

NASSAU COUNTY
TEMPORARY DISTRICTING
ADVISORY COMMISSION

MEETING II

Held at
NORTH HEMPSTEAD TOWN HALL

220 PLANDOME ROAD
MANHASSET, NY 11030

FRANCIS X. MORONEY

CHAIR

Nassau County Legislature
1550 Franklin Avenue
Mineola, New York

Thursday, September 8, 2022

6:08 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

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

COMMISSIONERS:

FRANCIS X. MORONEY, CHAIRMAN

PETER BEE

JOHN J. REINHARDT, EXCUSED

MAUREEN FITZGERALD

CHRISTOPHER DEVANE

ERIC MALETTER, EXCUSED

DAVID MEJIAS, VICE CHAIR

JARED KASSCHAU

ANDRENA WYATT (6:25 p.m.)

JAMES MAGIN, JR.

MICHAEL PERNICK

EXECUTIVE DIRECTORS:

ELISABETTA COSHIGNANO

RACHEL WHITMORE

BOARD ATTORNEYS:

VINCENT MESSINA, ESQ.

PETER CLINES, ESQ.

A L S O A P P E A R E D:

PUBLIC COMMENT:

Regina Goutevener - LWV of Nassau County

Judy Esterquest - LWV of Port Washington

Susan Gottehrer - NY Civil Liberation Union

Wayne Wink - (Self)

Cathy Middleton-Lewis, Esq.- Westbury-New Castle

Shelby Lewis - Town of Westbury-New Castle

Dan Oppenheimer - (Self)

Kevin McKenna - (Self)

Rory Lansman - (Self)

Leslie Davis - NAACP

Cathy Johnson - Westbury Senior Center/NAACP

Denise Thompson - (Self)

AGENDA

1. Open meeting - Pledge of Allegiance
2. Chairman's Statement
3. Introduction of the Commissioner's
4. Public Statement
5. Other Business

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2 CHAIRMAN MORONEY: Ladies and
3 gentlemen, if I could have your
4 attention. We are going to start off
5 with the Pledge of Allegiance.

6 (Whereupon, the Pledge of
7 Allegiance is recited.)

8 CHAIRMAN MORONEY: Thank you.
9 Mr. Clerk, would you take the roll?

10 CLERK PULITZER: Thank you,
11 Chairman.

12 We are going to have the roll call
13 of the commissioners. Please signify by
14 saying here or present.

15 Commissioner Peter Bee.

16 COMMISSIONER BEE: Here.

17 CLERK PULITZER: Commissioner John
18 J. Reinhardt.

19 (Whereupon, no verbal
20 response.)

21 CLERK PULITZER: Commissioner
22 Maureen Fitzgerald.

23 COMMISSIONER FITZGERALD: Here.

24 CLERK PULITZER: Commissioner
25 Christopher Devane.

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2 COMMISSIONER DEVANE: Here.

3 CLERK PULITZER: Commissioner Eric
4 Malette.

5 (Whereupon, no verbal
6 response.)

7 CLERK PULITZER: Commissioner David
8 Mejias.

9 COMMISSIONER MEJIAS: Here.

10 CLERK PULITZER: Commissioner Jared
11 Kasschau.

12 COMMISSIONER KASSCHAU: Here.

13 CLERK PULITZER: Commissioner
14 Andrena Wyatt.

15 (Whereupon, no verbal
16 response.)

17 CLERK PULITZER: Commissioner James
18 Magin, Jr.

19 COMMISSIONER MAGIN: Here.

20 CLERK PULITZER: Commissioner
21 Michael Pernick.

22 COMMISSIONER PERNICK: Here.

23 CLERK PULITZER: Chairman Francis X.
24 Moroney.

25 CHAIRMAN MORONEY: Present.

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

4 CHAIRMAN MORONEY: If I may, we have
5 additional people that are coming so we
6 are going to take care of a little
7 business upfront.

8 We had a request for accommodations
9 for dates of hearings. We are not having
10 a meeting next week on the 14th. We are
11 looking at the dates in this block of
12 October the 17th. Hopefully, we can put
13 something together from the 18-20.

14 COMMISSIONER MEJIAS: But not the
15 19th.

16 CHAIRMAN MORONEY: Not the 19th,
17 correct. We are looking at those. I
18 suspect we will come up with something
19 over the next couple of days. Meanwhile,
20 the notice for the meeting next week has
21 been sent out prior to under the Rules of
22 Legislature as well as the Open Meetings
23 Law, so that will be postponed and
24 notices of that postponement will be sent
25 out forthwith.

1
2 If I could start with a little bit
3 of an opening statement. There are maybe
4 some people here who were at the last
5 meeting and maybe some people who were
6 not at the last hearing. I would like to
7 explain our role as an advisory
8 commission and what terms we have and
9 what we may have, and what we can do and
10 what we can't do.

11 Please bear with me. This is the
12 third time the Temporary Districting
13 Advisory Commission has been assembled to
14 fulfill its obligation under the Nassau
15 County Charter. The second of several
16 planned meetings are scheduled and will
17 be heard in several locations throughout
18 Nassau County.

19 As stated in the 1995 Final Report
20 on the Commission on Government Revision,
21 the function of the Commission is to
22 recommend one or more plans to the County
23 Legislature for dividing the county into
24 the legislative districts.

25 The Commission consists of 11

1
2 members with a nonvoting chair, that's
3 me, being appointed by the county
4 executive. There are five members
5 appointed by the presiding officer and
6 five by the majority leader.

7 The Commission permits, but does not
8 require public hearings. Prior
9 reapportionments processes established a
10 condition that permissive meetings
11 seeking public input should held around
12 the county.

13 The streamed hearings are posted on
14 the County website together with the
15 transcripts of the hearings by our Clerk
16 of the County Legislature who is charged
17 with the duty to obtain documents and
18 official communications are available to
19 the general public. E-mails and other
20 record submissions are also received and
21 are available for inspection. These will
22 be disseminated by the Clerk's Office.

23 The Legislator's clerk is working
24 with the Commission to simplify the
25 website. It takes a little effort to see

1
2 where the documents are, so the
3 technicians are working on that to change
4 the website.

5 The County Legislature allocated
6 \$985,000 to fund the work of the
7 Commission. The allocation is divided
8 equally between the commissioners
9 appointed by the presiding officer and
10 the minority leader. However, a portion
11 of that \$985,000 is set aside to pay for
12 stenographic services, our lady over here
13 (indicating), ASL (American Sign
14 Language) interpreters as well as
15 Language Line. For any of you who are
16 non English speaking people who need
17 help, there are I believe over 165
18 different languages available for
19 assistance.

20 Each delegation of appointees
21 divides the balance of the \$985,000 for
22 the purchase needed for mapping
23 technology, software and the hiring of
24 experts, counsel and staff that they deem
25 necessary.

1
2 The developing of a map or maps by
3 the Commission must be aware of a comply
4 with both Federal and State Law. In
5 other words, whatever they make, whatever
6 they do, whatever they come up with,
7 whatever they draw, if anything, has to
8 be in compliance with State and Federal
9 Law.

10 That transparency is achieved by
11 significant outreach to the public
12 through holding public hearings on any
13 maps or plans for redistricting submitted
14 by the commissioners or others. You may
15 have an idea for a map that you might
16 want to consider drawing.

17 Once the maps or are drawn, they
18 will be turned over to the Legislature.
19 Likewise, all transcripts and public
20 comment that are generated by the
21 Temporary District Advisory Commission
22 are submitted to the full legislature for
23 their consideration. The full
24 Legislature will conduct hearings on
25 submissions by an appropriate committee

1
2 and then by the entire legislature. The
3 goal is to have the Commission complete
4 its hearings by the end of October so
5 that the Legislature will have adequate
6 time to hold its hearings.

7 The County Legislature may reject,
8 adopt, revise or amend the redistricting
9 plan or plans or any recommendations the
10 Temporary Advisory Commission --

11 (Whereupon, Audio Issues are
12 addressed by audience.)

13 CHAIRMAN MORONEY: Further, this
14 Commission will stream the hearings and
15 keep the record open for public comment
16 until completion of the public hearings
17 that will be set once we arrive at a
18 final date. Those submissions will be
19 post hearing, so you can send whenever
20 you want to. Any correspondence or
21 e-mail or other information that is
22 received after that date will also be
23 sent to the full legislature for its
24 consideration, if they so choose.

25 In preparation for these hearings, a

1
2 notice of this meeting and others were
3 sent to the following:

4 The Office of the County Executive;
5 Counsel to the Minority Commission, Mr.
6 Mejias, who sits to my left; Members of
7 the Majority Commission Delegation, to my
8 right; Nassau County League of Women
9 Voters; The City of Glen Cove; The City
10 of Long Beach; The Town of Hempstead; The
11 Town of North Hempstead; The Town of
12 Oyster Bay; Twenty-two villages in the
13 Town of Hempstead; Thirty villages in the
14 Town of North Hempstead; Sixteen villages
15 in the Town of Oyster Bay; 55 libraries;
16 57 school districts, 67 civic
17 associations, 50 chambers of commerce and
18 150 news and media outlets that service
19 Nassau County.

20 Last, let me repeat, the public may
21 send a written request of all questions
22 to the attention of the Nassau County
23 Legislature at 1550 Franklin Avenue,
24 Mineola, New York or e-mail to
25 legpubliccomment@nassaucountyny.gov.

1
2 With that, I would like to turn the
3 mic over to Mr. Mejias.

4 COMMISSIONER MEJIAS: At the last
5 hearing, there were over 120 people in
6 the room and we had some great public
7 comment. We have deep concerns with the
8 lack of transparency in these hearings.
9 Transparency of these hearings is
10 important and should be guided in
11 principle of the entire redistricting
12 process. It improves public confidence
13 and helps ensure integrity of the process
14 and the accountability of those
15 responsible for leading it. Providing
16 the public with relevant redistricting
17 materials will facilitate meaningful
18 public feedback which in turn would
19 ensure that the proposed maps will
20 respect communities of interest in Nassau
21 County. The lack of transparency is
22 often associated with unlawful
23 redistricting. The failure to be
24 transparent is creating litigation risk
25 and the risk of recommending maps which

1
2 are not legally compliant.

3 The Commission website continues to
4 be grossly deficient. Following our last
5 meeting, nothing has been done. It
6 appears, despite the record of the last
7 meeting, the public comments have been
8 completely neglected. The Commission's
9 website does not have the capacity to
10 accept public comment on the
11 redistricting process. The
12 Clerk of the Legislature has not agreed
13 to our request to set up a dedicated
14 e-mail address on the Commission's
15 website to accept public comment. The
16 website is a perfect illustration of how
17 closed off, nontransparent, and non
18 responsive the process has been so far.

19 The chairman had talked about the
20 website giving information to the public
21 about these meetings, which is not true.
22 None of the information listed in any of
23 the resolutions that the democrats
24 proposed has been listed on the website.
25 At the last meeting, the democratic

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2 commissioners introduced a resolution
3 calling for more transparency which
4 specifically included a list of items for
5 inclusion on the website. It was claimed
6 that the resolution was unnecessary
7 because the information it called for was
8 already included on the website and
9 already posted and all five commissioners
10 voted against it. In fact, none of the
11 information listed in the resolution was
12 actually posted. There is no text and
13 summary of all applicable laws, there's
14 no schedule of all Commission meetings
15 and hearings posted on the website at
16 least seven days in advance. Agendas for
17 each public meeting and hearing are not
18 posted on the website at least 24 hours
19 in advance. The video recordings and
20 transcripts of past meetings are not
21 posted. We've asked for all documents,
22 draft maps, resolutions, analyses, and
23 other documents to be considered by the
24 Commission to be posted on the website at
25 least 24 hours in advance of

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2 consideration. We've asked for pertinent
3 information on the current County
4 Legislative maps including image files,
5 shapefiles, demographic files, and
6 population data tables containing all
7 relevant demographic information for each
8 district in any proposed map. We have
9 also asked that any proposed maps to be
10 considered by the Commission, including
11 image files and shapefiles, population
12 data, demographic information, be posted
13 at least 24 hours in advance of any
14 consideration of maps.

