

1
2 **NASSAU COUNTY LEGISLATURE**

3 **FULL LEGISLATURE MEETING**

4 *****

5 RICHARD NICOLELLO, PRESIDING OFFICER

6 *****

7 BUDGET

8 ***

9 DISTRICT ATTORNEY'S OFFICE

10 COMPTROLLER'S OFFICE

11 DEPARTMENT OF HUMAN SERVICES

12 DEPARTMENT OF CONSUMER AFFAIRS

13 DEPARTMENT OF ASSESSMENT

14 DEPARTMENT OF HEALTH

15 DEPARTMENT OF INFORMATION TECHNOLOGY

16 DEPARTMENT OF SOCIAL SERVICES

17 OFFICE OF EMERGENCY MANAGEMENT

18 DEPARTMENT OF PARKS, RECREATION & MUSEUMS

19 *****

20 **County Executive and Legislative Building**

21 **1550 Franklin Avenue**

22 **Mineola, New York**

23 *****2 of 2*****

24 Thursday, October 12, 2022 10:18 a.m.

25 TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

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LEGISLATOR RICHARD J. NICOLELO
PRESIDING OFFICER
9TH Legislative District

LEGISLATOR HOWARD KOPEL
Deputy Presiding Officer
7th Legislative District

LEGISLATOR DENISE FORD
Alternate Presiding Officer
4th Legislative District

LEGISLATOR KEVAN ABRAHAMS
Minority Leader
1st Legislative District

LEGISLATOR SIELA BYNOE
2nd Legislative District

LEGISLATOR CARRIE SOLAGES (ABSENT)
3rd Legislative District

LEGISLATOR DEBRA MULE
5th Legislative District

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LEGISLATOR C. WILLIAM GAYLOR, III

6th Legislative District

LEGISLATOR JOHN J. GIUFFRE

8th Legislative District

LEGISLATOR MAZI MELESA PILIP

10th Legislative District

LEGISLATOR DELIA DERIGGI-WHITTON

11th Legislative District

LEGISLATOR JAMES KENNEDY

12th Legislative District

LEGISLATOR THOMAS MCKEVITT

13th Legislative District

LEGISLATOR LAURA SCHAEFER

14th Legislative District

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LEGISLATOR JOHN FERRETTI, JR.

15th Legislative District

LEGISLATOR ARNOLD W. DRUCKER

16th Legislative District

LEGISLATOR ROSE MARIE WALKER

17th Legislative District

LEGISLATOR JOSHUA LAFAZAN

18th Legislative District

LEGISLATOR STEVEN RHOADS

19th Legislative District

MICHAEL PULITZER

Clerk of the Legislature

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

PUBLIC COMMENT:

TOM BRUNO

ELIZABETH SMOLLER

MICHELE BARONE

CASEY FORDHAM

TONILYN HANZICK

ADRIENNE LOPRESTI

CLAUDIA BOYLE

DISTRICT ATTORNEY'S OFFICE, BRIAN LEE

COMPTROLLER'S OFFICE, ELAINE PHILLIPS

DEPARTMENT OF HUMAN SERVICES, JILL NEVIN

DEPARTMENT OF CONSUMER AFFAIRS, JOHN CAPECE

DEPARTMENT OF ASSESSMENT, MATTHEW CRONIN

DEPARTMENT OF HEALTH DR. GELMAN

DEPARTMENT OF INFORMATION TECH, NANCY STANTON

DEPARTMENT OF SOCIAL SERVICES, NANCY NUNZIATA

DEPARTMENT OF EMERGENCY MANAGEMENT, R. CORBETT

DEPARTMENT OF PARKS, REC, MUSEUM, DARCY BELYEA

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PRESIDING OFFICER NICOLELLO: All right, call hearing to order and ask Legislator Colonel Gaylor to lead us in the Pledge.

(Whereupon, the Pledge of Allegiance is recited.)

PRESIDING OFFICER NICOLELLO: We have a number of slips for public comment that we call those slips right now at the beginning of the hearing, starting with Tom Bruno.

MR. BRUNO: Good morning everybody, I'm going to keep it brief because we do have other people who want to speak and I'm sure you're all very tired of seeing my face here every meeting.

Again we're very grateful for the increase that is in the County Executive's budget. We're hoping, through your efforts, that you'll be able to increase that just a bit. Our young people, as you are well aware, have been suffering since the pandemic. The youth

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2 programs in Nassau County have been
3 meeting the needs of these young people
4 for the past three years and we will
5 continue to meet those needs, whatever
6 has to be done. So, please, anything that
7 you could do to increase that budget
8 line. The youth of this county will be so
9 appreciative. This is our future that
10 we're talking about. These are the people
11 who one day, hopefully, will be sitting
12 in your seats. So please, anything that
13 you can do to put money back into that
14 budget will be greatly appreciated.

15 PRESIDING OFFICER NICOLELLO: Thank
16 you for your time. Elizabeth Smoller.

17 MS. SMOLLER: Hi, my name is
18 Elizabeth Smoller, and I'm a licensed
19 master of social work. I work as a
20 therapist at YES Community Counseling
21 Center in their Youth and Services and
22 Family Services Division. Thank you to
23 everyone who is here this morning and
24 providing us with space to share our
25 stories.

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2 If it's all right with every one,
3 I'm going to tell you a little bit about
4 myself. I was born and raised in
5 Massapequa, graduated, then moved across
6 the country and travelled the world
7 during my studies. But when it came time
8 to settle and choose a career, I chose to
9 come home. I chose to be a therapist in
10 the community. That has meant so much to
11 me, and let me tell you what I mean by
12 that.

13 When I was 18 I was suffering with
14 severe depression and for those of you
15 who don't know, two symptoms of this
16 include suicidality and self-harm. I was
17 terrified, my parents were terrified, but
18 my parents called up YES Community
19 Counseling Center, a place they knew
20 intimately and trusted because of the
21 immense presence this agency has in our
22 town. They called up and I was
23 immediately brought in for services. I
24 was connected with mental healthcare.
25 That literally saved my life. I was able

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2 to get into services so quickly because
3 the resources were there, accessible and
4 the affordable treatment were right in my
5 community.

6 Now I am the therapist. I am the one
7 who is fortunate enough to see people's
8 lives transformed because of the work
9 that myself and my colleagues provide,
10 and I am so incredibly blessed and
11 grateful to be in this position.

12 But the truth is, our caseloads are
13 bursting at the seams, our staff is
14 diminishing, our health is declining
15 because we are burning out, we are unable
16 to take care of ourselves and our own
17 families because we cannot afford to live
18 in the community that we are so
19 passionate about serving. I have to sit
20 on the phone and listen to a parent cry
21 over their child's mental health, begging
22 for services. And though, at our agency
23 we do everything we can to support them,
24 we ultimately have to turn people away
25 from our doors because we don't have

1
2 enough staff to help them. There is no
3 pain like wanting to help someone,
4 knowing we can help someone and being
5 helpless to do anything about it. And
6 when this happens, I think about my mom.
7 She would have gone to the ends of the
8 earth to make sure I got the help I
9 needed. Luckily, she didn't have to fight
10 that battle because the services we
11 needed were accessible to us.

12 My mom died of cancer three years
13 ago. She was a social worker and a fierce
14 advocate, and so now I am embodying her
15 spirit and carrying on her legacy when I
16 implore you to invest in the mental
17 healthcare in this community. I know how
18 much you all care about our community.
19 And if we want change that will last for
20 generations, our community needs access
21 to mental healthcare, but there is no
22 mental healthcare if there are no mental
23 healthcare workers. We need to work
24 together, all of us, but ultimately it is
25 you, our town and county legislators, who

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2 have the most power right now. You have
3 the power to make change, use that power
4 and save lives. Thank you.

5 PRESIDING OFFICER NICOLELLO: Thank
6 you. Michele Barone.

7 MR. BARONE: Hello, my name's
8 Michele Barone. I'm a licensed clinical
9 social worker. YES Community Counseling
10 Center. I've been in the field for five
11 years and I appreciate this opportunity
12 to help you all understand what we do is
13 social workers and why as much as we love
14 our work, we have to, unfortunately,
15 question our career choices.

16 I want to start by highlighting how
17 great the need is for mental health
18 support services and how we constantly
19 see how families and children who are not
20 getting the correct support continue to
21 have limited functioning with
22 relationships. They're struggling
23 academically, emotionally, and physically
24 due to the untreated mental health
25 symptoms and how what we do within our

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2 field isn't Band-aid work. We incorporate
3 healing that gets the solutions that will
4 impact our clients overall functioning,
5 which, in return, then, these children,
6 who were once incapable of making it
7 through a school year, can contribute to
8 society and adulthood. However, it's been
9 horrifying how many clinicians we
10 continue to lose due to not being
11 accurately compensated for the important
12 work that we do.

13 Burnout is a real issue, especially
14 when most of us have to work two jobs, to
15 even remotely, support ourselves and live
16 on long island. Meanwhile, all of us have
17 master degrees and most of us have
18 additional licenses as well. The work we
19 do is crucial. We see how strong the need
20 is when parents call to inquire about
21 services so desperately for their child
22 who is not functioning anymore, but we
23 have to turn them away because we're
24 short staffed. At times, it is life or
25 death work and it's devastating for me to

1
2 have to consider leaving a field I'm so
3 passionate about.

4 I'm seven months pregnant. Planning
5 for a growing family now and I have to
6 consider leaving this amazing nonprofit
7 that I work for because I have to fear
8 not being able to support my baby. I may
9 have to go get a different job and most
10 likely will only require a bachelor's
11 degree. Most likely will pay double what
12 we get compensated for, and I'm not
13 passionate about just make it affordable
14 income and stay on Long Island. The
15 infuriating part is that I would then
16 feel like I'm not living and fulfilling
17 life or I wouldn't be contributing my
18 skills that I was trained in because what
19 I've put so much money, time, and effort
20 into, doesn't result in adequate
21 compensation. It's impossible to live in
22 Long Island with the salary we make. It's
23 just not enough. We as social workers and
24 therapists are not recognized for the
25 imperative work that we do and that work

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2 at times really does save lives.

3 Thank you for giving me this space
4 to share.

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6 PRESIDING OFFICER NICOLELLO: Thank
7 you, Michele. Casey Fordham.

8 MS. FORDHAM: Good morning. I'm
9 Fordham. I also work at YES Community
10 Counseling Center and I'm a licensed
11 master social worker. I am a therapist
12 at the agency, but my role also includes
13 connecting families to resource sorry
14 resources in the community. However, this
15 task has become more and more difficult,
16 even impossible at times. Youth and
17 families are suffering due to the lack of
18 resources that are available to them, and
19 this is a public health crisis.

20 Families are calling us for help to
21 help their children and we have to tell
22 them we can't help them and that there
23 are no solutions for them. Just yesterday
24 a parent called me distraught in tears,
25 telling me, my child is severely

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2 depressed, she won't get out of bed, I
3 don't know what to do and I can't find
4 help for her. Another parent called
5 saying their child's anxiety is so severe
6 that they're having panic attacks daily
7 before going to school. Another parent
8 has called me saying that their child
9 told them I don't want to live any more.

10 We are seeing an increase of
11 anxiety, suicidal ideation and attempts,
12 self-harm, depression, social anxiety,
13 school refusal, eating disorders, and
14 these are from children as young as
15 elementary school aged. What this is what
16 I have to hear every day, and I know
17 there's a long road ahead of them before
18 they're connected to any form of
19 counseling. Let me explain how a typical
20 call goes. A parent will call me begging
21 for help when their child is making
22 suicidal statements or attempts, and
23 often in these situations, the best that
24 we can do is send them to the for an
25 evaluation, because we don't have the

1
2 means to meet their needs, and if we did,
3 we know we would have the power to help
4 them. The next day I'll get a call from
5 the same exact parent, sharing that they
6 went to the ER and were released with a
7 list of referrals and our name was on
8 that list. It's just a revolving door.
9 These aren't solutions for these
10 families. It's only creating more
11 problems and more drama for these
12 families in our community.

13 The problem is that social workers
14 and other mental health professionals in
15 the not for profit sector are not being
16 compensated for their work, so they're
17 not staying at our agencies. We have been
18 on the front lines, serving the community
19 through the pandemic, but we are
20 forgotten about. We do not have the
21 luxury to turn a blind eye to this
22 program. This is our reality. Every
23 single day we need more compensation to
24 be able to serve the community, to serve
25 our children, who are our future. We are

1
2 letting our children down, and if this
3 problem is not resolved, the effects of
4 this will continue into their adulthood.
5 You have the power to make meaningful
6 change in the community. Please support
7 us so we can continue to support the
8 youth and family in our community. Thank
9 you so much for your time.

