experts on both sides. And what I do

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2 know is that when you hire an expert who gives  
3 you an opinion that not only agrees with the  
4 other side but in fact says it's worse,  
5 there's a great chance you're going to lose.  
6 That's what I know. That's the situation that  
7 we're in in this particular case.

8 I agree, LIPA is terrible. I agree  
9 that the public service commission does very  
10 little, if anything, to protect ratepayers.  
11 I've been fighting with the public service  
12 commission over New York American Water and  
13 Liberty Water for the last -- how long have  
14 I've been here? Seven years. Four years ago  
15 they gave them a rate increase anyway. I  
16 asked the governor to change the public  
17 service commission. It never happened. We  
18 changed the governor before we changed the  
19 public service commission. That fight needs  
20 to happen up in Albany.

21 But what's before us here is a  
22 situation where if this settlement isn't  
23 approved today LIPA could walk away from that  
24 settlement tomorrow. Until both sides sign on  
25 the dotted line, and effectively what we're

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2 doing today by ratifying the agreement is  
3 signing on the bottom line, that agreement is  
4 fully revocable. And if LIPA walks away from  
5 that agreement, then Nassau County taxpayers  
6 are likely on the hook for between five and  
7 \$800 million in liability. That is money that  
8 will be paid by every single taxpayer of  
9 Nassau County. That is money that the  
10 residents of Island Park and the residents of  
11 Glenwood Landing, who I could not be more  
12 sympathetic towards, but if they win that  
13 judgement there is no five year phase in. It  
14 happens immediately. Was it 87 or 94 percent,  
15 whichever it was, increase immediately in  
16 their tax liability.

17 So, the reasonable thing to me to  
18 do and the responsible thing in my opinion to  
19 do is to vote for this settlement today for  
20 the assurance that one, we're avoiding this  
21 liability on behalf of all Nassau County  
22 residents. But providing a path even for the  
23 residents in those individual districts to  
24 have at least some phase in and at least some  
25 relief instead of the threat of being

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2 immediately impacted by a case that we are  
3 pretty confident we're not going to win. So I  
4 vote in the affirmative.

5 MR. PULITZER: Thank you  
6 legislator. Minority Leader Kevan Abrahams.

7 LEGISLATOR ABRAHAMS: Thank you  
8 Mike. I've heard a lot of justification for  
9 votes today which I guess it is what it is.  
10 We have to justify why we vote yes. At the  
11 same time we have to justify that this is a  
12 different entity than the entity that has been  
13 hurting ratepayers for the last God knows how  
14 many decades. That being said, your voters  
15 and your constituents don't see the  
16 differentiation. They don't see the examples  
17 that you're trying to make.

18 At the end of the day this is the  
19 same LIPA that has given them shoddy service  
20 and raised their rates. Granted, we  
21 understand that that's not before us today.  
22 Today is a tax certiorari case. But the  
23 little guy had a chance to score a victory  
24 today and you guys voted with the big entity.  
25 That's the fact. The little guy could have

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2 won something today. Could have been one zero  
3 for the little guy. Finally gets a chance to  
4 stick it to the big guy.

5 In agreement with Senator D'Amato.  
6 Everyone knows this case has to be settled but  
7 we don't have to settle it today. We're  
8 settling it because LIPA said that we have to  
9 settle it today or we're backing away. That's  
10 placating to LIPA. That's the point that I'm  
11 making. That if LIPA says jump you guys are  
12 asking how high.

13 So, clearly what's happening today  
14 is that ratepayers don't matter. Constituents  
15 don't matter. School districts, library  
16 districts don't matter. LIPA matters. That's  
17 the entity that matters. That's where we're  
18 going wrong and that's where we're losing the  
19 message. That the same entity that hurt your  
20 constituents during countless super storm  
21 after, they left them in the dark, literally  
22 left them in the dark, is getting what they  
23 want. Not just what they want but when they  
24 want it. What kind of message does that say  
25 about you guys? Not a good one. I vote no

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2 for the ratepayer.

3 MR. PULITZER: Thank you  
4 legislator. Presiding Officer Richard  
5 Nicoletto.

6 LEGISLATOR NICOLELLO: Our voters  
7 and the residents of Nassau County are a lot  
8 more intelligent than you give them credit  
9 for. They understand the fact that there's a  
10 potential exposure to the county of a billion  
11 dollars. It's money that they have to pay.  
12 Taxpayers have to pay. Even the residents in  
13 the districts that are most prominently  
14 affected they have more intelligence than  
15 that. They can understand the numbers.