15 We ask for the website to have the
16 capacity to permit members of the public
17 to submit written comments and testimony,
18 proposed maps, and correspondence, all of
19 which should be posted on the Commission
20 website. As of now, the website still
21 has not been updated or upgraded in any
22 significant way. We do thank the clerk
23 for correcting Mr. Pernick's name on the
24 website.

25 The website is so woefully

1
2 inadequate that under the heading "Most
3 Recent Agenda", the website links to an
4 agenda from January 3, 2013 in the last
5 redistricting cycle. The website also
6 links to proposed redistricting maps
7 which were rejected in the last cycle ten
8 years ago. In fact, if anybody here
9 tried to google (sic) Nassau County, New
10 York Redistricting Commission hearing
11 dates, you would not get anything that
12 resembles a link on a County website to
13 give you correct information about this
14 hearing, hearing time, or even future
15 hearings; there is nothing. You can't
16 even google where these meetings are, let
17 alone go to a website. And if you go to
18 the County website, not having to do with
19 the Redistricting Commission, it lists
20 this meeting, September 8, 2022 at 6:00
21 p.m., to be held at the Nassau County
22 Legislature in Mineola. The Nassau
23 County Legislature's website lists this
24 meeting here, September 8, 2022 at 1 p.m.

25 Clearly, when we talk about

1
2 transparency -- I actually googled
3 transparency and the definition. It
4 says, "easy to see or detect".

5 (Whereupon, Commissioner

6 Wyatt joins hearing, 6:25 p.m.)

7 COMMISSIONER MEJIAS: The only thing
8 that's easy to see right now is that the
9 public is being purposely excluded for
10 participating in the process by either
11 not being told what the law and the facts
12 are or being told to go to the wrong
13 place for this hearing tonight or to go
14 to the right place, but at the wrong
15 time. Maybe that's the difference
16 between the 120 people we had at the last
17 meeting and the number of people we have
18 in the room here today, which is far less
19 than the 120 people we had at our last
20 hearing.

21 Nothing has changed. Nothing has
22 been addressed. Insufficient,
23 inaccurate, and conflicting notices of
24 this hearing on the County website itself
25 is indicative of how this process is not

1
2 being taken seriously. This is a very
3 serious process and who represents you
4 going forward is a very serious process
5 as well.

6 In addition, while I do appreciate
7 that after the fact, after we were
8 noticed of six hearing dates -- this is
9 the second hearing by the way -- and we
10 still don't have the information
11 regarding the hearing dates that we would
12 like on the website. A third of the
13 hearings are already gone by that they've
14 agreed to -- we'd love more, but the
15 Republicans are not going to agree to
16 more. A third of them have gone by
17 already without the public being properly
18 noticed. I do appreciate after the fact
19 some consideration as to moving some
20 hearing dates that are a conflict for
21 members on the democratic side, but the
22 status quo should be kept. There is a
23 record of things that have happened in
24 the past. There is precedent that we
25 would like adhered to.

1
2 Almost exactly 10 years ago to the
3 day, September 5, 2012, both sides --
4 there was a republican majority then and
5 a democratic minority then as well --
6 both sides tasked their executive
7 directors with choosing dates for the
8 meetings and number of meetings that were
9 going to be held. Both sides had input.
10 Both sides' executive directors got
11 together. At that hearing on September
12 5, 2012, Mr. Moroney was also the
13 chairman at that time, he inquired as to
14 both executive directors as to whether or
15 not they'd spoken about putting together
16 a hearing schedule so that both sides can
17 be sure that we are there and we can
18 notice the public effectively and
19 efficiently. Chairman Moroney at that
20 time, on page 11 of the transcript, which
21 we will submit to the Clerk of the
22 Legislature for admission to the record,
23 said, asked to both executive directors,
24 "As a result of that, did you come up
25 with a consensus for this group to

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2 consider?". Mr. Kiernan, the executive
3 director of the republicans at that time
4 said, "we have four dates that we've
5 agreed to so far", and he went into the
6 dates and how they came to a consensus
7 with Lauren Corcoran-Doolin, who was the
8 executive director on the democratic side
9 for the hearing dates. The hearing dates
10 have been imposed upon us and without
11 consideration, which means either some of
12 us can't go or they're not necessarily in
13 communities that we'd like them to be in.
14 We want more hearings. The fact that --
15 we have a screen shot of the Nassau
16 County Legislator's website that tells
17 people to come to a hearing at the wrong
18 time, which we will also be submitting
19 into the record. And a County website
20 which post this meeting in the wrong
21 location, which we will also be
22 submitting to the Clerk of the
23 Legislature for entry into the record.
24 It just shows how little regard there is
25 for the public's input and the opinion of

1
2 the public.

3 There is exactly, I think, one hour
4 between the time our maps are due on each
5 side to be submitted on November 10.

6 Before we draw maps and submit them to
7 the Legislature, the public should have
8 some input. We want there to be plenty
9 of time for the public to have input on
10 the maps that are being proposed so that
11 communities of interest can be heard,
12 changes can possibly be made, and the
13 Commission can do the right thing in
14 representing the people of Nassau County.

15 The Republican Commissioners and the
16 Chairman have scheduled exactly one hour
17 between the time our maps are to be
18 submitted and the Nassau County
19 Legislature is to consider them; one
20 hour. That's not enough time. It
21 prevents public input. It takes weeks to
22 analyze and understand proposed maps.
23 Even the most savvy person who knows a
24 lot about redistricting, it would take
25 days to analyze these maps.

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2 The way this Commission has operated
3 so far is completely inconsistent with
4 redistricting commissions throughout the
5 State of New York. We got started late;
6 we're not noticing the public; we are
7 giving the public misinformation as to
8 where the hearings are and what time they
9 are, and the democratic commissioners
10 have had zero input as to dates and
11 agendas and places of these hearings.

12 Contrary to what the chairman's told
13 you, there's no place on the website for
14 e-mails to the Temporary Redistricting
15 Commission directly. The dates are not
16 correct in the website. There is no
17 language line on the website. There is
18 nothing you can click to read about the
19 public notices and other languages on the
20 website. It is interesting that the
21 chairman has said that these hearings are
22 meant to solicit opinions from the
23 public, but we don't tell the public
24 where these meetings are and what time.

25 The chairman has said that we are

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2 streaming these meetings, but no one
3 knows where, how to click on it, what
4 time; there's no information about that.
5 We could all be staring at this camera
6 and streaming into the internet and the
7 abyss of the web, there's probably no one
8 on the other end of that camera, 'cause
9 no one knows this is going on right now.
10 That's the biggest problem that we have.
11 That's why we want to hear from you as to
12 whether or not you think it's a problem
13 and whether or not you think you've been
14 given enough public notice for your
15 friends, families, neighbors, and your
16 communities to be heard on this very
17 important topic. These legislative maps
18 will determine who your legislators are
19 who will determine so many things that
20 happen in your everyday lives, from
21 police, public health, mental health,
22 social services, a myriad of things
23 having to do with the safety health and
24 welfare of the people of Nassau County.
25 That's why it's important that we hear

1
2 from you, the public. Not just here
3 tonight, but throughout the county and
4 multiple communities so that you can be
5 heard and you can be properly represented
6 and your community's interests can be
7 properly represented. We want to hear
8 about it. If you think what's happening
9 so far is wrong, I want to hear about it.
10 Thank you.

11 CHAIRMAN MORONEY: If I may.

12 Number one, this is being streamed.
13 Number two, the last meeting was streamed
14 and up on the County website the
15 following morning. It's there now, it
16 was there then. The notices were sent
17 out to all the different people in excess
18 of 450 locations. A lot of people in
19 this room might have gotten one. The
20 fact of the matter is, the notices were
21 sent out. There is one piece of paper on
22 that website that says 2013. It's the
23 only one there. What happened is whoever
24 went and looked it up forgot to click on
25 the link for this place. It's there and

1
2 all the lists are there. I have a screen
3 shot, but I didn't realize I was going to
4 be arguing this nonsense today.

5 Streaming is going on. The things
6 that Mr. Mejias complained are not up
7 based upon what was done in the last
8 session, is wrong. Plain and simply
9 wrong. The fact of the matter is the
10 transcripts contain everything they put
11 on the record at the last meeting and
12 they are up on the website right now.

13 COMMISSIONER MEJIAS: Which website?

14 CHAIRMAN MORONEY: Our website.

15 COMMISSIONER MEJIAS: Where?

16 CHAIRMAN MORONEY: Nassau County.
17 There's only one office that's
18 responsible for the documents in Nassau
19 County. It's the Clerk's Office. That's
20 where they all go. That's where the
21 e-mails go. That's where everything is
22 going to go. That's the nexus of what
23 we're doing here. They have to get
24 there. Have there been glips (sic),
25 absolutely. No question about it. We

1
2 spent a lot of time trying to correct
3 those things. Spent a lot of time trying
4 to get rid of that 2013 thing which has
5 no business being on that thing. The
6 fact of the matter is that happens. It's
7 never happened to anybody else, just us;
8 just the republicans. That's nonsense.

9 COMMISSIONER BEE: Mr. Chairman, can
10 I make a suggestion that rather than the
11 back and forth critique of the procedures
12 by which we got here, we do what the
13 Commission was tasked to do, which is to
14 hear from the public. We are not here
15 for us to speak, we are here for the
16 public to speak. The public that is here
17 should now be heard.

18 COMMISSIONER MEJIAS: The public
19 doesn't know what we're here to do
20 because they don't know what this
21 commission is about.

22 We all have cell phones. I
23 challenge anyone in this room to go to
24 the Temporary Redistricting Advisory
25 Commission website and tell us if the

1
2 only document on that website refers to
3 2013. And on TDAC website, can you click
4 a link to this mysterious streaming
5 that's happening?

6 CHAIRMAN MORONEY: Yes, there is as
7 a matter of fact. I'm going to give you
8 the website you have to go to:
9 Nassaucountyny.gov/3530/public-notice-
10 index --

11 (Whereupon, public
12 interruption.)

13 CHAIRMAN MORONEY: If anyone of you
14 want to come up here and see what this
15 is, you can pass it around the room.
16 It's exactly what it says.

17 (Whereupon, public
18 interruption.)

19 CHAIRMAN MORONEY: I'm not biting
20 into --

21 COMMISSIONER MEJIAS: Mr. Chairman,
22 that's not on the Temporary Advisory
23 Commission's website.

24 CHAIRMAN MORONEY: There's only one
25 website and it's the County website.

1
2 COMMISSIONER MEJIAS: The Commission
3 has their own website on the -- If you go
4 to the County website and you hit the
5 Temporary Districting Advisory
6 Commission, let's see what's going on at
7 TDAC; none of this is there. Zero. You
8 don't know where to stream; you don't
9 have the agenda; you don't have the list
10 of the public meetings, nothing. No
11 transcripts, nothing. We're a third of
12 the way through the process that you've
13 proposed and still the public has zero
14 information on the TDAC website. Go on
15 your phones. Go to the TDAC website on
16 the County. I just did it. There is
17 nothing there.