10 PRESIDING OFFICER NICOLELLO:

11 Tonilyn Hanzick.

12 MS. HANZICK: Good morning and thank
13 you for giving me this opportunity to
14 share. My name is Tonilyn Hanzick, and I
15 too am part of the staff at YES Community
16 Counseling Center. I've been here for 19
17 years at the agency. I work as a New
18 York state licensed social worker. I work
19 with families individually and in group
20 and in my office with the whole entire
21 family unit. I absolutely love what I do.
22 It is my purpose to see families and
23 support families through the ups and
24 downs of this life. The families I work
25 with are your constituents. They are the

1
2 ones that vote and put you all in office.
3 And they are hoping that you will help
4 them and their communities. I have worked
5 with hundreds and hundreds of these
6 families. We are your essential frontline
7 workers. I have been with the agency
8 working through 9/11, Super Storm Sandy,
9 and now COVID, and I have never seen
10 anything like this. The need is
11 tremendous. Our children are suffering.
12 I cannot believe what comes into my
13 office and the degree of support and help
14 and psychiatric needs and help. The
15 medications that are needed for small
16 young children. I also spent 16 years on
17 the elementary level in Massapequa
18 helping families.

19 Our agency is underfunded and
20 understaffed. In the past two years we
21 have lost so many young, qualified,
22 skilled workers to the private sector.
23 It's impossible to compete. Gone are the
24 days of endless resumes.

25 Help us to continue to do the work

1
2 that we do. Recognize the work that we
3 do and that we are needed to continue to
4 do for our families.

5 History has shown us what we ignore,
6 it doesn't go away. It will get worse,
7 and right now it's as bad as it gets.

8 Thank you for your time and thank
9 you for this opportunity.

10 PRESIDING OFFICER NICOLELLO: Thank
11 you, Adrienne Lopresti.

12 MS. LOPRESTI: Thank you very much.
13 I'm the director at YES Community
14 Counseling Center and have been working
15 in the youth service sector for the past
16 25 years. We know we've been fighting
17 this fight for ever since I've been
18 around, but it feels different now. We've
19 always felt like we can overcome whatever
20 was thrown at us, but now we're not so
21 sure. Really not having any significant
22 or more substantial increases feels like
23 a cut, essentially. Our organizations
24 are faced with exorbitant increases, as
25 you're all aware, in the costs of

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2 healthcare for our staff, liability
3 insurance, supplies, building
4 maintenance. All of those things where
5 we just don't have the bandwidth to
6 absorb these costs in addition to
7 absorbing the additional requests for
8 services at the same time.

9 In the past six months we've taken
10 in 91 additional families, but we were
11 not able to help 71 other families that
12 came through our doors, which is really
13 heartbreaking. Last year, when the County
14 asked us to, along with all the other
15 organizations here, to mobilize
16 individuals for the food distributions
17 during the apex of the of the pandemic,
18 we were asked to come up with 90 people
19 to go out during the apex of the pandemic
20 and we did that. All within a week's
21 time we figured out how to do that. But I
22 can't ask for my staff to take care of
23 other people when nobody is taking care
24 of them, and the community needs us.

25 In the past six months, it's just

1
2 been horrific. We had a mother call us
3 the other day and say what happens?
4 What's going to happen to my daughter?
5 What happens to these children? And I
6 assured her that they get the help that
7 they need. But for the first time ever
8 when I said that, I wasn't so sure that I
9 meant that. We are here to help and
10 we've always told the community that
11 we're here, but I don't know that we can
12 anymore. We cannot absorb the amounts of
13 requests that are coming in with the
14 funding that we have. And this just
15 isn't for our organization, it's the
16 entire system of care for Youth Services.
17 We are an arm of the health system.

18 We are of the prevention -- first
19 first step in the process to avoid
20 hospitalizations, incarcerations,
21 violence, all the things that our county
22 you know prides itself on.

23 Please help us do better than we're
24 doing right now. Thank you.

25 PRESIDING OFFICER NICOLELLO: Thank

1
2 you, Claudia Boyle.

3 MS. BOYLE: Good morning. Thank you
4 for having me. I'm going to be brief and
5 short the same way I was last time. I
6 want to thank you for being here, but I
7 also want to remind you that everything
8 that we've spoken about, mental health
9 issues, substance abuse issues -- You
10 know the head is the boss of our body. We
11 don't blink if the head doesn't give you
12 that command; we don't walk if the head
13 doesn't give you that command. When your
14 head is not working right, when you have
15 issues that are interfering with the way
16 you feel, with your depression, with your
17 anxiety, you're not able to function. But
18 as a youth serving agency, we also have
19 mental health and we also have substance
20 abuse. And, yes, there is a limit to what
21 we can do, but the reality is I want to
22 tell you what I told you last time. We
23 can prevent this. There is prevention in
24 everything. There is prevention in
25 cancer, there is prevention in diabetes,

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there is prevention in every other aspect of our lives, and if we intervene early, we're able to prevent something from happening and getting worse, right? That's all we're asking for. If you look at our youth, our youth need help and we don't have enough resources to help them, and it only takes one person. It only takes one person to believe in the youth and to be there for them to be able to change their life. But we can't do that if we can't be there for them without the proper funding. So please just consider that. Look at the line.

Thank you for the increase, because I do know that there was a small increase, but we need more. We need your help, we need your support and we need that to be permanent, to be a stream that is permanent for our kids. Please think about your own kids. Thankfully they don't need it right now. But all of our kids out there are the ones that are newly arrived people who have kids, who

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have nowhere to go. They come to our
centers, they come and receive services
from our centers. So please think about
that when you're thinking about the
budget. It's not only numbers, it's
lives that you're impacting. So thank you
very much.

PRESIDING OFFICER NICOLELLO: Thank
you.

Thank you to all of our speakers.

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2 PRESIDING OFFICER NICOLELLO:

3 We will be going through the
4 departments. I don't now there's an
5 agenda available for the public, but
6 we'll make one available.

7 The first department we're going to
8 start with is County District Attorney,
9 Brian Lee. Then we have Human Services,
10 followed by Consumer Affairs, Assessment,
11 Health, Social Services, Emergency
12 Management, and Parks, and at some point
13 the Comptroller will be here and we'll
14 have her jump in when the next
15 department.

16 MR. LEE: Thank you, Presiding
17 Officer. Good morning, legislators. My
18 name is Brian Lee. I'm an Executive ADA
19 for Administration at the Nassau County
20 District Attorney's Office.

21 Thank you for this opportunity to
22 present the 2023 budget for the District
23 Attorney's Office. The proposed 2023
24 budget for the DA's Office represents a
25 very nominal increase from the 2022

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2 budget. It is required for effective
3 operation of the office and what we're
4 proposing is fiscally responsible under
5 the circumstances.

6 If you break down the proposed
7 budget, you will see that the difference
8 is \$1.8 million, 1.4 of which is beyond
9 the DA's control because they are
10 attributable to terminal pay from the
11 resignations that we've had this year, in
12 addition to funding for labor
13 negotiations such as retro and current
14 pay for CSEA and IPBA employees.

15 One thing that may have jumped out
16 in reviewing the budget is the number of
17 head count, the increase that we're
18 asking for. But in looking at the numbers
19 itself again, it doesn't really represent
20 a significant increase. Because you'll
21 see, in 2021 we had a head count of 448.
22 In 2022, it was 459. What we're
23 proposing is 468 for 2023. I guess what's
24 what jumps out is that currently we're at
25 412. We've had a high number of attrition

1
2 this year, and we're looking to restore
3 the manpower that's needed in the office
4 to effectively prosecute cases and to
5 ensure public safety.

6 The need for the head count increase
7 really arose from the last couple of
8 years coming out of the pandemic, where
9 we experienced court and grand jury
10 closures. We've had a lot of inflow of
11 cases but not the ability for outflow of
12 cases and we still have unarraigned desk
13 appearance tickets. During the pandemic,
14 those numbers were in the thousands. I
15 understand now that those numbers are in
16 the hundreds. What they mean is that
17 these are cases that still have not
18 entered the criminal justice system. They
19 received the desk appearance ticket, but
20 have not entered the courts.

21 What this has done, the backlog and
22 COVID, has contributed to the increase in
23 the caseload per ADA, and if you couple
24 that with the discovery reform of 2020,
25 it has become very difficult for members

1
2 of the office, in particular the ADAs, to
3 do their work effectively.

4 I would like to give you one
5 illustration of what's been happening in
6 the office in terms of caseload versus
7 the head count. I'm not sure you could
8 see the numbers, but you may have
9 monitors in front of you that you can
10 see. The top portion of the chart
11 represents the head count number of staff
12 members we've had since 2019. The bottom
13 chart represents the number of cases that
14 have come in that particular year, the
15 new filings.

16 What's significant about this chart
17 is that in 2019, that is pre discovery.
18 There were about 35,000 cases, new cases
19 that came into the system and we had an
20 office of 399 personnel.

21 In 2020, You can see that the
22 caseload diminished rather significantly
23 because of the pandemic in the court
24 closures and a reduced number of arrests
25 based upon mandates by the County of

1
2 people not coming out of their homes and
3 wearing masks, and all that nature. Yet
4 we had a head count of 420 personnel. The
5 number of new cases rose to four, little
6 over 23,000 in 2021, when we had a head
7 count of 440.

8 Now this year, 2022, what you see
9 there is a projection by the courts that
10 we will have almost 40,000 new filings,
11 new cases, misdemeanors and felonies in
12 this county, and yet we only have 412.
13 So it begs the question: If the caseloads
14 are increasing at a rate post discovery,
15 we need to have the manpower with the
16 personnel to effectively prosecute those
17 cases. Currently we don't. So when we're
18 asking for 468, it's in line with what
19 we're trying to accomplish as an office.
20 We have to effectively prosecute these
21 cases, give the victims their due
22 attention. Otherwise, the criminal
23 justice system will not work.

24 You may have heard, or you may have
25 seen reasons why there's attrition in the

1
2 office. I just want to give some
3 highlights as to why that's happening.
4 These are plausible reasons and
5 explanations for high attrition. We've
6 had a change of administration
7 post-election and it's only natural that
8 when there is a change in administration,
9 there will be some changes, especially
10 near the top in the executive staff and
11 in bureau chief, and we have experienced
12 that.

13 We also had the discovery reform,
14 which have and continue to be a big
15 burden on the ADAs in the office. A case
16 that typically took two to five hours of
17 time to prepare for prosecution, we're
18 now tripling that time in terms of
19 discovery.

20 I'm sure that my predecessors have
21 spoken to you about discovery, but it's
22 very onerous. It's very onerous in the
23 sense that discovery -- and the
24 defendants are entitled to discovery.
25 Full discovery, no question about that.

1
2 But the timing of discovery when it has
3 to be turned over to the defense is a
4 problem here. The timing of it.

5 In the past, before the discovery
6 reform, discovery had to be disclosed to
7 the defendant prior to hearing and trial.
8 Now the discovery has been turned over to
9 the defense within 20 to 35 days of the
10 arrest and certainly within the six
11 months for a felony or 90 days for a
12 misdemeanor. And the penalty for not
13 being able to comply with discovery is
14 draconian, its dismissal of cases.

15 The law allows for the judges to
16 have discretion to impose sanctions upon
17 the failure to meet the deadlines or file
18 discovery. But it appears that the only
19 sanctions that had been imposed on the
20 district attorney's office on the cases
21 is that judges are just dismissing these
22 cases. To combat that, we have tried to
23 hire discovery expeditors -- you may have
24 heard that term -- to assist the district
25 attorneys in preparing for discovery, but

1
2 it's very difficult. It's very difficult
3 because the starting salary for discovery
4 expediter is \$32,000 and requires a
5 bachelor's degree. It's difficult to find
6 good employees willing to work hard when
7 the salaries are not comparable to what
8 you can be paid for a degree.

9 We are also experiencing not just
10 attrition in terms of the ADAs, but also
11 support staff. Mainly discovery
12 expediters; we've hired them and they're
13 leaving right away because it pays so
14 low. Crime victims advocates start at
15 \$28,000 dollars. They're staying for a
16 little bit, but they find the work to be
17 onerous and they're leaving. Crime
18 victim advocates are crucial to the
19 function of the prosecutor's office.
20 They're the ones who are talking to the
21 victims, giving them what they're
22 entitled to in terms of their, rights
23 services they have. They're on the phone
24 constantly with the victims and
25 witnesses. They're leaving because the

1
2 salaries are not commensurate.