16 Steve talked generally about  
17 experts. Let's look at what the experts are  
18 saying. This is an assessment case. What's  
19 the value of those plants? LIPA says Barrett  
20 plant the value is \$28 million. Would be a 94  
21 percent reduction in the taxes they pay.  
22 Nassau County, they say it's \$94 million.  
23 Which is an 81 percent reduction in taxes they  
24 have to pay.

25 Glenwood Landing. LIPA says that

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2 the plant is worth \$40 million. 72 percent  
3 reduction in taxes that LIPA will be paying to  
4 that school district. Nassau County was  
5 less. \$35 million. So, under Nassau County's  
6 numbers a 76 percent reduction in the taxes  
7 that we pay to those school districts. Those  
8 are the numbers.

9 Again, we can rail about LIPA and  
10 none of us like LIPA and they're the whipping  
11 boy that we can talk about and all that  
12 stuff. But our residents are smart. They  
13 understand the numbers. They understand that  
14 they don't want to pay another billion dollars  
15 in county taxes to get nothing for it.

16 And the residents in the school  
17 districts are smart and they understand that  
18 at some point in the litigation you have to  
19 decide whether you're going to settle it or go  
20 forward. And in this case they understand if  
21 you don't settle the reduction in taxes will  
22 be devastating and immediate.

23 So, I have a lot of respect for the  
24 residents of the county, apparently more than  
25 you do and I think the residents will see this



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2 to be a good deal that it is for the county  
3 residents and in fact for the school districts  
4 is the best we're ever going to get. I vote  
5 yes.

6 MR. PULITZER: Thank you. Final  
7 count, ten yes, eight no.

8 LEGISLATOR NICOLELLO: Thank  
9 you. The item passes.

10 We have two other items on the  
11 agenda. Number one, a local law to amend  
12 Section 3-2.3 of the Nassau County  
13 Administrative Code in relation to the special  
14 revenue fund created pursuant this section.

15 A motion to open the hearing?  
16 Legislator Schaefer makes that motion.  
17 Legislator Walker seconds the motion. The  
18 hearing is now open. Andy, do you want to  
19 speak to it?

20 MR. PERSICH: Andy Persich,  
21 Office of Management and Budget. As I spoke  
22 before in the committee meetings last week,  
23 two weeks ago, I'm sorry, this just amends the  
24 special uses for the special revenue fund to  
25 broaden its uses for what we can spend the

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2 money on. And I'm here to take any questions.

3 LEGISLATOR NICOLELLO: More  
4 specifically it will allow us to spend money  
5 with respect to the longevity payment?

6 MR. PERSICH: It will give us  
7 monies to fund the longevity payments. We  
8 have some other litigation out there that it  
9 would open up the horizons. There's Article  
10 18 cases out there that are still looming.  
11 Some other post-employment benefits that we  
12 might be able to use the money for.

13 Again, this will help us on the  
14 glide slope to get us out of the control  
15 period is what the ultimate goal is by  
16 spending down some of our -- or reducing some  
17 of the liabilities that are on the county's  
18 books that are unforeseen.

19 LEGISLATOR NICOLELLO: Any  
20 questions? Motion to close the hearing?  
21 Legislator Walker. Seconded by Legislator  
22 Ford. All in favor of closing the hearing  
23 signify by saying aye. Those opposed?  
24 Carries unanimously.

25 Item two is a vote on the proposed

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2 local law to amend Section 3-2.3 of the Nassau  
3 County Administrative Code in relation to the  
4 special revenue fund created pursuant to this  
5 section.

6 Motion by Legislator Giuffre.

7 Seconded by Legislator Ferretti. Any debate  
8 or discussion on this local law? Hearing  
9 none, all in favor signify by saying aye.  
10 Those opposed? Carries unanimously.

11 Motion by Legislator Rhoads.

12 Seconded by Legislator Walker. All in favor  
13 of adjourning signify by saying aye. Those  
14 opposed? Carries unanimously.

15 (Meeting was adjourned at 5:46  
16 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 first day of  
May 2022.

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FRANK GRAY