18 (Whereupon, public
19 interruption. Off the record.)

20 CHAIRMAN MORONEY: This is from the
21 County website. I'm not going to argue
22 with you, Mr. McKenna.

23 All right. The first speaker --

24 (Whereupon, interruption by
25 public. Off the record.)

1
2 CHAIRMAN MORONEY: You're out of
3 order. Did you file one of these
4 (indicating)? Did you file one of these?
5 A request to speak? It's right here.
6 Fill one out and you will have an
7 opportunity to speak. Right now, I'm
8 calling on Regina --

9 COMMISSIONER PERNICK: Mr. Chairman,
10 I have a comment. It's an opening
11 comment on a slightly different topic.

12 In his opening comment, our
13 chairperson noted this is an advisory
14 commission. It's true, we have the word
15 advisory in our name, but I wanted to
16 emphasize the importance of our role.

17 The Nassau County Charter requires
18 the Legislature to consider any maps that
19 are adopted by this body. The
20 Legislature, as the chair said, can
21 adopt, reject, amend, modify. They are
22 required to inspect any maps that are
23 voted out of this body by six votes.
24 That's a really big responsibility. We
25 have the job of soliciting views from all

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2 of the residents of the county from every
3 corner of the county and presenting the
4 Legislature with a map that actually
5 takes into account the concerns and
6 considerations from every community in
7 our county. We also have the
8 responsibility to present maps that
9 comply with the law. That's a very
10 complicated task. It's a very important
11 task. There are a lot of legal rules,
12 adoptions, that apply to the maps that we
13 adopt. We have Federal Laws, Equal
14 Protection Clause has a set of
15 requirements that constrain redistricting
16 at every level of government. We have
17 the Federal Voting Rights Act, which
18 requires us to ensure that communities of
19 color have an equal opportunity to
20 participate an elect candidates of their
21 choice. It may require us, it does
22 require us, to draw majority/minority
23 districts when certain factors are
24 present, and we know those factors are
25 present here in Nassau County.

1
2 We also have State Law. There have
3 been a lot of changes in State Law that
4 didn't apply to this process ten years
5 ago and it's worth talking about and
6 being aware of.

7 First, there are new rules under the
8 Municipal Home Rule Law that governs
9 County level redistricting. The most
10 significant of those rules is a
11 prohibition on drawing maps with partisan
12 advantage. What's that? It's a
13 prohibition on partisan gerrymandering on
14 drawing maps to shut one political party
15 out of the political process to draw maps
16 that are bias, slated, in favor of one
17 political party or the other. This is
18 new. We didn't have these provisions ten
19 years ago, and it's incredibly important
20 for us to solicit views from members of
21 the public about the current maps to
22 ensure that we are able to present maps
23 that comply with the new requirements.

24 We also have a State Voting Rights
25 Act, which was signed into law by the

1
2 governor, I believe earlier this year.
3 It will take effect next year before the
4 first election under the new set of maps.
5 We have a very significant responsibility
6 to understand this new legislation and
7 make sure we are doing everything we can
8 to comply with this new legislation. Of
9 course this is the right thing to do, but
10 also to protect the County and county tax
11 payers against unnecessary lawsuits,
12 unnecessary litigation, which I think we
13 would all want to avoid. That's why it's
14 important to be transparent. That's why
15 everything that Commissioner Mejias has
16 been raising is incredibly important and
17 that's why I hope moving forward we can
18 turn a new page and work collaboratively.
19 I really want to work collaboratively. I
20 truly want to be able to sit down and
21 come up with the best way to develop maps
22 for the County genuinely. I hope we can
23 find a way to do that, because we haven't
24 been able to work collaboratively so far.
25 I hope that can change. I hope we can

1
2 provide information to the public so the
3 public can fully participate in the
4 process. Most importantly, I hope we can
5 adopt maps and compromise and reach a
6 consensus on the maps that are lawful and
7 comply with Federal and State law, and
8 especially these new laws that we haven't
9 had to contend with in past.

10 COMMISSIONER BEE: Mr. Chairman, I
11 just renew my comment that it is now 6:45
12 on a public hearing that is supposed to
13 start at 6 o'clock and we haven't yet
14 heard from anyone in the public. I
15 think, step one is to move past the
16 political bickering and hear from members
17 of the public and I would ask that you
18 call the first speaker.

19 COMMISSIONER MEJIAS: We're just
20 asking for the people that went to the
21 meeting at the legislature that was
22 posted to give them time to get here
23 tonight.

24 CHAIRMAN MORONEY: Regina
25 Goutevener.

1
2 MS. GOUTEVENER: Hello. My name is
3 Regina Goutevener. As president of the
4 League of Women's Voters of Port
5 Washington-Manhasset, I'm appearing on
6 behalf of the League of Women Voters of
7 Nassau County. I have lived in Port
8 Washington for about 52 years.

9 The League is a nonpartisan
10 grassroots organization dedicated to
11 encourage everyone to participate fully
12 within our democracy. We do not support
13 or opposed any political party or
14 candidate. After careful study and
15 consensus, we may advocate on
16 governmental issues in the public
17 interest as I do tonight.

18 The League is here to advocate on
19 behalf of a fair and transparent
20 redistricting process. Fair and
21 transparent means providing the public
22 with:

23 - Basic information regarding the
24 Commission's consultants and mappers and
25 an advanced schedule of meetings and

1
2 proposed deadlines;

3 - The opportunity to attend all
4 working sessions of this commission with
5 sufficient notice of time and place; and,
6 finally,

7 - The opportunity for meaningful
8 input. Meaning, having their concerns
9 and suggestions formally addressed.

10 Under the proposed commission
11 process noted by Commissioner Mejias at
12 the August 31st hearing:

13 "The maps proposed by both
14 delegations are to be made public by 5:00
15 p.m. on November 10th and then sent to
16 the legislature three-and-a-half hours
17 later. The hearing on these maps is the
18 very same day. The public has one hour,
19 between 5 and 6 p.m. to review maps that
20 may rule its government for the next ten
21 years."

22 This proposed process is
23 unacceptable. It allows only pro forma
24 public comment and not even pro forma map
25 amendment by the community. It is

1
2 neither fair nor transparent as it
3 violates key elements of your charge from
4 the Legislature, State and Federal Laws.

5 There is ample time for the
6 commission to release draft maps, provide
7 time for public comment, and to consider
8 map revisions that address public
9 concerns. The Nassau County Charter
10 requires this commission to submit a
11 proposed map to the Nassau County
12 Legislature on January 7, 2023. Nearly
13 two months after the Commissions
14 unnecessarily accelerated submission
15 deadlines.

16 With respect to the congressional
17 and state redistricting process, both the
18 independent redistricting commission and
19 the special master in Harkenrider v.
20 Hochul, released draft maps provided an
21 opportunity for public comments after
22 their release and made revisions to
23 reflect public concerns. There is
24 absolutely no reason why Nassau County
25 shouldn't plan the same process.

1
2 The League strongly encourages the
3 Commission to allow the public to
4 evaluate the process used to design and
5 propose legislative districts. And
6 finally, to assess whether recommended
7 districts reflect the interest and input
8 of our communities.

9 Thank you.

10 (Applause.)

11 CHAIRMAN MORONEY: Judy Esterquest.

12 MS. ESTERQUEST: Thank you. My name
13 is Judy Esterquest and I served as a
14 trustee at the Manhasset Public Library
15 for six years, I'm a member of the League
16 of Women Voters. I live in Manhasset for
17 over three decades.

18 At the August 31 hearing, both Chair
19 Moroney and Commissioner Mejias repeated
20 the phrase, "fair and transparent". Fair
21 redistricting is foundational to our
22 democracy. Transparent redistricting is
23 foundational to our trust in democracy.
24 Fair and transparent give voters voice
25 and confidence. Its absence reads

1
2 cynicism, disengagement, crisis. Recent
3 news shows what happens when Americans
4 lose trust.

5 Fair redistricting keeps communities
6 of shared interest together to strengthen
7 their voices, respects natural
8 boundaries, and seeks a compact shape.
9 My district, however, which includes this
10 town hall, looks like districts where
11 politicians choose their voters, not
12 where voters do the choosing.

13 Similar to the 1812 district that
14 inspired the word gerrymander, District 9
15 is a monstrous creature rearing back with
16 a long, long neck with a misshapen body.
17 It appears an extreme partisan
18 gerrymander snaking east and west to
19 aggregate isolated enclaves of select
20 voters and its perimeter defined by no
21 natural borders. It brings together no
22 communities of interest, only seven
23 fractured school districts and many
24 fractured villages.

25 What would fair look like? Perhaps

1
2 putting all of Manhasset with all of Port
3 Washington and all of Roslyn, which
4 almost targets the target size. The Long
5 Island Sound borders west, north, and
6 east. Even more important, it would be
7 socially, culturally, and economically
8 coherent with shared institutions.

9 Our special districts: Fire, water,
10 parks, would not be divided. Rather than
11 fracturing our eight school districts, we
12 would have three whole districts, each
13 with its own vibrant community.

14 Our League of Women voters offers
15 forums for our peninsula's local and
16 state elections. As for residents
17 without school children, we all shop at a
18 limited number of large grocery stores,
19 especially bakeries, hardware, and
20 florists. We all use the same LIRR line.
21 Restaurants across the peninsula are
22 neighborhood favorites for everyone.
23 Cultural events and civics bring us
24 together. We enjoy our shared shoreline,
25 live events at the Landmark Theatre, and

1
2 our three great public libraries, history
3 walks and cemetery tours, our science
4 museum, art museum, and of course, our
5 amazing Barr Beach.

6 Manhasset is now arbitrarily divided
7 across three legislative districts and
8 Roslyn is divided across four districts.
9 Our peninsula should be made whole.
10 Residents cannot advocate effectively
11 when our voices are fractured. Please
12 renew our trust by ensuring this
13 redistricting gives fair outcomes by
14 making its process transparent.

15 Thank you.

16 (Applause.)

17 COMMISSIONER PERNICK: May I ask you
18 a question?

19 MS. ESTERQUEST: Sure. I will send
20 everyone this through the portal.

21 COMMISSIONER PERNICK: Yes.

22 First of all, thank you for
23 presenting. Please do send it in so we
24 can add it to the record and have it
25 officially considered under part of the

1
2 formal record.

3 You mentioned right now Manhasset is
4 split across three districts, Roslyn is
5 split across four. Do I have that
6 correct?

7 MS. ESTERQUEST: Yes.

8 COMMISSIONER PERNICK: Could you
9 explain to the Commission how that
10 affects you and voters in Roslyn and
11 Manhasset, having the communities split
12 across three or four different districts?