3 The ADAs, it is a good market for
4 them. It is a good market for them in the
5 private sector, but it's also a better
6 market for them outside Nassau County.
7 You may have heard some articles, we have
8 seen some articles.

9 The issue of attrition in this
10 county and in the DAs office is not just
11 isolated to Nassau County. I want to read
12 to you a couple of the headlines from
13 newspaper articles:

14 *Daily News*, March 18th: "Overwhelmed
15 prosecutors quitting in tears amid
16 staffing crisis."

17 *New York Post*, June 25th, 2022:
18 "Hundreds of New York City prosecutors
19 quitting woke bosses and onerous
20 reforms".

21 CBS News, April 4th, "Great
22 resignation extends to New York City
23 District Attorney's Office".

24 And perhaps the most resounding
25 article is from the *New York Times* which

1
2 which the headline reads, "Why hundreds
3 of New York City prosecutors are leaving
4 their jobs".

5 And in each of those articles you'll
6 see that discovery reform and the onerous
7 burden that the discovery reform has put
8 on the prosecutor is the main reason why
9 the prosecutors are leaving.

10 Some of our prosecutors are leaving
11 for the city because recently they've all
12 gotten raises of \$20,000 and now they
13 make \$10,000 across the board more than
14 our office.

15 It is a difficult time for them
16 continue their work. They joined the DAs
17 Office just like I did 27 years ago with
18 the thought of helping victims,
19 prosecuting cases, doing trials and
20 hearings. Now they're basically glorified
21 paralegals doing discovery work. And
22 it's becoming very, very difficult for
23 them to keep that sort of energy and
24 determination to keep fighting on. So
25 they're leaving. But that's happening

1
2 everywhere else.

3 So asking for the head count, is
4 necessary, as I stated before, for the
5 effective operation of the office.

6 I just want to thank you for this
7 time. We believe that the budget request
8 for 2023 is not unreasonable, is fiscally
9 responsible, and I ask that you approve
10 the District Attorney's request. I would
11 welcome any questions that you may have.
12 Thank you very much.

13 PRESIDING OFFICER NICOLELLO:
14 Legislators, questions for Mr Lee.

15 Legislator Mule, Minority Leader
16 Abraham and Legislator Drucker.

17 LEGISLATGOR MULE: I just have a
18 couple of questions. You talked about the
19 crime victim advocates and the discovery
20 expediters and the salaries being what
21 they are. Yeah, that's shockingly low.
22 Is there anything that can be done about
23 that, or is that salaries are mandated
24 somehow?

25 MR. LEE: Salaries are mandated

1
2 pursuant to the CBA Agreement. At times
3 the salaries make it almost impossible to
4 hire people. We have gone to the Civil
5 Service, asked for what's called a waiver
6 of salary to start higher.

7 But if people are being hired at
8 that salary, we can't go to the Civil
9 Service for that particular request.
10 Only when there is no ability to hire on
11 that salary. What's been happening is
12 they start at that salary thinking that's
13 enough. But once they start making the
14 wages they realize it's just not enough
15 money for them to get by. And we're
16 finding out that discovery expediter,
17 that term, that position, is being
18 created throughout the state. We're the
19 first ones in the DAs office, we're the
20 first ones to create that title. Now
21 we're finding out that other DA offices
22 are using creating that title. NCPD is
23 creating that position as well. We just
24 heard that Hempstead PD is creating that
25 position as well. So it's going to grow.

1
2 So we're hoping that working with
3 Civil Service and perhaps the legislators
4 here can assist us in getting higher
5 wages for discovery expeditors and crime
6 victim advocates.

7 LEGISLATGOR MULE: I mean the title
8 sounds tremendously important, given that
9 the new laws are. Do you know how it was
10 determined that that was going to be the
11 salary, and you might not know the answer
12 to that?

13 MR. LEE: I wasn't involved with the
14 negotiation as to how that happened, but
15 I believe it's submitted to Civil Service
16 for their assessment as to where they
17 would start it. It depends on their
18 qualifications, educational background,
19 what their job specifications will be,
20 and there is a determination by Civil
21 Service as to where the salary grade will
22 start. It was determined that they would
23 start at a certain grade and the starting
24 salary was \$32,000.

25 LEGISLATGOR MULE: And is that with

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a bachelor's degree?

MR. LEE: Yes.

LEGISLATGOR MULE: You have to have a bachelor's degree. And if you have a higher education, you would come in at a higher --

MR. LEE: Not for that position. You may qualify for other positions, but discovery expeditors is our greatest need right now.

LEGISLATGOR MULE: I can understand why.

With regard to the attrition that you're experiencing, you talked about, you gave some headlines from New York City. Do you know what's happening out in Suffolk? Are they experiencing the same type of attrition?

MR. LEE: I'm not sure what's happening in Suffolk.

LEGISLATGOR MULE: I would be interested in knowing what those numbers are. Because, yeah, the attrition that that you are experiencing is very

1
2 alarming. I think all of the reasons
3 need to be fared out and addressed to
4 make sure that your department can run
5 well. It's obviously critically
6 important for the safety of our
7 residents. Thank you.

8 MR. LEE: You're welcome.

9 PRESIDING OFFICER NICOLELLO:
10 Minority Abrahams.

11 LEGISLATOR ABRAHAMS: How are you?

12 MR. LEE: How are you, sir?

13 LEGISLATOR ABRAHAMS: I apologize, I
14 couldn't see the screen. My eyes are
15 fading over the years. I couldn't see the
16 screen over there and we were having
17 technical difficulty. Mr. Kopel was
18 trying to help us raise the screen here,
19 so I couldn't see a lot of your
20 presentation. If you do have a paper
21 format, we would appreciate it. We can
22 give it to Mr. Pulitzer and make copies
23 for us. I didn't get a chance to see it,
24 and if you have a copy, I would love to
25 see it. So forgive me if some of these

1
2 questions seemed to be redundant because,
3 as I said before, I couldn't see it.

4 If you could just go through the
5 head count versus the actual budget
6 amount numbers again? You had talked
7 about, and I jotted this down, that
8 you're looking for 468 -- is it 468 or
9 469?

10 MR. LEE: 468.

11 LEGISLATOR ABRAHAMS: Okay, 468.
12 And you're currently budgeted at -- I
13 mean you're currently have a head count
14 of 412?

15 MR. LEE: That's correct.

16 LEGISLATOR ABRAHAMS: And some of
17 the reasons that you have talked about in
18 regard to the reason you're at 412, you
19 know, obviously change in administration,
20 and obviously there's been changes in the
21 way cases are being prosecuted and what
22 ADAs are doing. Of the 412 of the folks
23 that are actually trying the cases, ADAs,
24 how many ADAs do you have of that 412?

25 MR. LEE: Out of 412, we have 181

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2 ADAs and 25 district attorney law
3 assistants who are not admitted recent
4 law student graduates. So they're going
5 to become ADAs once they pass the bar. So
6 the total number, if you count them, is
7 206. We have 206 personnel who are
8 prosecuting cases.

9 LEGISLATOR ABRAHAMS: And of the
10 468, that 206 will become what again?

11 MR. LEE: We're hoping to come to
12 about 230.

13 LEGISLATOR ABRAHAMS: Okay, 230.

14 So I know you identified, obviously,
15 the headlines and we appreciate that. I
16 mean I don't know what jurisdictions
17 those headlines covered. I don't now it
18 was strictly in New York City, all the
19 five boroughs, or was it the span over
20 the entire country? I'm not too sure.

21 MR. LEE: The articles covered
22 Manhattan, the Bronx, and Brooklyn.

23 LEGISLATOR ABRAHAMS: Okay. So in
24 terms of the caseload, and apologize to
25 my colleague, cause, some of the

1
2 questions I may have may be a little bit
3 technical nature. In terms of the,
4 caseload in 2020, when you said that it
5 was a little bit lower versus where it is
6 now, can you just go through those
7 numbers again, sure 2020?

8 MR. LEE: In 2020, the number of new
9 filings as defined by the courts
10 representing misdemeanor and felony new
11 cases was 15,220.

12 LEGISLATOR ABRAHAMS: That was in
13 2020.

14 MR. LEE: Yes. In 2021, it was
15 22,251, and this year is projected to be
16 39,964, and this is the court's data.

17 LEGISLATOR ABRAHAMS: By my
18 calculations, it's it's increasing
19 tremendously by by well over 100%.

20 MR. LEE: It is. Keep in mind that
21 every year -- in 2019, we had 35,558 new
22 cases. They don't all get resolved in one
23 year, they carried over to the next. I
24 would say that one third of the cases
25 from any given year is carried over to

1
2 the next. And that's how backlogs are
3 created, because you're carrying cases.

4 But in 2020, the 10,000 and so cases
5 that carried over from 2019, we couldn't
6 dispose of because of the pandemic. And
7 we had 15,000 cases come into the system,
8 coupled with the 10,000 or so from the
9 previous year, and then you have this
10 domino effect that keeps rolling and
11 snowballs into a higher number.

12 LEGISLATOR ABRAHAMS: So what was
13 the head count in 2020?

14 MR. LEE: Head count in 2020 was 420.

15 LEGISLATOR ABRAHAMS: No. Not the
16 budget. What was the actual, what was
17 the actual people on staff?

18 MR. LEE: 420.

19 LEGISLATOR ABRAHAMS: So the number
20 went from 420 to 206?

21 MR. LEE: ADAs or --

22 LEGISLATOR ABRAHAMS: Talking about
23 or personnel?

24 LEGISLATOR ABRAHAMS: I'm sorry.
25 ADAs.

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MR. LEE: The ADAs have always hovered around 200 to 220.

LEGISLATOR ABRAHAMS: 200 to 220. In 2020, they were able to handle the 15,220 cases. In 2021, it might have been a bit of reach, a stretch to handle the 22,251 cases, but now that that number is going up by more than 100% -- are you sure that 230 is adequate?

MR. LEE: If you're asking me if it's adequate, this is -- we're trying to be fiscally responsible.

LEGISLATOR ABRAHAMS: By my math, you should be asking for 100% more, unless I'm miscalculating something.

MR. LEE: Maybe I should be, but I just also wanted to be reasonable. We understand that we're trying -- this new DA, she's committed to be responsible not just to the community but to the taxpayers as well. So we're at about 206, 230 plus discovery expeditors that we need. We're trying to get to about 30 to 35 discovery expeditors this year. We're

1
2 also trying to hire more support staff
3 members like attorney assistance
4 paralegals to help out with discovery
5 expeditors and the ADAs. So there's more
6 numbers that were looking at beyond ADAs
7 to assist in the discovery reform.

8 LEGISLATOR ABRAHAMS: We will go
9 based off the numbers that you are
10 presenting.

11 I do have some questions in regard
12 to the level of experience, because
13 obviously when you have attrition I mean
14 it's not just a head account that's lost.
15 Gentlemen like yourselves, you've been in
16 the district attorney's office for
17 decades. How many ADAs have three or less
18 years? I mean obviously we're on bringing
19 on more. Probably some people you are
20 bringing on are probably right out of law
21 school. How is the staff currently
22 configured in terms of experience?

23 MR. LEE: About one third of the
24 ADAs have less than three years.

25 LEGISLATOR ABRAHAMS: What would

1
2 that be in comparison to the industry
3 standard in terms of other offices? That
4 seems like a lot to me.

5 MR. LEE: That's comparable.

6 LEGISLATOR ABRAHAMS: It is? So
7 other offices, everyone's managing with
8 about a third of people of less than
9 three years?

10 MR. LEE: M-hmm.

11 LEGISLATOR ABRAHAMS: And how is the
12 office designed in terms of its bureaus?
13 How many bureaus are there? How many
14 bureau chiefs are there? Has that number
15 been reduced in change in administrations
16 over the years? Going back to I guess
17 when I first started here, it would be
18 District Attorney Dillon and then went to
19 Rice and then to Singas and then now with
20 Ms. Donnelly.

21 MR. LEE: The number of bureaus have
22 not changed over the years, all that
23 much. When DA Donnelly came in, she
24 created one additional bureau, and that's
25 about it. So we have 16 all together.

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2 LEGISLATOR ABRAHAMS: Comparable to
3 the ADA issue, a third have less than
4 three years of experience. The bureau
5 chiefs, what does the average bureau
6 chief have in terms of their experience?
7 And have we seen a drop-off in chief's
8 experience?

9 MR. LEE: No, we have not. We have
10 not. The chiefs that we currently have,
11 most of them have more than 15 years of
12 experience. Since January of this year,
13 we have brought on about six new bureau
14 chiefs from outside the office, all with
15 more than 25 years of service. So the
16 experienced level of bureau chiefs have
17 not declined.