13 MS. ESTERQUEST: Part of what
14 happens, when you hold community forums
15 for legislative forums, for example, I'm
16 going to speak as a league member, you
17 have to explain to people which district
18 their in. They're often confused because
19 we vote for the same New York Senate
20 Candidate. We vote for one assembly
21 district candidate. We vote for one
22 congressional candidate -- a much bigger
23 area. Why should we vote across two
24 places, seven different legislators; it
25 doesn't make sense. Simultaneously, if

1
2 you want to reach out to the legislature
3 for something and you're saying, we would
4 really like to talk about issue A, B, C,
5 you need to explain to everybody they
6 need to reach out to different
7 legislators. That is a far more
8 confusing message. Mind you, the League
9 studies things, we reach consensus
10 internally, and we don't advocate unless
11 we think it's something that we think is
12 correct and in the public interest and
13 non partisan. Then we want to be able to
14 message it simply. It is impossible to
15 message anything simply when the
16 jurisdiction of the voters crosses so
17 many lines. I'm not going to say it's as
18 bad as separating minority voters or as
19 bad as separating voters you think are
20 going to vote one way or another, but it
21 does make it very difficult for the
22 voices of the peninsula to be heard as
23 one voice. These three communities,
24 particularly Manhasset and Port
25 Washington, because Roslyn spreads off to

1
2 the east, these two communities are very,
3 very interconnected. Why should they
4 have different representatives? Does
5 that answer your question.

6 COMMISSIONER PERNICK: Thank you.

7 COMMISSIONER MEJIAS: We're gonna
8 put this in the record. We will make a
9 copy for the record as well.

10 CHAIRMAN MORONEY: Susan Gottehrer.

11 MS. GOTTEHRER: Hi. I'm Susan
12 Gottehrer. I'm the director of the
13 Nassau County New York Civil Liberation
14 Union. I'm working in coalition with the
15 League of Women Voters across Nassau
16 County.

17 I was asked last time at the
18 Legislature to sort of review best
19 practices according to NYCLU. While I
20 still don't have them for you in writing,
21 I thought I would be able to do that
22 tonight. It would also be useful for the
23 people who are here to hear them as well.

24 I do have a question. That short
25 window of time and the schedule that has

1
2 been set for the maps are presented and
3 then the Legislature votes three hours
4 later; is it within your power to change
5 that schedule?

6 COMMISSIONER MEJIAS: Yes.

7 MS. GOTTEHRER: So I will ask you to
8 commit to changing that schedule so that
9 there is more time between those things.

10 (Applause.)

11 CHAIRMAN MORONEY: This is not in
12 indelible ink.

13 MS. GOTTEHRER: Will you put it in
14 indelible ink that the public has more
15 time?

16 CHAIRMAN MORONEY: I will talk to
17 the deligation's and see what they want
18 to do.

19 Here's the answer to your question:
20 You gotta start somewhere. You gotta put
21 pen to paper. In order to get something
22 going, you have to do something about it
23 to get it moving, and that's what's
24 happening. We wanted to get it moving,
25 we needed to get it moving, we got it

1
2 moving. There are glitches. It's going
3 to happen. There's nothing we can do
4 about it. The date November 10 is a date
5 for presentation of maps. Not having
6 them become law, to tell us what you did,
7 show us what you did. It's not just them
8 (indicating right) or them (indicating
9 left). Mr. McKenna may have a map. The
10 League of Women Voters may have a map.

11 MS. GOTTEHRER: Why is everybody
12 under the impression there is a
13 three-hour window?

14 CHAIRMAN MORONEY: It's set up that
15 way to give people a guideline.

16 MS. GOTTEHRER: Can you expand the
17 guidelines?

18 CHAIRMAN MORONEY: Absolutely.

19 MS. GOTTEHRER: Thank you very much.
20 You will commit to doing that?

21 CHAIRMAN MORONEY: Yes.

22 MS. GOTTEHRER: Okay. I will move
23 on to -- as far as the website. I went
24 on the website. The path I took was
25 Nassau County Legislature to the quick

1
2 links to the Temporary Districting
3 Advisory Committee and all I saw were
4 your names and the 2013 agenda. Even if
5 it does exist the way you say it does
6 exist, it means that it's hard to find
7 and that needs to be fixed as well. I'm
8 used to Nassau County and their websites.
9 The Police Reform website was taken down.
10 It's hard to find everything. Agendas
11 never get posted where you can see them
12 and if they are, they're posted in some
13 sort of hieroglyphics or something.
14 That's Nassau County; used to it. But
15 it's shenanigans and it has to stop and
16 it shouldn't be happening with this crew.

17 On that note, the first and most
18 important aspect of a properly
19 functioning redistricting process should
20 be that it's transparent and provides
21 opportunities for meaningful public input
22 before and after draft maps are
23 published. There should be an adequate
24 number of hearings to allow equitable
25 access to public input which means that

1
2 holding one hearing in Glen Cove with
3 28,000 residents and one hearing in
4 Hempstead with 800,000 residents is not
5 equitable. I would also ask you to
6 commit to more hearings along those
7 lines.

8 Commissioners of both parties should
9 be collaborating on every aspect of the
10 process including the number and location
11 of hearings. Hearings should be widely
12 publicized through official channels and
13 on social media channels and in all
14 relevant languages, which is not just
15 Spanish in Nassau County.

16 There should be meaningful
17 opportunity for public input before and
18 after maps are drawn and published and
19 the public should have all the relevant
20 data they need to evaluate the maps.
21 That means the data that you looked at to
22 create the maps and the commissioners'
23 justifications for the decisions after
24 the maps are drawn. Voting on the draft
25 map the day it is published is

1
2 unacceptable. To comply with the law,
3 obviously, is best practices. Provide
4 information on the law to the public; you
5 have a job to educate the public as well.
6 To make sure the draft maps comply with
7 the equal population requirement. The
8 Commission should release shapefiles and
9 block equivalency files along with the
10 draft maps. Not dilute or diminish
11 voting strengths of racial and language
12 minorities, which is required in both the
13 Federal Voting Rights Act of 1965 and the
14 New York State John Lewis Voting Rights
15 Act.

16 The Commission should conduct and
17 publish the analyses including the data
18 to determine the number and shape of
19 districts illustrating that communities
20 of color voting strength has not been
21 diluted.

22 In order to show that the maps
23 comply with the compactness requirement
24 and prohibition on favoring or
25 disfavoring incumbents, the Commission

1
2 should also show common measures of
3 compactness, such as the polls be proper
4 and Schwartzberger scores.

5 The Commission should also show
6 explanations of public input relating to
7 Nassau County's communities of interest.
8 I just want to say, a lack of
9 transparency, which is already apparent
10 in this process, can be corrected by
11 following these practices.

12 A continued lack of transparency
13 will undermine public confidence and
14 trigger a natural assumption that the
15 Commission has something to hide or that
16 is driven by a legally impermissible
17 motive. NYCLU will be watching the
18 entire process.

19 Thank you for your time.

20 CHAIRMAN MORONEY: Thank you. I
21 will say it again, I said at the last
22 hearing that you spoke at: I wish you
23 were here when North Hempstead did their
24 redistricting. You would be aghast with
25 what they did. They took that man out

1
2 there out of his district into another
3 district, changed his district number so
4 that he's not there anymore.

5 Thank you for doing this and for
6 what you do here. I wish you had done it
7 before.

8 With that said, we will take
9 everything serious that is being said
10 here tonight, and we do take everything
11 serious. But please, do not accuse
12 anybody of anything in any way, shape or
13 form that there's some conspiracy there
14 is no conspiracy going on. These people
15 over here (indicating right) and over
16 here (indicating left) are serving for
17 nobody at all. They're volunteers.
18 They're here and they're going to do a
19 darn good job and they're going to do the
20 job they were asked to do by this
21 commission.

22 MS. GOTTEHRER: I don't believe
23 you've heard me accuse anybody of a
24 conspiracy.

25 COMMISSIONER PERNICK: The speaker

1
2 did not accuse anybody of anything. As a
3 matter of practice, it is deeply
4 concerning for any member of this
5 commission to criticize a member of the
6 public or question a member of the public
7 in that sort way. Ms. Gottehrer, I hope
8 you continue to come and offer your views
9 to this commission.

10 CHAIRMAN MORONEY: Next speaker.
11 Former member of the County Legislature,
12 Wayne Wink.

13 MR. WINK: Good evening, ladies and
14 gentlemen. I just want to make it clear
15 from the outset. Judy Esterquest did not
16 coordinate. We did not speak even speak
17 even before this meeting, and yet, we're
18 talking about the same topic in many
19 respects.

20 What Judy described, and described
21 better than I possibly could, of what
22 transpired ten years ago, the only
23 advantage I have over Judy is that I was
24 the embodiment of it. I was, in fact,
25 the poster child of it because it was my

1
2 district that was literally drawn and
3 quartered ten years ago. It's not even a
4 matter of taking different communities of
5 interest and putting them with other
6 communities of interest. They divided up
7 Roslyn itself. My home community into
8 four separate districts. Drawn and
9 quartered was a barbaric form of
10 punishment for criminal offenses 200
11 years ago and was outlawed. Yet, in the
12 form of gerrymandering, it's alive and
13 well here in Nassau County.

14 Before you make the argument that as
15 the ACLU woman represented, we prohibit
16 either favor or disfavoring incumbency.
17 The fact of the matter is, in 2013, was
18 one of two legislators to be put into the
19 same district. The other one happened to
20 be a colleague of mine on the democratic
21 side; out of 19. That is too random to
22 be possible except intentional. And when
23 you factor in the fact that -- and, Mr.
24 Moroney, you'll remember this, the
25 ill-fated, illegal attempt to redistrict

1
2 in 2011 which was thrown out by the
3 courts, did the exact same thing.
4 Except, instead of sending me to a
5 district further east, it was further
6 west. Look, I've been in this business a
7 long time and I try not to take too many
8 things personally. There comes a point
9 when I'm constantly being thrown into
10 someone else's district and I begin to
11 wonder whether it's me. I am reminded of
12 the old line, I may be paranoid, but it
13 doesn't mean they're not out to get you.

14 Having said that, Mr. Moroney, you
15 brought up some distinctions this
16 commission may or may not have with the
17 North Hempstead Commission. I will
18 remind you of one similarity you have
19 with this commission was the fact that at
20 this very podium, at this very spot,
21 almost three months ago, Jack Martins,
22 the former co-chair of the New York State
23 Independent Redistricting Commission,
24 state level, came up here and castigated
25 this Town Board for not putting maps out

1
2 in advance of the hearings -- about the
3 Commission not having done that.

4 Now, I noticed when I walked in
5 here, there is an agenda and an
6 opportunity to speak, but there are no
7 maps. Perhaps Mr. Martin's comments
8 didn't make it to this commission, but I
9 find it interesting that he spent a great
10 deal of time criticizing North
11 Hempstead's process, while at the same
12 time, apparently, you guys are following
13 the same process.

14 There are some differences. I am
15 anticipating a passive prologue, the one
16 major difference that's going to occur
17 between the North Hempstead Commission
18 and the Commission sitting in front of me
19 right now is that that commission voted
20 and approved four maps in a bipartisan
21 maps, submitted all four well in advance
22 of public hearings to the Town Board.
23 They were reviewed, they were put out for
24 the public to consider, and the Town
25 Board picked one of them. All four maps

1
2 that they were given an opportunity to
3 vote on were voted on and passed by a
4 commission in a bipartisan manner. I
5 pray, although I don't hold much hope
6 that you're going to follow that lead of
7 the North Hempstead Commission.

8 Thank you.

9 CHAIRMAN MORONEY: I have a
10 question, if I may.

11 MR. WINK: Okay.

12 CHAIRMAN MORONEY: When the map was
13 finally adapted, what was the vote?

14 MR. WINK: Was probably the exact
15 same vote you're going to see on the
16 County Legislature; it was party line.
17 But the Commission voted bipartisan for
18 those maps; it was 4-3.

19 CHAIRMAN MORONEY: And who were the
20 four?

21 MR. WINK: The four were the
22 democrats. Remind me, if you will, ten
23 years ago when the vote took place to
24 redistrict the Nassau County Legislature.
25 What was the vote then?

1
2 CHAIRMAN MORONEY: I don't remember.

3 MR. WINK: Well, I can tell you
4 right now because I sat on that
5 legislature; it was a party line vote.
6 Please, before you start casting
7 aspersions, remember your history. You
8 more than anybody knows the history of
9 this commission. Those votes occur on a
10 partisan basis, but the Commission voted
11 bipartisan. Please follow their lead in
12 that regard.

13 (Applause.)

14 CHAIRMAN MORONEY: Next speaker is
15 Cathy Middleton-Lewis, Esq.

16 COMMISSIONER MEJIAS: I just want to
17 say, thank you, Wayne. I will say,
18 having sat next to Wayne, he was an
19 excellent legislator. We served two
20 terms together. You served your
21 community very well. You know what
22 you're talking about, so much so that I
23 would actually look at Wayne's notes so
24 he could tell me what was going on. He
25 was an excellent legislator. It was an

1
2 honor to serve with you in the Nassau
3 County Legislature.

4 MR. WINK: Thank you.

5 MS. MIDDLETON-LEWIS: Good evening,
6 my name is Cathy Middleton-Lewis. I am a
7 22 year resident of the Town of
8 Westbury-New Castle and I am also an
9 attorney and appear before this
10 commission in that capacity.

11 I ask this commission that as it
12 considers the issue of removing Westbury
13 from LD2 that we consider and remember
14 one thing and that is that this country
15 is built on the understanding that
16 democracy is strengthened when the voices
17 of all of our people, particularly those
18 who are historically marginalized and
19 silenced are allowed to be heard. We are
20 weakened as a society when we stifle the
21 voices of some communities while
22 aggrandizing enlarging the voices of
23 others. We lose ourself as a society.
24 We become less of what we have the
25 potential of becoming and more of what we

1
2 do not want to be. The removal of
3 Westbury-New Castle from LD2 does just
4 that. It limits the power of
5 Westbury-New Castle as a community. It
6 dilutes our voices. It politically
7 isolates us from communities which share
8 our interests and goals, our political
9 culture, and our concerns. It crushes
10 our ability to elect candidates to
11 political office of our own choosing.
12 Candidates who hail from our community
13 who understand on a visceral level, our
14 lived experiences and who possess a
15 commitment to fight for the laws and
16 policies that are important to us.

17 I ask that as this commission
18 considers this issue of removing Westbury
19 from LD2 that it thinks about the people
20 of Westbury-New Castle. That you think
21 about the people that live on Prospect
22 Avenue, the people who live on Rockland
23 Street where I live, my neighbors on
24 Oxford Street, the people who participate
25 at the Yes We Can Community Center, the

1
2 people who participate at the Senior
3 Center in Westbury, an that you
4 understand by removing us from LD2, you
5 are muzzling us. You are silencing our
6 voices and it will be the beginning of
7 the deathknell of democracy.

8 Thank you.

9 (Applause.)

10 CHAIRMAN MORONEY: Can I ask you a
11 question?

12 MS. MIDDLETON-LEWIS: Yes.

13 CHAIRMAN MORONEY: I'm a community
14 neighbor. I live in Westbury too.

15 How do you have the notion that LD2
16 is being consider to be taken out of --

17 MS. MIDDLETON-LEWIS: My
18 understanding is Westbury-New Castle may
19 be removed from LD2.

20 CHAIRMAN MORONEY: How did you come
21 by that?

22 MS. MIDDLETON-LEWIS: I heard
23 information from other members of my
24 community that this was something that
25 was possibly going to happen and it very

1
2 much concerns me.

3 CHAIRMAN MORONEY: Are any of you
4 aware of any of that (referencing Board)?

5 (Whereupon, Board members
6 all respond, "no".)

7 CHAIRMAN MORONEY: I hope the
8 information you have is wrong.

9 MS. MIDDLETON-LEWIS: Okay. Could
10 you tell me what your plan is?

11 CHAIRMAN MORONEY: There are no
12 plans to discuss.

13 MS. MIDDLETON-LEWIS: The
14 possibility exists that if you're
15 redistricting, if you're drawing up maps
16 that are going to change the legislative
17 district as it appears today, the
18 possibility exists that Westbury New
19 Castle and the new or proposed new map
20 may no longer be part of Legislative 2;
21 isn't that correct?

22 CHAIRMAN MORONEY: No. Not that I'm
23 aware of.

24 A little history: When the
25 Legislature was first formed, the very

1
2 first things that were done was to see if
3 they would create minority/majority
4 districts. Two such districts, 1 and 2
5 -- and they got the numbers 1 and 2
6 because they were the first ones that
7 were done. That's when those districts
8 were changed. It has never been changed
9 since that day, except internally to
10 balance the population and to fuse the
11 right percentages and things like that,
12 but there has never been anything, as far
13 as I know, to separate out the Westbury
14 portion of District 2.

15 MS. MIDDLETON-LEWIS: I have very
16 little access to maps. There are no maps
17 here tonight as Legislator Wink
18 indicated, to be able to understand what
19 your proposal is. Perhaps --

20 CHAIRMAN MORONEY: There is no
21 proposal. That's my point.

22 MS. MIDDLETON-LEWIS: I mean,
23 there's a possibility that exists that we
24 may no longer be part of LD2 when the
25 legislature makes its final decision,

1
2 correct?

3 COMMISSIONER BEE: If I may. At the
4 end of the day, the goal is to have 19
5 districts of approximately the same
6 population, taking into account all of
7 the legal factors that need to be
8 considered in forming those districts.
9 Therefore, if one district over the
10 course of the last ten years has gained a
11 substantial population, it may have too
12 many people and some number of people may
13 need to be redrawn into another district.
14 Some other district may have lost
15 population and some number of people may
16 need to be moved into that district by
17 the redrawing of the lines. The goal is
18 to have 19 districts of approximately the
19 same population using the criteria the
20 law has provided.

21 So you are correct, it is
22 theoretically possible that any community
23 somewhere in Nassau County may be moved
24 in terms of its district lines. To the
25 best of my knowledge, there has been zero

1
2 discussion, thus far, of moving any
3 particular community anywhere. There is
4 no proposal to move Westbury or to do
5 anything about Westbury sitting before
6 this commission.

7 MS. MIDDLETON-LEWIS: What I'm
8 asking this commission to do is that in
9 considering redrawing the lines, it
10 consider the fact that Westbury wants to
11 remain part of LD2.

12 COMMISSIONER BEE: We appreciate
13 that comment. Thank you.

14 CHAIRMAN MORONEY: Thank you very
15 much.

16 COMMISSIONER PERNICK: Ms.
17 Middleton-Lewis, one other question for
18 you. I want to make sure we understand
19 exactly the testimony. What I'm hearing
20 from you, and please tell me that this
21 makes sense to you, Westbury-New Castle
22 is a community and should not be
23 fractured into multiple different
24 districts. What we should be doing as we
25 think through this process, is we should

1
2 ensure that Westbury-New Castle are
3 contained in the same district so that
4 they don't have their voices diluted and
5 the voters in Westury-New Castle have an
6 opportunity to elect candidates of their
7 choice. Am I understanding?

8 MS. MIDDLETON-LEWIS: Exactly.
9 That's what I'm saying. What I'm also
10 saying is the failure to do that would
11 muzzle our voices. This is something we
12 do not want and this is something we
13 believe is undemocratic.

14 COMMISSIONER BEE: Thank you for
15 your comments.

16 (Applause.)

17 CHAIRMAN MORONEY: Next speaker is
18 Shelby Lewis. You're from Westbury-New
19 Castle as well I see.

20 MS. LEWIS: Hi. My name is Shelby
21 Lewis. As you mentioned, I am a resident
22 of Westbury New Castle. I am a former
23 intern District 2 Legislator Bynoe and
24 currently I am a consultant analyst for
25 the Professional Services for Essensure

1
2 (phonetic). I'm also joined here tonight
3 by other community leaders and
4 stakeholders from Westbury-New Castle.

5 We all come tonight to ask you to
6 not consider recommending any proposed
7 legislative district map that removes the
8 predominantly minority portion of the
9 Village of Westbury and all of New Castle
10 from Legislative District 2. This
11 community has been a part of LD2 since
12 the Nassau County Legislature was first
13 formed more than 25 years ago and should
14 remain fully intact within the boundaries
15 of the Second Legislative District.

16 As the Temporary Redistricting
17 Advisory Commission embarks upon this
18 tremendously important process, it is
19 vital for the process to be aligned with
20 all relevant laws to ensure an orderly
21 process. As you all are aware and have
22 acknowledged during your debates and
23 discussions certain deadlines in the
24 Nassau County Charter for completing this
25 process currently conflict with New York

1
2 State Election Laws. As a result of the
3 change to the unified June elections, the
4 period for circulating petitions for the
5 legislator election is set to begin on
6 February 28, 2023; however, the County
7 Charter requires the Legislature to adopt
8 district maps March 7, 2023 -- one week
9 before, the petitions are set to go out.
10 Left unresolved, this is a recipe for
11 confusion. As we've recently seen a
12 chaotic electoral process, it only serves
13 to disenfranchise voters and deprive them
14 of their rights as Americans to fully
15 participate in the democratic process.

16 To correct this issue, the minority
17 caucus of the Nassau County Legislature
18 has proposed to amending the Nassau
19 County Charter to remove the
20 Legislature's deadline to adopt district
21 lines two months earlier to January 9,
22 2023 and the Commission's deadline to
23 submit recommendations to the Legislature
24 to November 7, 2022. Doing so would
25 create sufficient time for a final plan

1
2 to be adopted and for the Nassau County
3 Board of Elections to prepare for
4 designating petitions.

5 I understand that several
6 individuals have stated that the
7 Commission and the Legislature have
8 ascertained the need to get maps done
9 before the deadline and that there is no
10 urgent rush to change the law, but I
11 respectfully and empathetically disagree.
12 With nothing short of fair equitable
13 representation at stake, it is my belief
14 that we must do everything that we can do
15 to protect the sanctity of this process
16 and remove any roadblocks to success that
17 we encounter along the way.

18 Thank you.

19 (Applause.)

20 MR. OPPENHEIMER: Good evening. I
21 will be brief because Commissioner Mejias
22 and Mr. Pernick have said 99% of
23 everything that's on my mind. Perhaps,
24 even 100%. Well done.

25 The transparency and the need for

1
2 the public to be able to look at and
3 study the underlying data for these
4 decisions is paramount. We are not all
5 data experts, but we at least have to
6 have the opportunity to look at it, to
7 try to understand it and to ask educated
8 questions. If we don't have the
9 underlying information, it's very hard to
10 have an informed opinion about the
11 process.

12 One of the benefits of having the
13 older information on the Nassau County
14 website is that the December 2012
15 population data is actually available on
16 that website, for each district. I don't
17 know how accurate that was at the time.
18 It certainly wouldn't be as accurate
19 today as it was then. It breaks it down
20 by ethnicity: Primarily white, black,
21 Hispanic, Asian, Hawaiian, Amerindian.
22 So not every possible ethnic group. Some
23 of the largest groups. Breaks it down by
24 non Hispanic whites, non Hispanic black,
25 18+ population. There's a lot of

1
2 information here about the process that
3 went into the prior redistricting.