18 LEGISLATOR ABRAHAMS: Okay. In
19 regard to some of the office, have you
20 had to endure or implement any reduction
21 in salary or reductions in overtime to be
22 able to try to compensate the backlog?

23 MR. LEE: Reductions in overtime?

24 LEGISLATOR ABRAHAMS: Yes.

25 MR. LEE: The reduction in overtime

1
2 was attributable to a bureau that we had
3 called Early Case Assessment Bureau.

4 LEGISLATOR ABRAHAMS: Early Case
5 Assessment Bureau.

6 MR. LEE: It was a 24 hour
7 operation, so to staff that bureau we
8 needed to expend overtime. DA Donnelly
9 has now transformed that bureau into an
10 operation that does not work 24 hours
11 anymore. So we're able to save money in
12 terms of not having to staff it.

13 LEGISLATOR ABRAHAMS: So that
14 particular bureau saw a reduction in
15 overtime?

16 MR. LEE: Reduction in overtime.
17 Because you did the reconfiguration?

18 MR. LEE: Yes.

19 LEGISLATOR ABRAHAMS: Has any other
20 bureau seen a reduction in financial
21 resources or overtime or any other types
22 of compensation?

23 MR. LEE: No.

24 LEGISLATOR ABRAHAMS: And in regard
25 to the attrition, I know you had

1
2 mentioned before that, I mean obviously
3 this legislative body wants to be able to
4 give the district attorney what she feels
5 she needs to be able to, not just be
6 financially responsible, but at the same
7 time being able to protect Nassau County
8 residents, public safety is our utmost
9 priority. If residents don't feel safe,
10 then we're all doing this for the wrong
11 reasons. So from that standpoint, we just
12 want to make sure that if we're able to
13 approve a budget that gives the District
14 Attorney the resources she needs, while
15 at the same time we want to make sure
16 that she's able to retain the employees
17 that she has. And obviously, yes, like
18 you, we read the stories, maybe not the
19 ones that headlined part of your
20 presentation, but we did read the stories
21 more recently: *Newsday* that talked about
22 the attrition. I do concur with
23 Legislative Mule. I would like to see
24 numbers that compare us to district
25 attorney offices based off the caseload

1
2 and obviously the backlog that are more
3 comparable to Nassau. When I hear City, I
4 mean it's just a whole different -- I
5 mean maybe there's some boroughs that are
6 very similar to Nassau, but ultimately I
7 would like to see numbers that are based
8 off of, maybe, potentially, what's going
9 on in Suffolk versus what's going on in
10 Westchester to ensure that we're able to
11 compare apples to apples. Do you think
12 you should be able to provide that to us
13 by the time we vote on the budget,
14 hopefully by the end of the month?

15 MR. LEE: I'll try.

16 LEGISLATOR ABRAHAMS: I have nothing
17 further at this time.

18 PRESIDING OFFICER NICOLELLO:
19 Legislator Drucker.

20 LEGISLATOR DRUCKER: Thank you,
21 Presiding Officer. Minority Leader asked
22 a couple of questions I was going to ask.

23 Thank you, Mr. Lee, for your
24 presentation. Appreciate your service to
25 our county and to the DAs Office.

1
2 You paint a rather bleak picture,
3 though, of what the future holds in your
4 office, and I'm concerned that we're not
5 going to suffer any sort of adverse
6 effect in prosecution. After all, Nassau
7 County has been voted the safest county
8 in America for a couple of years in a
9 row. So we need to make sure that we can
10 keep that going. And even with your rate
11 of attrition, which you seem and we all
12 seem to hear about it, it's concerning.

13 You know, you talk about the anxiety
14 or the frustration, perhaps, that certain
15 ADAs and members of the office felt when
16 they resigned because of, or other
17 members of the office, because of
18 discovery reform. The discovery reform
19 started in 2019. That was three years
20 ago. Since 2019, has the attrition rate
21 grown consistently or was there a level
22 of attrition after the new administration
23 came in in January?

24 MR. LEE: The discovery reform
25 started in January of 2020, that's when

1
2 officially became law. In 2019, we were
3 preparing for the discovery reform.

4 The attrition levels over the last
5 three years have been increasing, not to
6 the level that it's now, but keep in mind
7 again, in 2020, most of us were working
8 remotely because the courts shut down.

9 LEGISLATOR DRUCKER: What do you
10 attribute this current spike in the
11 levels of attrition?

12 MR. LEE: What's happened is that
13 we've had a growing backlog of cases from
14 2019. What happened during the pandemic
15 was that once you went remote, the courts
16 went to remote access. The defendants
17 themselves were not appearing before the
18 remote court session. If defendants don't
19 appear before the court session, there is
20 no ability to resolve the case because in
21 order for there to be a plea, the
22 defendant has an absolute right to be
23 present during the proceedings. So it was
24 just an ongoing thing of cases being
25 adjourned time after time. Sometimes

1
2 being administratively adjourned, meaning
3 there was not even a court day. We're
4 just being notified. This case is being
5 adjourned down road three months from
6 now. So without the ability to resolve
7 cases -- and that's what I talked about
8 before: Inflow of cases, yet no
9 outflow -- it started to snow ball. And
10 once started snowballing in 2020 because
11 of the pandemic and then once we were
12 coming out of the pandemic, we were faced
13 with a backlog. And now the discovery
14 obligations, because they were told by
15 the governor for almost seven months
16 discovery and once it kicked back in, we
17 started having to do discovery again and
18 the electronic discovery that we're
19 trying to do through our database system,
20 we have something called Justware it was
21 onerous. It was onerous because the
22 system itself required a lot of manpower.
23 When we discussed with the ADAs,
24 misdemeanor ADAs who have caseload of
25 300-400 cases, we're spending three or

1
2 four hours on every case. There's not
3 enough time in a day for them to do that.

4 So once that started to happen and
5 people realize, the ADAs realized, this
6 is just not bearable. And what happened
7 was they didn't want a situation where a
8 case would get dismissed and have to have
9 bared their name on it. So it became more
10 and more difficult for them to do their
11 job. And once ADAs started to leave, it
12 just got worse. Because when one ADA
13 leaves a bureau, his or her cases get
14 distributed to other ADAs in the bureau.
15 Now the person has 20 or 30 more cases
16 that they got to do discovery on.

17 So it's a domino effect to the point
18 now where it's becoming -- The DA has
19 done an incredible job of trying to
20 stabilize. She's hired almost 40 ADAs
21 this year alone to stabilize the bureau.
22 But the efforts that we're making right
23 now, it's going to take some time, it's
24 going to take some time. We're hoping by
25 the end of the year we could hire more.

1
2 Every year going forward will probably
3 have to hire at least 30 new ADAs to make
4 this work. So this is why we're asking
5 for a higher head count so that we can
6 stabilize the office and make it more
7 worthwhile for the ADAs who are here to
8 stay, so that it's not as onerous to
9 them.

10 LEGISLATOR DRUCKER: You mentioned
11 that judges are dismissing cases. Do you
12 have any date how many cases have been
13 dismissed because of inability to comply
14 with the discovery demands?

15 MR. LEE: I will get you that.

16 LEGISLATOR DRUCKER: I'd like to
17 hear that, because that directly impacts
18 on the problem.

19 Why is the budgeted head count for
20 ADAs decreasing, though? It looks like
21 in 2021 full-time, 204; 2022, 179.
22 Shouldn't the goal be adding more, not
23 less, to reduce the caseload and try to
24 retain them?

25 MR. LEE: I'm sorry. What are you

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looking at?

LEGISLATOR DRUCKER: So 204 was the actual number in 2021 and in 2022, the actual number is 179.

MR. LEE: Are you referring to the Office of Legislative Budget Review numbers?

LEGISLATOR DRUCKER: The full-time, yes.

MR. LEE: I'm looking at those numbers too. I just don't see where those numbers are because they don't seem accurate to me. In 2021, you're saying that we had 179 ADAs?

LEGISLATOR DRUCKER: 204.

MR. LEE: And in 2021 we had a 179.

LEGISLATOR DRUCKER: As of October 6, 2022, it's 179.

MR. LEE: These numbers I presented, are off the payroll as of last week. We're at 216. For ADAs we're at 186 plus 25 DALAs.

LEGISLATOR DRUCKER: So let's move on.

1
2 Okay, so let's I think my colleague,
3 Legislator Mule and our Minority Leader
4 asked about, based on *Newsday's* report,
5 61 prosecutors, 27% have resigned since
6 January. Suffolk County had a change in
7 administration as well, a change in party
8 leadership. I would like to hear what
9 their comparable numbers are as well,
10 because that's indicative sometimes too.

11 Now you talk about the fact that
12 you're able to retain some of the higher
13 levels: The bureau chiefs, the deputy
14 bureau chief. You have four bureau chiefs
15 and five deputy bureau chief, so that's
16 nine. The number of ADAs who have
17 resigned, those weren't your bureau
18 chiefs or deputy chiefs, correct?

19 MR. LEE: That's correct.

20 LEGISLATOR DRUCKER: There's a
21 tremendous drop-off and salary from that
22 level of ADA to the ones who resigned;
23 would you agree?

24 MR. LEE: That's correct.

25 LEGISLATOR DRUCKER: For example, do

1
2 you know of the 61 prosecutors or ADAs
3 who resigned since January, do you know
4 what the average number of years of
5 service they had?

6 MR. LEE: What I can say is that,
7 out of the 61 or so ADAs who have left, I
8 would say a vast majority of them left
9 from County Court Bureau and District
10 Court Bureau, and those ADAs typically
11 have years of experience of one to five
12 years.

13 LEGISLATOR DRUCKER: Is there a
14 commitment to do three years, though?

15 MR. LEE: Yes, some broke their
16 commitment.

17 LEGISLATOR DRUCKER: But it's fair
18 to say, though, that the ADAs you're
19 replacing the ones who have resigned,
20 many of them are fresh out of law school,
21 so they do lack the experience of the
22 ones who have resigned.

23 MR. LEE: That is true to some
24 degree, but we also have hired lateral
25 ADAs from the Bronx, from Queens, from

1
2 Brooklyn. So we have been successful in
3 bringing other, Suffolk County as well.

4 I would like to make one note of the
5 Suffolk County DAs office. Because of
6 geography and where Suffolk County is
7 compared to where Nassau County is, it's
8 easier for Nassau County resident to work
9 in Queens and Brooklyn, which is where
10 they're going, as opposed to Suffolk DA
11 Office member who may be limited where
12 they're they can go, because in terms of
13 geography they would have to travel more
14 from Suffolk County.

15 LEGISLATOR DRUCKER: Is this your
16 opinion or you have facts to back this
17 up?

18 MR. LEE: My opinion.

19 LEGISLATOR DRUCKER: So I'm just
20 concerned that with the head count being
21 lower and the pressure on these discovery
22 expeditors, are you feeling the need
23 overall in your office to plea out a lot
24 more cases than you have in the past?

25 MR. LEE: Not necessarily. We are

1
2 committed to looking at each case. This
3 is probably another reason why the ADAs
4 are not that happy, because we're
5 requiring them to look at every case.
6 There is no fire sale, there is no giving
7 away the store. Each case has to be
8 looked at individually. Case-by-case.
9 Victims have to be spoken to. It's an
10 onerous process.

11 LEGISLATOR DRUCKER: Head count has
12 no bearing on whether or not someone's
13 getting a plea offer or you take it to
14 trial. It has no bearing.

15 MR. LEE: No. We are dedicated to
16 prosecuting each case uniquely.

17 LEGISLATOR DRUCKER: It's good to
18 hear. Thank you very much, Mr. Lee. I
19 appreciate it.

20 PRESIDING OFFICER NICOLELLO: Mr.
21 Lee, I several questions.

22 MR. LEE: Sure.

23 PRESIDING OFFICER NICOLELLO: How
24 long did you say you've been with the
25 DA's office?

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MR. LEE: I started out in Queen's DA office, spent 13 years there. I've been here in Nassau County for 14 years.

PRESIDING OFFICER NICOLELLO: Were there when DA Rice came in and DA Dillon went out?

MR. LEE: I was not. I came in 2008.

PRESIDING OFFICER NICOLELLO: It's my recollection, and I know a number of these individuals, that when DA Rice came in, many of the more experienced attorneys left the office.

MR. LEE: I had heard that.

PRESIDING OFFICER NICOLELLO: And actually a number of them went out in criminal defense work and a number of them doing very, very well. But I think inherent in the nature of when the district attorney changes from one party to another and when you have a new DA coming in with a different philosophy, there's going to be turnover; would you agree to that?

MR. LEE: Absolutely.