4 I see that by population, it is
5 relatively close for most of the
6 districts. That doesn't in itself tell
7 me if the process was fair, and it
8 certainly doesn't tell me what that means
9 for this year and the next ten years.
10 The changes in residents in Nassau
11 County, the changes in population, as you
12 know, are significant. We should have
13 exactly the same identification
14 information from the 2020 Census. This
15 comes from the 2010 Census. The same
16 data current is available. When we are
17 talking about transparency for me, I'm
18 talking about this type of data.

19 Chairman, you mentioned the meeting
20 next week is canceled, correct?

21 CHAIRMAN MORONEY: Yes.

22 MR. OPPENHEIMER: Is that the one
23 that was to take place in Town of
24 Hempstead Town Hall?

25 CHAIRMAN MORONEY: Glen Cove.

1
2 MR. OPPENHEIMER: As far as you
3 know, the one at the Town of Hempstead is
4 still on.

5 CHAIRMAN MORONEY: Yes.

6 MR. OPPENHEIMER: Mr. Pernick, you
7 also mentioned some new State Laws and
8 Federal guidelines. There are a lot of
9 ingredients that go into this. In the
10 best of circumstances, I think you have a
11 difficult job. If you're at odds with
12 each other and not truly working
13 together, the chances go way down that
14 you're going to come up with a good
15 decision. Even in the best of
16 circumstances, you have a difficult job.
17 I recognize that.

18 My concern and question is: What's
19 the hierarchy of priorities? Is
20 population number one? Is compactness of
21 the district number one? Is it anything
22 to do with age? From what I understand
23 you can not take into account political
24 affiliations. You can't go by the
25 Democratic, Independent, and Republican

1
2 registrations. What are the ingredients.
3 What's number one; what's number two;
4 what's number three?

5 CHAIRMAN MORONEY: If I could answer
6 that question for you. The Municipal
7 Home Rule Law, I'm not sure what section
8 -- Section 34(4) says that:

9 **NYS Municipal Home Rule Law -**
10 **Article 4, §34, Subsection 4.**

11 "Reapportionment of members of its
12 local legislative body shall be subject
13 to federal and state constitutional
14 requirements and shall comply with the
15 following standards, which shall have
16 priority in the order herein set forth:

17 A. Deviation, five percent between
18 highest and lowest.

19 B. Taking into account the equal
20 opportunity of racial or language
21 minority groups to participate in the
22 political process or to diminish their
23 ability to elect representatives of their
24 choice; and

25 C. Districts shall consist of

1
2 contiguous territory; and

3 D. Districts shall be as compact in
4 form as practicable; and"

5 That's where Mr. Bee was saying
6 earlier where you may have to move people
7 from one area other. That is where the
8 word practicable comes in.

9 "E. Districts shall not discourage
10 competition or for the purpose of
11 favoring or disfavoring incumbents or
12 other particular candidates or political
13 parties. The maintenance of cores of
14 existing districts, of pre-existing
15 political subdivisions including cities,
16 villages, and towns, and of communities
17 of interest shall also be considered. To
18 the extent practicable, no villages,
19 cities or towns except those having more
20 than forty percent of a full ratio of
21 persons; and, finally,

22 F. Districts shall be formed so as
23 to promote the orderly and efficient
24 administration of elections."

25 So that's the priority, top to

1
2 bottom. That's the same that both sides
3 have to look at. They sometimes require
4 some difficult decisions as to who goes
5 where.

6 For example, there are some people
7 in different villages saying, why are you
8 taking my village away? It may be
9 necessary because of your population.
10 That's the concept. That is what the law
11 is set to do and that is the law they
12 have sworn to take (indicating right) and
13 they have sworn to take (Indicating
14 left).

15 There's also the Federal Statute.
16 Some of the new laws may or may not apply
17 to Nassau County, but the fact of the
18 matter is is that that's the guidelines.
19 That's the road map. That's what needs
20 to be done. That is why there are people
21 in Westbury that have ideas and want to
22 be kept together. It may cause
23 difficulty one way of the other. That's
24 why we are here. We want your opinions.
25 We want to know what you have to say.

1
2 Why? Because when you tell us what you
3 have to say, all of this information will
4 go to the Legislature for them to
5 consider. They are going to get
6 everything you have said here tonight is
7 going to go before them before so they
8 can make the decision. They are the
9 decision makers. We're not. We're here
10 -- they're not (referencing Commission
11 Board), I should say -- what we are here
12 to do is to get your opinions as to what
13 needs to be done from a very local
14 perspective. We have people from Port
15 Washington; they have a perspective. We
16 have people from Roslyn; they have a
17 perspective. We have people from New
18 Castle-Westbury, that have to be taken
19 into consideration. Drawing a map is one
20 of those things. It's like a balloon --
21 if you need population and you push it
22 here, something's gotta fill the void.
23 Population has to be within the 5%
24 deviation. The closer you get to the
25 deviation, the better the map is. That

1
2 doesn't mean it's better in the eyes of
3 the people. The constraints of the law
4 may cause discomfort to some people
5 depending upon how they come out of it.

6 They (indicating right) and they
7 (indicating left) are going to come up
8 with a map, or maybe not come up with a
9 map. They don't have to. What they have
10 to do is they have to exact your
11 positions on what's going on. I think
12 that's a fair statement.

13 MR. OPPENHEIMER: I have one other
14 thing. Back by popular demand. This is
15 a map of my current district
16 (indicating), District 14, Laura
17 Schaefer. According to my reading of the
18 2012 population figures, it meets that
19 requirement pretty nicely. It's within
20 .5% population wise; it's good. This is
21 not a compact district. This is not a
22 contiguous district. It is not a
23 commonality of interest. It goes from
24 New Hyde Park Road to -- I don't even
25 know where it ends. You can't drive

1
2 directly through it without crossing
3 through at least two other districts.
4 When you say you might not come up with a
5 map, you have to come up with something
6 better than this.

7 The Village of Hempstead, as other
8 people have mentioned, their communities
9 are split up. In Roslyn, it's three or
10 four districts. I believe Hempstead is
11 also three or four districts. Population
12 is a very important part of it. The
13 other factors have to be taken into
14 account. If this is what you think a
15 district should look like, then maybe you
16 guys don't have to be up there.

17 COMMISSIONER MEJIAS: Mr.
18 Oppenheimer, as the chairman said, we
19 really do appreciated you coming down and
20 sharing your opinion. I think it would
21 be better for everybody if you had a more
22 informed opinion and rather than coming
23 down here and listen to us tell you the
24 law -- which is why we asked to have all
25 of this information, all the law, the

1
2 shared files, data files, maps,
3 everything posted on the website on the
4 TDAC web page so that you can see for
5 yourself what's going on and make your
6 own determination. The public shouldn't
7 have to come down here to hear what the
8 law is. We should be telling you we
9 proposed a resolution that would do just
10 that, which was voted down.

11 The Home Rule Law -- there's a lot
12 of other legal precedence. I think Mr.
13 Pernick could probably speak to that
14 better than I could.

15 COMMISSIONER PERNICK: Sure. Mr. I
16 appreciate your question very much. You
17 had asked what laws apply to this
18 process. Our chair gave you an answer
19 and talked about the Municipal Home Rule
20 Law, which is one of many different laws
21 that apply to this process.
22 Unfortunately, that answer is incomplete.
23 It wasn't incorrect, it was incomplete.

24 We have the United States
25 Constitution which has the Equal

1
2 Protection Clause, which has a specific
3 requirement for redistricting that has
4 been found in United States Supreme Court
5 cases going back to Baker v. Carr and
6 Reynolds v. Sims in the sixties that have
7 been upheld to the present day and recent
8 cases concerning the Equal Protection
9 Clause, Evenwel v. Abbott, that govern
10 this process that require governments at
11 every level to ensure the districts have
12 roughly the same population. It tracks
13 in some way the equal population
14 requirements in State Law, but it's a
15 separate requirement and one that we need
16 to be cognizant of.

17 We also have the Federal Voting
18 Rights Act of 1962 (sic). In particular,
19 Section 2 of the Federal Voting Rights
20 Act, which was amended in 1982 and the
21 controlling Supreme Court Opinion that
22 tells us what that law means is a 1986
23 opinion, Thornburg v. Gingles and it lays
24 out a task for racial vote dilution under
25 Section 2 of the Voting Rights Act. That

1
2 law applies, 100%.

3 We are required to follow the
4 requirements under Section 2 of the
5 Voting Rights Act, which prohibits this
6 county from redrawing districts that
7 discriminate against communities of
8 color, that make it more difficult for
9 communities of color to participate in
10 the political process and elect
11 candidates of their choice.

12 The Gingles case from '86 lays out a
13 three part set of preconditions that a
14 plaintiff would need to prove to strike
15 down a map. It lays out a number of
16 other factors, referred to as the Senate
17 Factors, that we need to take into
18 account in deciding whether we are
19 obligated to draw additional
20 majority/minority districts in which
21 voters of color have an opportunity to
22 elect candidates of choice.

23 Incredibly -- and there has been
24 Section 2 litigation on Long Island.
25 There has been Section 2 litigation here

1
2 in Nassau County. It's extremely
3 important that we are cognisant of these
4 requirements and take them into account.
5 It goes far beyond the Municipal Home
6 Rule Law.

7 We are also obligated to follow a
8 new statute: The New York Voting Rights
9 Act, or the John Lewis Voting Rights Act
10 of New York which I referenced earlier,
11 which is now law and applies to Nassau
12 County 100%.

13 We are obligated to follow the
14 requirements and the prohibition on
15 racial vote dilution, which is actually a
16 more expansive standard than the standard
17 under Section 2 of the Federal Law.

18 These are significant requirements.
19 I believe our counsel e-mailed a few days
20 ago to request that all of these
21 statutes, the text of these statutes, be
22 posted on the website. I don't believe
23 they've been posted on the website. Did
24 you receive any response to the e-mail?

25 COMMISSION ATTORNEY CLINES: No.

1
2 COMMISSIONER PERNICK: No response
3 to that e-mail. We've asked that these
4 statutes, each of the ones that I
5 mentioned, to be posted on the website so
6 that members of the public can see them
7 and educate themselves about them. I
8 appreciate your question.

9 Mr. Chair, I appreciate your answer.
10 It was correct as to the Municipal Home
11 Rule Law, but there are many other
12 statutes that we need to take into
13 consideration.

14 MR. OPPENHEIMER: I appreciate that
15 clarification. It seems, and I think
16 appropriately so, that the racial
17 dilution is far more of an important
18 standard than simply meeting the
19 population. The population could be off
20 by 5% and still would be an acceptable
21 district if it met the other more
22 important standards that you referred to.

23 COMMISSIONER PERNICK: Yeah. You
24 should endeavor to follow all of those
25 standards. It's important to be aware

1
2 and think about each of those
3 requirements: The Municipal Home Rule
4 Law requirements; the requirements in
5 Federal Law; the New York Voting Rights
6 Act. I have full confidence if we work
7 together and collaborate, we can present
8 a map to the Legislature that complies
9 with all of these components.

10 MR. OPPENHEIMER: Thank you very
11 much for your time.

12 (Applause.)

13 CHAIRMAN MORONEY: Denise Thompson.

14 MS. THOMPSON: Good evening,
15 everyone. Thank you for allowing me to
16 speak.

17 My name is Denise Thompson. I am a
18 proud resident of Westbury. I am here to
19 strongly advocate to keep the
20 Westbury-New Castle community together.
21 I want this to be a part of the record.