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2 PRESIDING OFFICER NICOLELLO: Now
3 traditionally, the DA's office for law
4 students was attractive because you'd go
5 there and you'd be put into trial work.
6 You'd get your trial experience rather
7 than going to a civil law firm and
8 sitting in a library and passing papers
9 back and forth, pouring over documents
10 for hours on end. So in terms of the
11 turnover, I guess, new attorneys looking
12 for that trial experience are instead
13 getting the experience of having to work
14 on discovery, making sure the paperwork
15 was all done. Is that increasing the
16 turnover in your opinion? These new
17 attorneys are not getting the trial
18 experience they want. Instead they're
19 becoming clerical staff in many ways
20 because of these new discovery laws.

21 MR. LEE: That's true. Prior to my
22 position as executive ADA for
23 administration, I was the deputy
24 executive for litigation and interact
25 with district court ADAs quite

1
2 frequently. I even kept office hours in
3 district court as an executive. And a
4 lot of them came into my office saying I
5 was sent out for trial and the defense
6 filed a motion because I didn't hand over
7 one piece of document and now this case
8 got adjourned for six weeks for a judge
9 to entertain that motion. And it was
10 just lying in wait, the defense would
11 just lie in wait until the case would go
12 to trial and file this motion to say that
13 we were lacking in one-page of discovery
14 and it would just delay. There was just
15 growing frustration among the young ADAs
16 not being able to do what they thought
17 they were going to do when they entered
18 the office, which was litigation doing
19 trials and hearings. So absolutely,
20 you're correct.

21 PRESIDING OFFICER NICOLELLO: And
22 that's due to the discovery requirements
23 imposed by the State?

24 MR. LEE: That's correct.

25 PRESIDING OFFICER NICOLELLO: Now

1
2 the discovery expeditors and additional
3 paralegals, the expense of that is really
4 related to that same thing, the discovery
5 requirements, right?

6 MR. LEE: Yes.

7 PRESIDING OFFICER NICOLELLO: Now,
8 did New York State provide additional
9 funding to the District Attorney's office
10 when they imposed these onerous discovery
11 requirements?

12 MR. LEE: This year -- actually last
13 year is when it started. DCJS provided
14 funding for hiring and making available
15 resources for discovery and bail reform
16 reasons, and then we applied for that
17 grant. Actually, it wasn't a grant to
18 the office, it was grant to the County.
19 And it was monitored through the police
20 department and we were partners with the
21 Police Department, Department of
22 Probation and the Department of Sheriffs
23 that we're supposed to share the money
24 for bail reform and discovery reform
25 purposes. So there is some funding coming

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in coming through DCJS.

PRESIDING OFFICER NICOLELLO: Do you know how much that is?

MR. LEE: For our office, I believe it was \$1.3 million.

PRESIDING OFFICER NICOLELLO: By the way, is that a recurring funding stream?

MR. LEE: Yes.

PRESIDING OFFICER NICOLELLO: Has those additional monies compensated for the additional work in total?

MR. LEE: Yes to some degree.

PRESIDING OFFICER NICOLELLO: To some degree. I guess my question was: Has it paid for all of the additional work?

MR. LEE: No, no, absolutely not.

PRESIDING OFFICER NICOLELLO: Just in terms of the discovery reform, you indicated, I think, correctly, as it was in January 2020 when it took effect, had the pandemic two months later and people were not out. Crime dropped precipitously, correct?

MR. LEE: That's correct.

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PRESIDING OFFICER NICOLELLO: So to some extent 2021, though not as bad as 2020, there was limitations on activity as well. So the real effects of the discovery reforms and the bail reforms are now being felt.

MR. LEE: That's correct.

PRESIDING OFFICER NICOLELLO: The world has gotten back to normal and those full effects are in place. We're seeing, as the commissioner testified last week, that the County is experiencing a spike in certain major crimes: Burglaries, larcenies, were also very concerned, obviously, with the theft of catalytic converters. Are you experiencing more cases coming through the system with that?

MR. LEE: Sure we are. In addition to guns, possessions.

PRESIDING OFFICER NICOLELLO: Possessions are up?

MR. LEE: Illegal guns, yes.

PRESIDING OFFICER NICOLELLO: Thank you. Legislator Bynoe.

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LEGISLATOR BYNOE: Thank you,
Presiding Officer. Good day.

MR. LEE: How are you?

LEGISLATOR BYNOE: I wanted to
Follow up first on Legislator Drucker's
question regarding the number of cases
that are being dismissed, and you said
you'd get us the number of cases. I'm
asking if you could break down those
cases relative to the type of cases as
well.

And then you mentioned earlier that
ADA (sic) Donnelly created a new bureau.

MR. LEE: Yes.

LEGISLATOR BYNOE: Could you tell me
what that new bureau is?

MR. LEE: The acronym is RAIL. I
believe it's revenue, automobile labor,
and I forget what the "I" is. It deals
with automobile theft, deals with
insurance, insurance labor and revenue
revenue theft.

LEGISLATOR BYNOE: And that's because
at some point we did have an uptick in

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automobile crime?

MR. LEE: Sure.

LEGISLATOR BYNOE: A large majority of those crimes are people living there fobs in the car?

MR. LEE: Yes, leaving the doors open, not sure why they do that, but.

LEGISLATOR BYNOE: And so I wanted to talk a little bit and forgive me, because I know that the name of this, this program, changed at some point, but the only name that I can find is CODA. Do you know what I'm referring to?

MR. LEE: Yes.

LEGISLATOR BYNOE: What was the more current name for that program?

MR. LEE: CPP: Community Partnership Program.

LEGISLATOR BYNOE: That's right. And it was based out of Hempstead, correct?

MR. LEE: That's correct.

LEGISLATOR BYNOE: And that program provided individuals who were recently

1
2 released from prison an opportunity to
3 engage in programming, inclusive peer
4 mentoring, job readiness, and all those
5 types of programs that would keep them
6 from re-entering cycle, the system.

7 MR. LEE: Yes.

8 LEGISLATOR BYNOE: I think the ADA
9 was renting some space in Hempstead and
10 people were coming from all throughout
11 the county to participate in this
12 program, and many of them were court
13 mandated, if I'm not mistaken. Am I
14 correct?

15 MR. LEE: That's correct.

16 LEGISLATOR BYNOE: Does that program
17 still exist?

18 MR. LEE: No, it does not.

19 LEGISLATOR BYNOE: And what was the
20 reason for disbanding the program?

21 MR. LEE: The reason for disbanding
22 that program was because the way it was
23 structured. Our DA office was involved in
24 creating that program, but we weren't
25 necessarily overseeing the program. It

1
2 was overseen by Family Children's
3 Association (FCA), and when we met with
4 the FCA representatives about continuing
5 the program, they highlighted certain
6 issues about the program itself that was
7 concerning in terms of how it was
8 structured financially. Because it was
9 money that was being taken out of the
10 Forfeiture Fund and the Forfeiture Fund
11 in the DA's office varies every year
12 greatly. There are years where forfeiture
13 could be in the excess of millions and in
14 2021 it was \$161,000. To operate CPP
15 annually, I think it was about \$600,000
16 just on employees and an additional rent
17 which was in excess of \$70,000 a year. So
18 it was about \$600-700,000 a year for us
19 to operate out of our Forfeiture Funds,
20 except our Forfeiture Funds weren't
21 there. So this wasn't a program that we
22 can continue. In the golden years.
23 Forfeiture assets, seized, drugs and
24 money from dealers, if that was
25 plentiful. Certainly we could run

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2 programs. But in waning years, such as
3 we've had during the pandemic and 2021,
4 when the resources during the forfeiture
5 fund was very low, we could not sustain
6 it. It was unpredictable. The District
7 Attorney decided that if it's not
8 something that we could sustain, moving
9 floor with the Forfeiture Funds, we could
10 not go forward with it.

11 LEGISLATOR BYNOE: So I also
12 recollect that there are other grant
13 funds that come into the DA's Office for
14 the specific purpose of reducing
15 recidivism; am I correct?

16 MR. LEE: The initial purpose of it?

17 LEGISLATOR BYNOE: That there are
18 grant funds, that specifically sent to
19 your office for the purpose of reducing
20 recidivism; is that correct?

21 MR. LEE: I believe there is, yes.

22 LEGISLATOR BYNOE: Could you tell me
23 how much money will receive for that
24 express purpose?

25 MR. LEE: I'll have to look into

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that. I don't know the top of my head.

LEGISLATOR BYNOE: I would be very interested to learn how we're using that money.

So my second question would be, and I've only learned it, this program was discontinued this weekend. I'd like to know what notice was provided to those individuals who were voluntarily participating in that program and then those that were mandated to participate by way of the Court. How were they notified that the services would no longer be provided?

MR. LEE: Through the Court.

LEGISLATOR BYNOE: And what type of time-frame was provided to them to seek other supportive services?

MR. LEE: They were given at least two months leeway through the courts. Those who were mandated were given leeway through the courts. Those who were coming there voluntarily, the director of CPP had been in communication throughout.

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2 I made sure that he contacted anyone who
3 was a regular client of CPP to give them
4 notice. There was notice put on the door
5 of at least a month ahead of time,
6 announcing that it will be closing down.

7 I work with employees at CPP to make
8 sure that they would land well on their
9 feet. And the, the director, Rodney,
10 assured me that at the time that we were
11 shutting down, everyone who had worked
12 there had found another job, so they were
13 taking care of.

14 LEGISLATOR BYNOE: These folks that
15 were notified, was any technical
16 assistance provided to them so that they
17 could find additional supportive
18 services? Did someone provide them some
19 level of counseling or advise them where
20 they might be able to find this type of
21 support of services elsewhere?

22 MR. LEE: That was done through the
23 director. I personally wrote
24 recommendations for each of those
25 employees.

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2 LEGISLATOR BYNOE: I'm not talking
3 about the employees. I'm talking about
4 the people who were mandated to receive
5 services from that program. Were they
6 given some level of technical assistance
7 in order for them to find services
8 elsewhere?

9 MR. LEE: If they were mandated by
10 the courts, yes. Because there is a
11 social worker that worked with the
12 courts.

13 LEGISLATOR BYNOE: But not the
14 voluntary people.

15 MR. LEE: Yes, not the voluntary
16 people.

17 LEGISLATOR BYNOE: I'd love to look
18 at what the rate of recidivism was for
19 those that were mandated by the Court to
20 participate in, and those that were
21 voluntarily going to the that program.

22 I visited that program with a few of
23 my colleagues up here, and it really
24 seemed like a lifeline to those folks.
25 That if not for CPP they really wouldn't

1
2 have known how to navigate. It was peer
3 services, job readiness, they were able
4 to find housing. It was really a one stop
5 shop for those that would be looking to
6 get their life on the right track and be
7 able to sustain out here in the
8 community.

9 And that program existed -- well,
10 let me not say how long it existed,
11 because I'm not sure I know Risco Louis
12 (phonetic) mentioned or Louis -- I'm not
13 sure which way it goes, but she was the
14 first director that program, if I'm not
15 mistaken.

16 MR. LEE: That's correct.

17 LEGISLATOR BYNOE: What year did
18 that program start?

19 MR. LEE: I believe it was 2016.

20 LEGISLATOR BYNOE: No. Much earlier.

21 MR. LEE: You're talking about CODA
22 or CPP?

23 LEGISLATOR BYNOE: When it was CODA.
24 They changed for whatever reason, but
25 it's the same --

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MR. LEE: I remember so, yes.

LEGISLATOR BYNOE: That program has
to go back --

MR. LEE: 2006, maybe?

LEGISLATOR BYNOE: Yeah, I was going
to say actually mid to to early two
thousands. And it really had significant
benefits that we were actually able to
hear about every year when they came and
talked about the budget. I know this
program is alive and well in Suffolk. I
just really would have like to see a way
that this program could have been
sustained. You say it was at a cost of
\$600,000 a year?

MR. LEE: Six to \$700,000 a year.
It was a funding issue.

LEGISLATOR BYNOE: The total asset
forfeiture available was how much?

MR. LEE: Last year I was told it
was \$167,000.

LEGISLATOR BYNOE: That was how much
we generated in asset forfeiture for
2021?

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MR. LEE: M-hmm.

LEGISLATOR BYNOE: And we had no reserves?

MR. LEE: No. There are other programs that we fund through Forfeiture Funds, not just this one CPP. We have to take into consideration how much of the Forfeiture Funds we could use to allocate for CPP versus other funding that we have to provide.

LEGISLATOR BYNOE: I know you have other funding because I know the Peace Program that's run out of Terrace also wasn't funded because of a lack of asset forfeiture money.