22 The reason I'm here is because I was
23 a part of this process ten years ago and
24 Westbury was actually apportioned off to
25 Old Westbury in the initial map, but then

1
2 Westbury was put back together with
3 Legislative District 2. Westbury was
4 peeled off and proposed to be put with
5 Old Westbury. They have nothing in
6 common except the name "Westbury". It
7 clearly didn't belong there. Instead
8 what happened was -- I live west of Old
9 Country Road and the part that I live in
10 is now represented by Laura Schaefer.
11 Everything east of Post Avenue is LD2 and
12 I believe that is the way it should stay.
13 The Westbury-New Castle community should
14 remain together and it should remain with
15 LD2 which includes Lakeview, Village of
16 Hempstead and one other minority
17 community. It's a minority/majority
18 community and that's the way I believe it
19 should stay. That's what I'm asking this
20 commission to do.

21 With Westbury in LD2 we retain
22 community values, common values, and the
23 interests with similar communities of
24 color. That's what we want to retain.
25 Westbury is well served with its current

1
2 configuration and our voices are stronger
3 because we have voices of commonality.
4 People of common voices. We are speaking
5 the same language and we are saying the
6 same thing and our representation is fair
7 and strong.

8 As I mentioned, ten years ago, the
9 original proposed maps removed Westbury
10 from LD2 and placed with Old Westbury.
11 That should not have happened and I'm
12 happy new maps were proposed and approved
13 where Westbury-New Castle remained part
14 of LD2.

15 Lastly, we had a recent experience
16 with our most recent primary. The
17 congressional districts were reconfigured
18 and Westbury was a part of CD4 and is now
19 part of CD5. Something interesting
20 happened in that vote. The candidate
21 that the residents of Westbury
22 overwhelmingly selected by a 4:1 margin,
23 that candidate didn't win. I would
24 subscribe the candidate didn't win
25 because Westbury's vote was suppressed

1
2 because it was mixed in with a majority
3 voice. We are small minority community
4 among voices of the majority and our vote
5 was suppressed because we didn't have
6 that minority representation.

7 I am asking this Commission, again
8 for the record, that Westbury remain a
9 part of LD2.

10 Thank you very much.

11 (Applause.)

12 CHAIRMAN MORONEY: Bishop Harvey.

13 (Whereupon, no response.)

14 CHAIRMAN MORONEY: Cynthia Johnson.

15 MS. JOHNSON: Good evening to the
16 Commission. Thank you for allowing me to
17 speak. I must say that much of what I
18 want to say has already been covered by
19 other people from the Westbury-New Castle
20 community.

21 More transparency is what I heard
22 when I first came in. That's very
23 important. We need to keep more
24 transparency and we need to keep our
25 district cohesive the way it has been

1
2 drawn.

3 I am a former principal, principal
4 emeritus, from Malvern and I am the
5 chairperson of the Board of Education of
6 the Westbury Senior Center Board. I am
7 here tonight with other members of the
8 Westbury community.

9 We ask you not to consider
10 recommending any proposed legislative
11 district map that removes the
12 predominantly minority portion of the
13 Village of Westbury and all of New Castle
14 from Legislative District 2. This
15 community has been part of LD2 since the
16 Nassau Legislature was first formed more
17 than 25 years ago and it should remain
18 fully intact within the boundaries of the
19 Second Legislative District.

20 I'm also here to urge you to do
21 everything in your power to safeguard and
22 sanctify the integrity of the process
23 that is now in place.

24 My neighbors and I have experienced
25 firsthand how disorganized, chaotic

1
2 redistricting process inevitably made it
3 harder for citizens to participate fully
4 in their representative democracy. I am
5 speaking specifically of congressional
6 representation for the residents of
7 Westbury and New Castle.

8 Over time the lawsuits over the maps
9 have concluded and the special masters
10 finally drew the maps that were used in
11 the June primary. Many of the neighbors
12 -- well-informed people -- all were
13 profoundly confused about who was running
14 represent them in congress when they
15 arrived at the polls. Not only was this
16 process demeaning to the constituents of
17 the Westbury and New Castle community, it
18 was downright undemocratic in how it
19 suppressed the vote by frustrating people
20 and discouraging several of my neighbors
21 from voting at all.

22 Now as we begin the process of
23 redrawing our legislative maps for the
24 next ten years, which is a long time, we
25 have an opportunity to learn from the

1
2 mistakes of the recent past. I urge you
3 to take every necessary step and
4 precaution to ensure that the residents
5 of Nassau County get a better and more
6 orderly outcome than the people of New
7 Castle and Westbury did just a few months
8 ago.

9 So many of our predecessors fought
10 and died to secure and preserve the right
11 to vote. We must treat that process that
12 is now unfolding with the seriousness and
13 care that it deserves.

14 I thank you.

15 (Applause.)

16 CHAIRMAN MORONEY: Leslie Davis.

17 MS. DAVIS: Good evening, everyone.
18 I know I am going to sound redundant and
19 echo the sentiments of everybody behind
20 me that is from the Westbury-New Castle
21 area. Please, hear from our hearts.

22 This is my vice president, Robin
23 Bowling (indicating), and I am the
24 president of the Westbury-New Castle
25 NAACP. I'm a lifelong resident of the

1
2 Westbury-New Castle community, a former
3 trustee of the Westbury Board of
4 Education, and the current president of
5 the Westbury-New Castle NAACP. I am
6 joined tonight by other members, my vice
7 president, and other members of my
8 executive board of our branch.

9 We have come tonight to ask the
10 Commission to not consider recommending
11 to the Legislature any map of Nassau's
12 legislative districts that removes the
13 predominantly minority portion of the
14 Village of Westbury and all of New Castle
15 from Legislative District 2. This
16 community has been a part of Legislative
17 District 2 since the Nassau Legislature
18 was first formed more than 25 years ago.
19 We are concerned that consideration may
20 be given to removing us from Legislative
21 District 2 because there was an attempt
22 to do that in the last redistricting ten
23 years ago. Swift and negative reaction
24 from the community force the option from
25 given further consideration and the

1
2 proposed map was withdrawn. We are
3 acting preemptively now, rather than
4 waiting for a new, perhaps offensive, map
5 to be drawn and having to then bring
6 awareness to our concerns after the fact.

7 When the initial legislative
8 districts were established in 1996, it
9 was recognized that Westbury-New Castle
10 had more in common with the communities
11 of color to the south; such as,
12 Hempstead, Lakeview, Uniondale,
13 Roosevelt, and Freeport, with the
14 predominantly white communities on its
15 borders; such as Jericho, Hicksville, and
16 Old Westbury.

17 The communities of color share
18 familiar bonds that extend across
19 geographic boundaries. They attend the
20 same places of worship. They have
21 similar social economic backgrounds and
22 share similar social values and political
23 interests.

24 Finally, they share similar problems
25 and concerns which can best be addressed

1
2 by being joined together with other
3 communities of color in one district
4 represented by one legislator who has
5 personal knowledge of many or may share
6 the same problems and concerns.

7 By chiseling off Westbury-New Castle
8 from this historic inclusion from
9 Legislative District 2 and placing it
10 with communities that with it shares
11 limited political interests, social
12 values, and commonalities or real life
13 experiences, would be a disservice to its
14 residents. Further placing Westbury-New
15 Castle community into a majority district
16 would dilute the ability of the
17 predominantly black and brown community
18 to elect a representative of its choice
19 and would do a disservice to the voting
20 process.

21 Westbury-New Castle has been well
22 served by the inclusion of Legislative
23 District 2, and we pray that it remains
24 that way.

25 We thank you for your consideration.

1
2 (Applause.)

3 CHAIRMAN MORONEY: Thank you for
4 your testimony.

5 Kevin McKenna.

6 MR. MCKENNA: Kevin McKenna. I want
7 to give you -- I'm going to try to talk
8 real light.

9 I heard you say a little while ago
10 that you might not redraw, redistrict. I
11 want to give you a real example of why
12 you might think twice about that. I'm
13 going to talk about Hicksville.

14 A couple of people before me spoke
15 about Laura Schaefer's district. I think
16 the gentleman showed you a squiggly map
17 Hicksville, right now, in case you don't
18 know, has three legislators. Two of them
19 are Republican and one of them is a
20 Democrat.

21 Hicksville since ten years ago has
22 changed dramatically; population,
23 ethnicity, so on and so forth. There is
24 a major rat problem; rats, you know,
25 those animals with the tails. There is

1
2 also a rat problem across Nassau County.
3 When Legislator Walker, one of the
4 Republican Legislators, was at a
5 community meeting a few months ago, she
6 heard the residents load and clear about
7 the rat problem in Hicksville. Simply
8 because the Town of Oyster Bay doesn't
9 enforce town code in Hicksville.
10 Legislative Walker told everybody at the
11 community meeting that Nassau County lost
12 their funding that goes to the Department
13 of Health to help prevent the rat
14 problem. Legislator Walker said she was
15 going to do what she could, and she did.
16 She worked with Legislator Ferretti. I
17 just found out a couple of weeks ago that
18 Legislator Walker announced a program.
19 She put together a flyer that I guess was
20 paid for by Nassau County. That flyer
21 about the rat preventative program that
22 Legislator Walker spearheaded, that flyer
23 only went out to Legislator Walker's
24 constituents in one part of Hicksville.
25 The other two legislators in the same

1
2 town knew nothing, and still knows
3 nothing, about the program that Nassau
4 County -- or Legislator Walker says
5 Nassau County -- announced. That's a
6 whole 'nother (sic) story. I'm not going
7 to get into that. The program she
8 announced really doesn't even exist, but
9 that's marketing. All smoke and mirrors.

10 But that's a real example of how
11 three districts in one -- not even a one
12 mile circumference affects the residents.

13 I'm going to give you one other in
14 Hicksville. There is the Broadway Mall.
15 The examples I'm giving you are real life
16 examples that might apply to other
17 hamlets all over Nassau County, but I'm
18 most familiar with Hicksville; I live in
19 Syosset. The Broadway Mall happens to
20 have a Second Precinct or maybe Eighth
21 Precinct Nassau County Police Department
22 satellite office. The democratic
23 legislator who likes to promote himself,
24 I won't mention any names, he announces
25 -- and he announces it only on his

1
2 Facebook page even though he says he
3 works across the aisle with the other two
4 legislators in the same area, he
5 announces a come to the -- this is only
6 three weeks ago -- he announces a "Come
7 meet the Nassau County Department", bring
8 your kids and they can touch the fire
9 trucks and they can touch the police
10 cars, and plus, we are going to give you
11 free school supplies. The Broadway Mall
12 merchants are going to give free school
13 supplies. Only his constituents in
14 Hicksville. Only the kids in his
15 district were able to come and touch the
16 fire trucks and touch the police cars and
17 get the free school supplies. I strongly
18 encourage you to seriously think twice
19 about that statement, because I really
20 believe, Mr. Chairman, on this side
21 (indicating) you don't want to redraw the
22 districts.