How much have we received in Asset Forfeiture to this part of the year in 2022?

MR. LEE: I'm not sure. I can find that out as well. But the Asset Forfeiture Law changed a couple of years ago. Now the money or assets that we seize now have to be separated and the Federal government takes about a third of

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2 it, the State takes about a third of it
3 and the County takes about a third of it.
4 So what used to be a large portion that
5 comes to the DA's Office is no longer the
6 case. So that coupled with the
7 uncertainty, COVID, with less of these --

8 LEGISLATOR BYNOE: Okay. Final
9 question in the moment: What other type
10 of program like CODA exists here in the
11 county that we provide out of the DA's
12 Office? Because other programs are
13 funded. Was there was there anything
14 comparable or similar in any way. So in
15 other words, what I'm asking is if we're
16 providing here in Nassau County, any
17 opportunity to assist those that are
18 recently released from jail from
19 re-entering the system, helping them to
20 be able to build coping skills, gain
21 employment, find housing?

22 MR. LEE: By the DA's Office,
23 currently there is none.

24 LEGISLATOR BYNOE: Do you know of
25 any being provided by any other

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2 department in Nassau County?

3 MR. LEE: The Department of
4 Probation, Department of Parole, if they
5 are on parole.

6 LEGISLATOR BYNOE: Programs separate
7 from being monitored by a probation
8 officer or a parole officer.

9 MR. LEE: I'm not aware.

10 LEGISLATOR BYNOE: That's totally
11 not the direction I think we need to be
12 going as County. We must invest in those
13 that are coming out of jail. We're only
14 as safe, as you know, as those that were
15 safely returning to the community from
16 jail. If we're not giving them any
17 opportunity, desperate people do
18 desperate things. So I think that we have
19 to rethink where we are today. We need
20 to make a significant adjustment in our
21 policy in order to make sure that people
22 have a chance, a fighting chance to
23 resume some semblance of life, and that
24 we, the community, we feel safe when they
25 return to our respective communities.

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2 And I don't think not having any type of
3 supportive services in place we're going
4 in the right direction. I think that's
5 totally unacceptable. Thank you.

6 PRESIDING OFFICER NICOLELLO:
7 Legislator Rhoads.

8 LEGISLATOR RHOADS: Thank you,
9 Presiding Officer. Thank you for your
10 presentation Executive ADA Lee, we
11 appreciate that.

12 MR. LEE: You're welcome.

13 LEGISLATOR RHOADS: I've noticed and
14 we did have the commissioner do a
15 presentation on Thursday on behalf of the
16 Police Department. He did reference what
17 appears to be a 53% increase in major
18 crimes in Nassau County just over the
19 course of the last year, and that seems
20 to be reflected in the increasing numbers
21 that you're seeing in new cases coming
22 into your office, new filings coming into
23 your office. I believe that the numbers
24 that you gave are a number of 15,000 in
25 2020 and 22,000, roughly in 2021, and

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2 then a jump of almost double 39,000 and
3 change almost 40,000 new cases in 2022,
4 so far. We're not even through the
5 through the entirety of the year. We
6 still have another two and a half months
7 to go. What do you attribute the
8 explosion in new filings to being?

9 MR. LEE: The new filings, I
10 believe, we're just going back to where
11 it was: The levels were pre pandemic: In
12 2019 they were 36,000, and now we're at
13 that level again. So typically, since
14 I've been in Nassau County, 30,000
15 misdemeanors, about 5-6,000 felonies.
16 That was a typical year. And that's what
17 it was until 2019. In 2020, you had the
18 pandemic. In 2021, the effects of
19 pandemics were still being felt. Now
20 we're going back to those rates.

21 There's a spike because once we're
22 coming out of the pandemic I think
23 there's been, and this is just my
24 opinion, there has been more of a driving
25 force -- and I see this, I don't have the

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2 numbers to back it up, but we're seeing
3 more and more out of county individuals
4 coming into Nassau County to commit
5 crimes. Whether it's larcenies,
6 burglaries -- you've heard about the
7 Chilean burglary team that was coming
8 into Nassau County from New York City,
9 targeting affluent neighborhoods in
10 Nassau County. Things like that. A lot
11 of illegal gun possession cases were
12 coming in from the city into Nassau
13 County. A lot of the larcenies at the
14 malls were beginning to spike up again
15 post-pandemic. So those those are the
16 things that we're seeing in terms of as
17 to why the numbers are growing once again
18 to the pre-pandemic levels.

19 LEGISLATOR RHOADS: Well, actually,
20 we're talking about significantly more
21 than pre-pandemic levels once we reach
22 the end of the year. You're talking about
23 being the equivalent now, roughly, you
24 said 36,000 to 2019 to about 39,000 and
25 change today with --

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MR. LEE: Let me just --

LEGISLATOR RHOADS: Two and a half months to go. You're probably looking at number approaching 50,000.

MR. LEE: Yeah, let me just clarify that. The projections that I gave are 39,000. That was the Court's year end projection. So I got these numbers last month and they projected it. Based upon what we had for the first nine months, it would project to about 39,000.

LEGISLATOR RHOADS: So you're still, you're still planning that projecting, there being an increase of somewhere around 3-4,000 and filings.

MR. LEE: Correct.

LEGISLATOR RHOADS: Just out of curiosity, I know you mentioned the groups from outside the state that are actually coming into the state, and we have this asked this question of the police commissioner, who seems to attribute this to our new lax bail laws as a result of bail reform, that

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2 individuals are coming into the state
3 committing these these crimes, knowing
4 that there are no consequences ultimately
5 for those actions. Are you seeing the
6 same thing?

7 MR. LEE: Yes, I am. We're seeing
8 that at that level, out-of-state. But
9 also individuals in the past who bail
10 would have been set on are not
11 misdemeanors, particularly. We've had
12 individuals and we discussed this not too
13 long ago in the office, someone being
14 arrested 10 times this year alone for
15 petit larcenies at stores, and we see
16 that a lot. And there is nothing the law
17 provides for us to ask for bail because
18 unless they hurt an individual, there is
19 no remedy under the law to ask for bail.
20 So we see this revolving door of
21 individuals coming into the system,
22 getting arrested, come into court, being
23 arraigned, no bail being set and then,
24 weeks later or days later, coming back
25 into the system again.

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LEGISLATOR RHOADS: I mean we had one individual that was referenced during during the commissioner's testimony, that was actually arrested five times in the same week.

MR. LEE: Yes, I think I'm aware of that case. So they would go into the filings, because every time that person comes into the system -- filings are defined as new cases, new accusatory instrument to the courts. So if that person got arrested five times in a week, that's five new filings. So that's why you see the numbers being up where they are. That's a great point.

LEGISLATOR RHOADS: So when we're talking about recidivism, and were ultimately that's what it is, that's that's contributing to the increase that we're seeing in recidivism rates, correct?

MR. LEE: That is correct.

LEGISLATOR RHOADS: So, for example, you know the commissioner again mentioned

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2 there was a list of the top 10 repeat
3 offenders for 2022. And that top 10
4 repeat offenders he estimated committed
5 between six and seven new crimes per
6 offender. So those 10 individuals who
7 were arrested wound up committing 60 or
8 70 new crimes in addition to the original
9 arrest while they were out without the
10 opportunity to be able to set bail.

11 Just if you could explain the
12 process to me prior to the institution of
13 cashless bail, would the judge have had
14 an opportunity on a second offence, I
15 guess even on a first one, would have had
16 the opportunity on a second offence for
17 somebody who is a repeat offender to set
18 bail and establish consequences?

19 MR. LEE: Yes.

20 LEGISLATOR BYNOE: And would that be
21 done in most instances?

22 MR. LEE: Absolutely. If someone is
23 arrested multiple times in a week, I
24 don't think any judge prior to the bail
25 reform would have said you're free to go

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2 again to commit more crimes, but that
3 discretion is no longer with the judge.
4 They're mandated by the law on any
5 misdemeanor cases. Unless they injure
6 someone, there is no recourse for the
7 judge. His hands are tied or her hands
8 are tied.

9 LEGISLATOR RHOADS: And in fact, in
10 some instances they don't even get before
11 a judge, at least as far as arraignment
12 is concerned, right?

13 MR. LEE: Yes. Desk appearance
14 tickets are mandatory on misdemeanor
15 cases, other than the ones that involve
16 orders of protection.

17 LEGISLATOR RHOADS: And,
18 incidentally, if someone is issued an
19 appearance ticket, there's no appearance
20 for them at probation either.

21 MR. LEE: Unless they're arraigned,
22 that's correct.

23 LEGISLATOR RHOADS: So, in other
24 words, not only are these individuals not
25 getting before a judge, the concept that

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2 you are going to avoid these individuals
3 being in jail and the notion that they
4 would somehow be supervised while they're
5 on release, awaiting for trial. That's
6 not happening either, correct?

7 MR. LEE: That's correct.

8 LEGISLATOR RHOADS: So if they never
9 get before a judge and never get into the
10 court system, probation is not doing
11 anything with respect to these
12 individuals in terms of monitoring them
13 and ensuring: One, on their appearance,
14 to return to court for their for their
15 court date. And in fact, my understanding
16 is that if they don't show up for their
17 court date, the Court actually can't even
18 issue a warrant. They actually have to
19 call them, contact them and ask them to
20 come in before they can issue a warrant.
21 Am I correct in that understanding?

22 MR. LEE: That was a procedure put
23 in place during the pandemic, yes.
24 Because I guess at some point OCA decided
25 that to issue bench warrants on failure

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2 to appear on a desk appearance ticket
3 under the circumstances would be onerous.
4 I believe now there is that ability to do
5 it. But back then, yes, there was no
6 ability.

7 LEGISLATOR RHOADS: Was that an OCA
8 Policy, or was that part of the bail law?

9 MR. LEE: The bail law did not
10 address specifically what would happen if
11 the person did not show up for a DAT.
12 That's that's been in the books for some
13 time. You have the ability to request an
14 arrest warrant. It's just that when you
15 have situations where the person doesn't
16 show up, we don't know if that person is
17 not showing up -- during the pandemic I'm
18 talking about -- because a person is ill.
19 So there was some latitude given to
20 offenders who were given DATs and not
21 asked for -- we did not, at the DA's
22 Office at the time, ask for arrest
23 warrants. Eventually, when it became
24 evident that they were not coming to
25 court, the DA's Office were asking for

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2 arrest warrants to be done in those
3 cases. And just to point out one more
4 thing, you're absolutely right: Probation
5 does not get involved until the person
6 gets arraigned. And during the height of
7 the pandemic, I believe the number of
8 unarraigned disappearance tickets rose to
9 about 9,000. So 9,000 people who had
10 offended the law were given desk
11 appearance tickets, did not come to court
12 and never saw a judge. Probation was
13 never involved with those individuals,
14 and some of those individuals kept
15 reoffending, and yet there was no ability
16 to get him on and bring him into court,
17 because of what I just discussed, that we
18 had the inability to ask for arrest
19 warrants.

20 LEGISLATOR RHOADS: And that's
21 something that still continues today. Now
22 you may have the ability to ask for an
23 arrest warrant if they don't if they
24 don't appear, but they're still not being
25 held on bail initially.

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MR. LEE: That's correct.

LEGISLATOR RHOADS: And probation is not monitoring those who have been released on a desk appearance ticket to ensure that there are no further issues with respect to those individuals. That that is a problem that's still occurring today, correct?

MR. LEE: That's correct.

LEGISLATOR RHOADS: Incidentally, when we talk about the the purposes of a bail, obviously, one is to ensure their appearance for return date in court. If they don't appear, theoretically, bail would be forfeited under those circumstances, right. Wouldn't that be the same case if bail had been set, if they had committed an additional crime?

MR. LEE: Would the bail be forfeited?

LEGISLATOR RHOADS: Yes.

MR. LEE: Yes.

LEGISLATOR RHOADS: So really, the bail is also a disincentive to an

1
2 individual to go out and commit new
3 crimes while they are actually out on
4 bail for the original offense.

5 MR. LEE: It would be a
6 disincentive. It should be a
7 disincentive.

8 LEGISLATOR RHOADS: I'm sure it
9 still occurs, but certainly not at the
10 rate that we're seeing, I would imagine,
11 today when we're talking about those now.
12 This is just now trying to extrapolate to
13 a larger population. The findings of
14 those 10 individuals that we were talking
15 about on Thursday going out and
16 committing 60 or 70 brand-new crimes. In
17 most of those instances, the
18 establishment of bail would have been a
19 disincentive for them to go out and
20 commit those additional crimes.

21 MR. LEE: That's right.

22 LEGISLATOR RHOADS: Just in terms
23 of, I know you spoke quite a bit about
24 the really onerous discovery reforms that
25 were put on district attorney's offices

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2 and in terms of providing information to
3 criminal defendants; can you approximate
4 for us the increase cost to the District
5 Attorney's Office as a result of having
6 to comply with these new onerous
7 discovery requirements?

8 We know about the personal cost, the
9 attrition that you're suffering, I guess,
10 the DA's just kind of throwing up their
11 hands and saying, hey, you know what, if
12 I'm not able to do my job, you know
13 what's the point of my being here? But
14 but in terms of acquiring information,
15 maintaining information, providing
16 information in a timely fashion
17 otherwise, risking your case being
18 dismissed, what additional costs have
19 they've been to the District Attorney's
20 office to be able to do that?

21 MR. LEE: In terms of technology,
22 there has been significant cost. We had
23 to update our case management system,
24 JustWare. We are in contracts with a
25 different vendor of different company,

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2 because JustWare got bought out by
3 another company called Journal
4 Technology, we have to not contract with
5 them to continue the services. We also
6 had to purchase the rights to work with
7 the police department on what's called
8 Nice system. It's evidence management
9 system. So we have two systems that we
10 have to pay for. One is case management
11 for discovery purposes, which allows you
12 to set up an electronic portal to send
13 the discovery. And then we have what's
14 called digital or evidence management
15 system which we have to use for high
16 volume, such as bodycams, surveillance
17 videos, audio tapes, 9-1-1 calls. So we
18 have two systems that we have to utilize.
19 Without discovery, I don't think we would
20 have to go to Nice. We could just stay in
21 our one case tracking system. So we have
22 a separate system we have to go into that
23 we have to purchase and maintain, upgrade
24 all the time and then stay on to stay on
25 top of those things by having firewall

1
2 set up. So the technology costs of
3 discovery reform has been tremendous.

4 MR. MCDERMOTT: Excuse me. One more
5 thing: We also had to enter into a
6 contract with a software company to
7 coordinate between all of the systems
8 that are required, because without that
9 program, they don't necessarily work
10 together. That's another several hundred
11 thousand dollars.

12 MR. LEE: We also have to purchase
13 what's called "Bots", but they're not
14 they're not robots, but they're computer
15 robots which allows us to sift through
16 e-mails for discovery stuff. It allows
17 you to automatically order records from
18 DMV on its own 24 hours a day. So that's
19 software, those bots have to be purchased
20 to comply with discovery demands as well.

21 So there are significant personal
22 costs, significant technology costs, and
23 then the overall aspect of trying trying
24 to deal with what discovery is doing to
25 moral. I don't think we could put a

1
2 price on that. How do you get the moral
3 up for ADAs who are in this morass of
4 discovery burden and having to do that
5 more than what they really truly want to
6 do, which is, to you know, help victims.

7 LEGISLATOR RHOADS: In terms of, I
8 know, you spoke about the tremendous
9 attrition that the office is having. Are
10 you able to quantify a number as far as
11 increase costs, and do you believe that
12 the grant money that had to be applied
13 for is in any way compensating the
14 district attorney's office for the amount
15 of increased expenses that they've had in
16 connection with the discovery reform?

17 MR. LEE: No. The grant money is
18 just a drop in the bucket. It'll help
19 us, but it's not going to be enough to
20 sustain what we need to do here to offset
21 the cost, all the costs I'm talking
22 about, of having to deal with discovery
23 reform.

24 LEGISLATOR RHOADS: And your costs
25 are separate and apart from the cost that

1
2 the police department has had to incur as
3 far as gathering and maintaining body
4 camera footage, for example. Researching
5 the records that the District Attorney's
6 Office is looking for in order to be able
7 to comply with discovery requirements.
8 That's a whole separate issue.

9 Just in terms of one thing that I
10 don't think we spoke about was that part
11 of discovery reform was information that
12 had to be provided about the victims of
13 crimes as well. And I know we remember
14 the testimony of Jed Painter, who was
15 here a few years ago and explained to us
16 that, if you were the victim of a rape,
17 the criminal defense attorney would be
18 provided with and the criminal would be
19 provided with your name, with your
20 address, with your telephone number,
21 would have the opportunity to be able to
22 interview you. If there was a break-in
23 for example, into your home, you would
24 have to allow them access to your home to
25 be able to theoretically look for

1
2 exculpatory information, theoretically
3 before you even got to clean up the
4 broken glass. Are you seeing an increase
5 in the numbers of victims who are
6 reluctant to come forward now, are
7 reluctant to cooperate upon finding out
8 that information about them that would
9 have to be turned over?

10 MR. LEE: I think that's difficult
11 to quantify, but in speaking to ADA with
12 victims, the idea that we have to
13 disclose contact information about them,
14 their names, is very unsettling, at a
15 very early stage in the case. That could
16 be a deterrent. Sometimes it has become a
17 deterrent for victims to come forward. I
18 can't quantify number, but anecdotally I
19 have heard that to be true.

20 LEGISLATOR RHOADS: Are there
21 statistics that are kept on that by the
22 -- I know you may not be able to tell us
23 off the top of your head. I mean you
24 didn't know we were going to answer that
25 question. But I'd be curious if they do

1
2 quantify it, what the number of cases
3 that has to be dismissed is due to a lack
4 of cooperation on the part of the part of
5 the victim.

6 MR. LEE: I'll look into that.

7 LEGISLATOR RHOADS: I appreciate it.
8 I have no further questions.

9 MR. LEE: Thank you.

10 PRESIDING OFFICER NICOLELLO:
11 Legislator Ferretti and then Minority
12 Leader Abrahams.

13 LEGISLATOR FERRETTI: Thank you for
14 presentation, gentlemen. I'll be pretty
15 short.

16 Many of the legislators talked about
17 the reforms that went into place early
18 January 2020, but I hadn't heard anybody
19 talk about the Raise the Age legislation.
20 Did that also go into effect in early
21 2020?

22 MR. LEE: That was 2017.

23 LEGISLATOR FERRETTI: Can you
24 explain what that is exactly?

25 MR. LEE: Back in 2017, October

1
2 2017, individuals who were 16 years old,
3 you could not be prosecuted as an adult.
4 All cases, felonies and misdemeanors,
5 were to be handled in Family Court. In
6 2018, they moved up the age to 17. So
7 currently anyone under the age of 18, if
8 you commit a misdemeanor crime or felony
9 crime in New York state, presumptively,
10 they go to family court unless we can --
11 when I say we, the District Attorney's
12 Office -- could demonstrate at a hearing
13 before a Family Court judge that this
14 case ought to be kept in County Court and
15 the individual prosecuted as an adult.
16 The only way that happens is if you can
17 demonstrate by preponderance of the
18 evidence that the crime itself involved
19 an infliction of significant injury to a
20 victim, that a weapon was displayed
21 during the crime or that there was a
22 sexual component to the crime. Even if
23 you were to make that showing,
24 ultimately, it's up to the judge and his
25 or her discretion to decide whether or

1
2 not to keep the case in County Court, in
3 a youth part or remove the case to Family
4 Court. And that's the essence of the law.

5 What we've experienced is that with
6 the Raise the Age, I believe that
7 individuals who are offending --
8 offenders, are understanding how this
9 works. So the DA and I were talking about
10 a case not too long ago about four
11 individuals in a car with a gun, and of
12 course they all pointed the finger at the
13 16 year-old as being the owner of that
14 gun, and the 16 year-old is now in Family
15 Court. If offenders get wind of how the
16 law works, it could actually be used
17 against us in the criminal justice
18 system.

19 So that is that is concerning. But
20 raise the age, we understand the idea
21 behind it. We understand that yes there
22 are young people who make mistakes, but
23 we don't want the law to be utilized or
24 manipulated in the manner that we're
25 seeing.

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2 LEGISLATOR FERRETTI: Have you seen
3 it manipulated more recently? I would
4 say from the beginning we're seeing those
5 kinds of cases. Like, if there's an
6 assault case, it's always the young
7 person who started the fight and that
8 person is the aggressor, and that person
9 seems like more than willing to take on
10 the blame, so to speak.

11 LEGISLATOR FERRETTI: I'm not a
12 criminal attorney, but if he goes to the
13 Family Court, what's the difference
14 between the case going to Family Court or
15 County Court?

16 MR. LEE: The big difference under
17 the law is that when you go to Family
18 Court it is very program resource
19 oriented, not penitentiary oriented or
20 whatever you know -- it's less punitive.
21 The judge must exhaust all sorts of
22 programming available to the individual,
23 the adolescent, to make sure -- and then
24 ultimately the cases get sealed if the
25 programs are done successfully.

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LEGISLATOR FERRETTI: So those numbers of adolescents, 16 and 17 year-olds, they're not included in your projection for 2022, correct? Total.

MR. LEE: They wouldn't be if they're not in our system.

LEGISLATOR FERRETTI: And they weren't in the 2019 numbers either?

MR. LEE: No.

MR. LEE: All right, thank you. I appreciate your explanation for that. Thank you.

MR. LEE: Thank you.

LEGISLATOR ABRAHAMS: Mr. Lee, I want to thank you for your candor and your presentation today. I know you've spent the last almost two hours here, so I promised to be brief. I just have a follow-up based on your response to Legislative Rhoads.

If I understand your response correctly, were you indicating that crimes, recidivism was contributed towards the higher amount of cases in

1
2 2022 to 39,000?

3 MR. LEE: Yes.

4 LEGISLATOR ABRAHAMS: Contributor?
5 For example, and I stand corrected
6 because I know you had indicated that
7 there were 36,000 cases in 2019. It seems
8 that your current head count in what
9 you're projecting to be your, what you
10 would like to see 2030 is probably more
11 in line when you match it up to 2019. So
12 I apologize if I give if I gave the
13 impression that I wanted to see a higher
14 number than 2030, but I just have to make
15 sure I'm clear. So if recidivism is a
16 contributor towards what you're seeing in
17 terms of higher amount of cases, why
18 would the District Attorney disband the
19 diversion program which curtails that?

20 MR. LEE: The diversion program
21 wouldn't curtail recidivism in the sense
22 that if the person is going to reoffend,
23 the fact that they're in a diversion
24 program wouldn't necessarily stop them
25 because they're still at liberty. So

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2 whether the person is in a diversion
3 program or not in the diversion program I
4 don't think would have any impact. The
5 diversion programs are still available in
6 a large degree. We still have Mental
7 Health Court that we actively staff, we
8 have Veterans Court, we have a Drug
9 Treatment Court, we have a Heroine Court.
10 Now we have a Youth Court. These are all
11 sort of diversion courts that we still
12 have in the books, that we have staff
13 members working on those cases and social
14 workers.

15 LEGISLATOR ABRAHAMS: But the CPP
16 program has been --

17 MR. LEE: CPP was never a diversion
18 program. What CPP provided was access for
19 the public to come in, and some of them
20 were individuals who had just served
21 prison time, to come into acclimate or
22 reacclimate back into public. Yes, CPP
23 assisted them in the resources that were
24 mentioned previously in terms of job
25 counseling, in terms of providing them

1
2 with food if they needed food.

3 LEGISLATOR ABRAHAMS: Did it help
4 them counsel an addiction?

5 MR. LEE: Yes, it did. But it
6 wasn't a diversion. When you say, I guess
7 your concept of diversion is, I'm
8 thinking more of diversionary court.
9 You're talking about general diversion.

10 LEGISLATOR ABRAHAMS: No. General
11 diversion. So that if someone that has a
12 drug addiction, what we're seeing in our
13 country today, opioid addiction, and this
14 program is helping them, consoling them,
15 dealing with their addiction in various
16 different ways, and this person has to
17 decide if this program is not there and
18 they're not getting that level of
19 support, do they start, as I think
20 Legislative Ferretti said the other
21 day -- what do you call them? Jigglers?
22 Do they start jiggling handles and start
23 robbing cars because they're not getting
24 the support they need? So that's the way
25 I diversion. So do you see it the same

1
2 way in terms of what this program was
3 providing?

4 MR. LEE: In terms of CPP, it was
5 never providing drug counseling per say,
6 in terms of that legal drug counseling.
7 What they provided was peer mentoring. So
8 CPP had individuals who had overcome
9 great obstacles in their life and would
10 share life experiences with individuals.
11 They were not counselors per say to
12 provide drug treatment.

13 LEGISLATOR ABRAHAMS: No, maybe not
14 in that way, but what CPP provided was
15 seen as supporting asset that would
16 divert individuals that potentially could
17 be committing another crime from not
18 doing it.