23 In closing -- and I thank you for
24 not cutting me off; I'm used to be cut
25 off -- I listened a lot to the -- or have

1
2 heard a lot -- Chairman Mejias say that
3 these guys didn't do this and didn't do
4 that. The fact of the matter is, I'm
5 probably the only person -- I'm
6 broadcasting this right now on Nassau
7 County, NY News, live -- for the past two
8 weeks. I am the only person, only
9 person, that right now has put up a post
10 for my 16,000 followers in Nassau County
11 that follow my page, and I get 40,000
12 views a month on my page -- I'm the only
13 person that has put up a meeting that I
14 was able to get thankfully from the Clerk
15 of the Nassau County Legislature or his
16 assistant. I'm the only person that has
17 posted that for the public to see the
18 dates with the addresses. I guarantee
19 you tonight -- and you should check. How
20 many people tonight went to 1550 Franklin
21 Avenue for this meeting? Because when
22 you go on the Nassau County Legislature
23 website, I don't care what you say. You
24 can show me as many maps as you want up
25 there, Mr. Chairman, the addresses of the

1
2 meetings between now and the last meeting
3 you announced on October 3rd, the
4 addresses are not on the Nassau County
5 Legislature website. I am the only
6 person who has made the public aware of
7 that.

8 What I don't understand is that, Mr.
9 Mejias, rather than -- they're never
10 gonna do it. They're never gonna do it.
11 All the great suggestions that you have,
12 they're never gonna do it. What is
13 stopping you from getting your democratic
14 legislators from announcing on their
15 Facebook pages what the main leg (sic) is
16 not doing. There are some democratic
17 legislators that are doing it now,
18 because I've called them and asked them
19 to do it. But why aren't all the
20 democratic legislators doing what you
21 want them to do? I don't get it. Not
22 one republican legislator, not one, has
23 told their constituents about the
24 importance of these meetings, the times,
25 the date, so on and so forth.

1
2 I ask you, what's stopping you from
3 doing? Don't you have the same authority
4 with the Nassau County person who posts
5 on the website. In other words, I know
6 the Clerk of the Legislature is I guess
7 where it gets posted. Who is the IT
8 person that is told to do this? Don't
9 you have the same authority as the
10 chairman to tell that IT person that I
11 want this posted?

12 COMMISSIONER MEJIAS: I would love
13 to. We submitted a public notice to the
14 Clerk's Office, which was never published
15 or never stamped in. We've tried to do
16 that. Unfortunately, the Clerk of the
17 Legislature controls the website and
18 what's posted on the website. We can
19 only do what we can do, which is follow
20 the law, follow the procedure. When we
21 want a public notice published, we submit
22 it to the Clerk's Office. We did that.
23 It wasn't even time stamped in. We didn't
24 get a stamped copy and it was never
25 published.

1
2 MR. MCKENNA: Is the clerk, Mr.
3 Pulitzer, is he requesting to an IT
4 person? I know this gentleman here. I
5 gotta believe he is trying to have it
6 posted. Is there somebody -- I'm sure he
7 is not the IT guy that goes on the
8 computer and posts it.

9 COMMISSIONER MEJIAS: Do you think
10 Mr. Pulitzer is incapable of coding?

11 MR. MCKENNA: No. I'm saying he's
12 not the person who does the technical
13 part. Is he requesting, please put these
14 dates and times up with the addresses and
15 are they not listening to him? I'd like
16 to know the answer to that question.

17 COMMISSIONER MEJIAS: We are doing
18 the best that we can to try and get as
19 many people notice of this meetings.
20 We're the ones posting everywhere and
21 trying to call the community members.
22 The public notices -- there are none on
23 the County website. As far as we're
24 concerned --

25 MR. MCKENNA: Why not -- your side,

1
2 why not create your own? A redistricting
3 website. Why can't you create your own
4 website?

5 COMMISSIONER MEJIAS: We don't have
6 that capacity, the ability or the
7 authority --

8 MR. MCKENNA: Well, you have someone
9 sitting over there to the right. You
10 have Rachel Whitmore over there to the
11 right who has the technical capability.
12 Why don't you have her put up a website?

13 COMMISSIONER MEJIAS: You asked a
14 question. Let me answer it.

15 MR. MCKENNA: I just want to say --

16 COMMISSIONER MEJIAS: I'm just
17 saying we don't have the ability to post
18 it on the County website. And the public
19 should not be going to ten different
20 places to figure out what is happening
21 with redistricting. The whole goal of
22 having one central place that everybody
23 can go to where all these laws are
24 posted. Maybe we should even post links
25 to the Supreme Court of New York State

1
2 Decisions as well so the public can read
3 that themselves. The whole goal is to
4 have one place where the entire county
5 can go to get all the information they
6 want about redistricting and where these
7 meetings are. It makes no sense to have
8 people drive to multiple locations to
9 figure out what's going on in the County.
10 The whole purpose of the County spending
11 your tax dollars to have this website is
12 to do exactly that. It's not up to the
13 public to spend their own money and their
14 own time to do the job that the
15 government we are paying for should be
16 doing.

17 MR. MCKENNA: I ask your co-chairman
18 to the right, does it bother you, Mr.
19 Chairman, that you do not have the
20 addresses of the meetings between now not
21 on the web; does that bother you?

22 CHAIRMAN MORONEY: Actually, if you
23 would have taken the paper that I gave to
24 one of the ladies --

25 MR. MCKENNA: Sir, before I walked

1
2 in the room, I went on the website.
3 There are no addresses on the Nassau
4 County website. They're not there. You
5 could keep making that statement over and
6 over. You can have me look at a piece of
7 paper. I'm not looking at a piece of
8 paper. I know they're not on the
9 website. Thank you very much. Thank you
10 for the time.

11 (Whereupon, Mr. McKenna
12 walks out of the room.)

13 CHAIRMAN MORONEY: They are on the
14 website. Mr. McKenna, if you go on the
15 --

16 MR. MCKENNA: Thank you very much.

17 CHAIRMAN MORONEY: Okay. Our final
18 speaker.

19 Rory Lansman.

20 MR. LANSMAN: Good evening,
21 everyone.

22 Back in 2011 in the State Assembly
23 during the last redistricting, I was
24 summoned to a meeting with the powers
25 that be and given a map of my assembly

1
2 district and its surrounding
3 neighborhoods. I was given a pencil and
4 told to draw three things on the map:
5 Those areas that I wanted to keep, those
6 areas that I'd like to add, and those
7 areas that I'd like to get rid of.

8 Basically, the Assembly Democrats
9 drew the assembly lines. The Senate
10 Republicans drew the senate lines. Since
11 they couldn't agree on the congressional
12 lines, those were drawn by a Federal
13 court appointed special master.

14 In response to that farce,
15 politicians picking their voters instead
16 of voters picking their politicians, in
17 2012 we passed the first step of a
18 constitutional amendment which was
19 ultimately approved by the voters in 2014
20 establishing an independent redistricting
21 commission. It imposed substance and
22 standards which last year the Legislature
23 also imposed on local redistricting, and
24 it mandated a robust public input process
25 through well-publicized and timely

1
2 hearings.

3 I'm here tonight to say that this
4 Commission's hearing and public input
5 process is not what it should be. First,
6 on the issue of public information, at
7 least as of three o'clock this afternoon,
8 the hearing schedule is not on the
9 Commission's website and the County
10 website had the wrong time for tonight's
11 meeting.

12 The Commission's web page has links
13 to view the "most recent agenda" and "all
14 agendas and minutes". The only items
15 available are from the 2013 Commission.
16 Even though this year's Commission -- you
17 all -- have met and considered and voted
18 against several resolutions seeking to
19 open the process. It lacks links to the
20 governing statutes, charter provisions,
21 and Constitutional sections controlling
22 this process so that people can
23 understand the backdrop and foundation
24 for what this process is about. It lists
25 the commissioners by name, but it

1
2 provides not biographical or
3 p4rofessional information. It even lacks
4 links to current maps and census data for
5 voters to easily see where the Commission
6 is starting from. All of these things
7 are standard features on redistricting
8 commission websites, including the
9 State's website last year and the New
10 York City Council's website as it goes
11 through redistricting this year.

12 On the issue of public input, if I
13 understand the schedule put out by the
14 majority, the Commission is not going to
15 hold public hearings for the public to
16 comment on its proposed maps, but rather
17 will transmit them immediately, or almost
18 immediately, to the Legislature. That is
19 not defensible. There needs to be
20 another round of hearings. Not just a
21 separation of time, as I think the Chair
22 indicated there would be, but another
23 round of hearings for the public to
24 comment on the maps that you propose
25 before you finalize them and transmit

1
2 them to the Legislature.

3 Finally, on the issue of public
4 access, there just aren't enough
5 hearings. Especially in communities of
6 color and poorer communities. I don't
7 need to tell you how difficult mass
8 transit is in Nassau County. You need to
9 have hearings close to where people live
10 so they can find the time to testify.
11 You need to have a virtual hearing for
12 people who have difficulty attending a
13 live hearing early in the evening.

14 I urge you to address these issues.
15 We all have our partisans reasons, myself
16 as well, but an open and transparent
17 process makes for good government, good
18 results, and especially for results that
19 wont get overturned by a court.

20 I am confident that no member of
21 this Commission wants to spend the time
22 and effort that you are spending as
23 volunteers only to have it all end up
24 being redrawn by a special master and all
25 of your hard work done for nothing.

1
2 (Applause.)

3 CHAIRMAN MORONEY: The next meeting
4 will be on September 22 (sic), Wednesday,
5 at six o'clock, at Hempstead Town Hall at
6 One Washington Street, Hempstead, New
7 York -- September 21st.

8 MS. GOTTEHRER: Can I ask a
9 question?

10 CHAIRMAN MORONEY: Let me make a
11 correction. It's Wednesday, September
12 21st, at 6:00 p.m. in Hempstead Town
13 Hall.

14 MS. GOTTEHRER: I just have a
15 question about some process that I heard.
16 Mr. McKenna was asking about giving
17 things to the County Clerk and then
18 asking for them to be put on the website;
19 is that the process? You can ask the
20 County Clerk to put things on the website
21 and then do you get confirmed for you
22 that it's going on the website?

23 COMMISSIONER MEJIAS: As a
24 commissioner, we asked for a public
25 notice to be sent out.

1

MS. GOTTEHRER: Uh-huh.

2

3

COMMISSIONER MEJIAS: And it was
not.

4

5

MS. GOTTEHRER: And so does that
happen a lot?

6

7

COMMISSIONER MEJIAS: No. I don't
know that it's ever happened.

8

9

MS. GOTTEHRER: Okay. I just wanted
to find out about the process and wonder
if it's happening quite a bit and what
can you do about it, if it is?

10

11

12

13

COMMISSIONER MEJIAS: We can have a
vote. What we can do is proposed
resolutions to the Commission and have a
vote on it. I think you were at the last
meeting where a lot of the suggestions
and other people's suggestions were
actually in our resolutions -- a virtual
hearing, there was a litany of
resolutions. We asked for the
resolutions to be posted and we had a
vote of the resolutions.

14

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MS. GOTTEHRER: I'm just worried
between the connection between can you

1
2 post this and then something not getting
3 posted.

4 CHAIRMAN MORONEY: Okay. Any other
5 business?

6 (Whereupon, no verbal
7 response.)

8 CHAIRMAN MORONEY: We are adjourned
9 until the 21st.

10 COMMISSIONER PERNICK: I will motion
11 to adjourn.

12 COMMISSIONER KASSCHAU: Second.

13 COMMISSIONER BEE: Motion to adjourn
14 does not require a second. All those in
15 favor signify by saying, Aye.

16 (Whereupon, all Commission
17 members respond in favor with,
18 Aye.)

19 COMMISSIONER BEE: The "ayes" have
20 it unanimously.

21 (Whereupon, the above matter
22 is adjourned, 8:02 p.m.)
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of September, 2022.

Karen Lorenzo

KAREN LORENZO

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