19 MR. LEE: Theoretically, yes.

20 LEGISLATOR ABRAHAMS: So again I
21 asked the question: If the program has a
22 10% chance of working, 20%, that's up to
23 the District Attorney to decide the
24 effectiveness of the program. But if the
25 program does have an impact, and based on

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2 commentary that I heard back and forth
3 with Legislator Rhoads that recidivism is
4 creating or contributing towards a higher
5 caseload of 39,964, I have to beg the
6 question again. I mean you mentioned the
7 other Mental Health Court, the Veteran
8 Courts. This is a program that provides a
9 function that was considered to be an
10 acid. Why would it be cut and why would
11 it be disbanded? And when was it
12 disbanded?

13 MR. LEE: It was disbanded earlier
14 this year. June 30th.

15 LEGISLATOR ABRAHAMS: And when did
16 your office, when you started to come up
17 with the projections, and obviously it
18 sounds like you know, the office has
19 taken the position that bail reform is
20 high contributor to that, are the folks
21 that you feel that are committing these
22 crimes again, would they have normally
23 ended up in a program like CPP if it was
24 not disbanded in June. What I'm asking
25 you is, of the crimes that are being

1
2 recommitted going based off of what
3 you're saying, are they crimes that those
4 folks would have gone to CPP if it was
5 there from, I guess, from July, August
6 and September?

7 MR. LEE: They could have been.

8 LEGISLATOR ABRAHAMS: Does the
9 District Attorney have plans to create a
10 program of this nature in the future?

11 MR. LEE: She's considering, yes. I
12 don't want to give you the impression
13 that she is opposed to the idea of
14 creating programs that would help
15 individuals who are in need. It was
16 purely a financial decision based upon
17 the lack of funding that we had when we
18 looked at how it was funded. District
19 Attorney Donnelly did not create CPP.
20 When it was created, we looked at the
21 framework of it and looked at how it was
22 structured and who was giving oversight.

23 In addition to paying the CPP staff
24 and rent, I believe we're also paying for
25 fringes, for FCA, which was overseeing

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2 the program itself. And then there was
3 the other issue of conflict, which I
4 didn't mention previously, which now
5 comes to mind with CPP. Here is the
6 conflict: Some of those individuals
7 attending court sessions. One of the
8 functions of CPP that came about, was
9 that they were providing drug testing for
10 individuals as an overflow of the court
11 system. They're located a few yards away
12 from District Court. So the judges in
13 District Court and the court personnel
14 would say: Go over to CPP and get drug
15 tested and come back. The problem with
16 that was that CPP was an arm of the
17 District Attorney's Office and we were
18 conducting testing on individuals who are
19 represented by attorneys, we are
20 prosecuting these individuals. Yet, we
21 are providing testing and also some sort
22 of support. So you see the conflict
23 there? I don't think in the long run it
24 would have been a good look for the
25 District Attorney's Office to be involved

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2 in the future of CPP where you have a
3 situation where defendants were coming
4 from the courts into CPP, with active
5 cases who are represented by counsel, but
6 I'm not sure the counsels were coming
7 with them to CPP. And now we have members
8 of CPP who are considered, not employees
9 of the District Attorney's Office but arm
10 of the District Attorney's Office to be
11 engaging with them. So that was raised to
12 us as well. So in combination with that,
13 the conflict of interest angle, the
14 funding issue. That's what decided --

15 LEGISLATOR ABRAHAMS: I just want to
16 make sure that this Legislative Body has
17 the understanding today. Obviously, if
18 the District Attorney believes that there
19 is a contributing factor of recidivism
20 that is impacting the higher caseloads in
21 the county, that we actually have
22 programs that are going to combat that.
23 It just can't be -- which we plan to
24 support -- more ADA, that's great. I mean
25 we want to make sure that you're able to

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2 prosecute the case when they come in. But
3 if there's things that we can do to
4 prevent the cases from even becoming a
5 case. We want to make sure that the
6 district attorney is doing that as well.

7 In my summary, I just want to ask
8 you quickly. In regard to -- I know
9 Legislator Bynoe and Legislator Drucker
10 asked you about the dismissing of cases
11 and Legislator Bynoe followed up to find
12 out the types of cases. Can you share
13 with us, and I don't if you can maybe
14 need to get back to us as well. Can you
15 share with us in terms of trying to I
16 guess lack of a better term, how do you
17 triage and determine which cases that
18 you're putting effort if you have a lack
19 of resources, knowing full well, cases
20 could be full well dismissed because
21 you're vulnerable because you don't have
22 the ability to do the discovery, as you
23 mentioned before. How do you determine
24 that in terms of the types of cases that
25 Legislator Bynoe asked you for of the

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2 breakdown of those cases being dismissed?

3 MR. LEE: We actually did something
4 like that in terms of looking at certain
5 types of cases that we sort of
6 highlighted for potential for dismissal
7 and we looked at individual cases. So,
8 for instance, we isolated cases in which
9 there were no victims, where if there's a
10 victimless crime. Let's look at those
11 cases. Then we looked at how long has
12 this case been in the system?

13 So during the pandemic, let me go
14 back a little bit. Cases themselves,
15 misdemeanor cases I'm talking about, we
16 didn't dismiss any felony cases. But
17 misdemeanor cases, typically on a first
18 offender who's, let's say, arrested for a
19 petit larceny, on a first offense would
20 typically receive what's called an ACOD,
21 adjournment in contemplation of
22 dismissal, which means that after six
23 months time, if he or she does not get in
24 trouble, the case gets dismissed and
25 sealed, by operation of law.

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2 During the pandemic, when we saw
3 that the cases were aging and some of
4 these in some of these individuals, had
5 cases in the system for more than six
6 months and yet they had not reoffended,
7 we said those individuals had he or she
8 had the ability to come into court and to
9 take the plea six months after the case
10 had gone to court, they should still have
11 that entitlement. So when the cases got
12 over like a year old we can't be punitive
13 because a system is shut down because of
14 COVID sought those cases out and we
15 dismissed those cases. So we did some
16 triaging, as you put it, to compensate
17 for the lack of ability to move cases, to
18 offload some of the cases from the staff
19 in District Court, especially who are
20 carrying 340 cases or so. Cases like VTL
21 511, driving with a suspended license
22 that doesn't involve injury to anybody,
23 no accidents, first offense, petit
24 larcenies, marijuana cases before it was
25 taken off the books. Those are the types

1
2 of cases that we were looking at and
3 dismissing before they got too old.

4 LEGISLATOR ABRAHAMS: I was going to
5 ask you an example of a case, but you
6 just explain what you deem to be the
7 case. All right.

8 Again I just want to make sure that
9 I'm clear. If the District Attorney is
10 able to hire up to 230 ADAs with the ADA
11 assistants, you feel that you will be
12 able to address the potential caseload of
13 the 39,000, which will probably -- I
14 don't know if that's going to grow by
15 your projections of 2023 or not, as well
16 as the backlog.

17 MR. LEE: We hope so. We hope so.
18 If I came in and asked for 300 -- like I
19 said, the District Attorney's Office
20 wanted to be reasonable in our proposal;
21 fiscally responsible. We looked at these
22 numbers for a long time and said, if we
23 get up to 230 with the personal support,
24 that technology we're buying for next
25 year, we're hoping that all of that will

1
2 work together. Next year, I may come to
3 you and say we need to 250, but we want
4 to be reasonable in our approach.

5 LEGISLATOR ABRAHAMS: We definitely
6 want to dialogue with you before next
7 year. I mean we would like to be able to
8 provide your resources during budgetary
9 time, but then at the same time we would
10 like to have a dialogue with the
11 legislature where we don't find out about
12 the programs that we feel that are our
13 vital to our community, being cut. So if
14 we can set up an avenue to be able to
15 have those discussions -- I'm not saying
16 full-blown, we don't get a hearing -- but
17 if we could set up an avenue to have
18 those discussions, I mean when the
19 District Attorney, obviously we're not
20 asking about how she's disposing of cases
21 and how she's presiding over those types
22 of cases, we're just talking about the
23 ancillary programs that are there. We
24 would love to be able to have that
25 dialogue. We actually see ourselves as an

1
2 entity that wants to work with the
3 District Attorney so that she can provide
4 and be able to do her job to make sure
5 our communities are safe.

6 MR. LEE: We would like that too.

7 LEGISLATOR ABRAHAMS: Thank you. So
8 I think if we can set up that type of
9 avenue for dialogue, that'd be great.

10 But thank you again for your
11 presentation.

12 MR. LEE: Thank you.

13 PRESIDING OFFICER NICOLELLO:
14 Legislator Rhoads.

15 LEGISLATOR RHOADS: Thank you,
16 Presiding Officer. I just want to make
17 sure I understand and I'll keep this
18 quick.

19 It's still the case, though, that if
20 someone goes to the Heroine Diversion
21 Court or the Opioid Diversion Court, that
22 they will still, as a condition of being
23 in that court, they will still have
24 access to and, in fact, be required to
25 seek counseling, correct?

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MR. LEE: Yes, in those courts,
absolutely.

LEGISLATOR RHOADS: So it's not the
case that they're not receiving the
benefit. The real problem is that until
you actually get before the court, you
can't be placed into that program. So my
understanding is the issue that we're
having now is that individuals who
normally, if they had to face arraignment
and had the option of being placed into
that diversionary court, are now not
getting the benefit of any treatment at
all, because they've never been put into
the system, which is one of the ancillary
issues that we have with respect to bail
reform and the fact that you can't get
these individuals before a judge who has
the ability to, either by agreement or by
direction, to get them into the Diversion
Court and get them the treatment that
they need. Am I correct?

MR. LEE: That's correct. Unless
they voluntarily seek out other

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2 resources. That's correct.

3 PRESIDING OFFICER NICOLELLO: It's
4 two hours now and we have nine other
5 departments and we have gone well beyond
6 budgetary issues.

7 LEGISLATOR ABRAHAMS: I agree.

8 PRESIDING OFFICER NICOLELLO: So
9 let's let's wrap this up.

10 LEGISLATOR ABRAHAMS: I apologize,
11 Presiding Officer. There's just
12 something in the back and fourth, I have
13 to make sure I'm clear.

14 So for example, if I'm understanding
15 what you're saying correctly, some person
16 commits a crime on Tuesday. Before they
17 have to show back up in court, they
18 commit another. Obviously, that person
19 wouldn't be part of this program or these
20 programs we're talking about because
21 their cases have not been resolved yet.

22 MR. LEE: That's right.

23 LEGISLATOR ABRAHAMS: That's not the
24 case that I'm talking about. Those types
25 of cases based on the larger scope of

1
2 people, is that a smaller percentage or a
3 larger percentage of what we're talking
4 about, people that normally commit
5 crimes?

6 MR. LEE: If you're talking about
7 individuals who are voluntarily seeking
8 treatment, that's a very small number,
9 even at CPP.

10 MR. LEE: That's what I would think.
11 I guess what I'm saying is, I guess, by
12 the Legislator Rhoads saying that because
13 their cases wouldn't be resolved, they
14 wouldn't be eligible for this program
15 because it hasn't come before a judge
16 yet. But what I'm saying is the amount of
17 people that are committing those crimes
18 again that you're seeing, is that a large
19 percentage of the folks that would be
20 committing those crimes that would be
21 eligible for this program? My envision
22 is, correct me if I'm wrong, that more
23 people that are committing these crimes
24 that are having this level of recidivism
25 are committing their crimes after their

1
2 cases are resolved, or are you seeing a
3 higher amount of recidivism before the
4 cases are being resolved and they have to
5 come back to court?

6 MR. LEE: Since the bail reform, we
7 have seen that we have seen individuals
8 who are --

9 LEGISLATOR ABRAHAMS: So the
10 recidivism rate is higher among folks
11 that are that are committing crimes
12 before they have to come back to court?

13 MR. LEE: Sure.

14 LEGISLATOR ABRAHAMS: Can you can
15 you document that for us?

16 MR. LEE: You're saying that if the
17 individual gets arrested today, sees a
18 judge today.

19 LEGISLATOR ABRAHAMS: No. They're
20 not seeing a judge.

21 MR. LEE: So they're given a DAT.

22 LEGISLATOR ABRAHAMS: And they come
23 back in 30 days, 40 days.

24 MR. LEE: Thirty days. So you're
25 asking me: Before the 30 day lapses, are

1
2 they reoffending? Yes, some of them are.

3 LEGISLATOR ABRAHAMS: Some of them,
4 we know, some of them are. What I'm
5 asking is of the folks that actually are
6 reoffending. Is it more people that are
7 reoffending before they have to come back
8 to court, or is it more people that are
9 real offending -- they've come back to
10 court, they got the benefit of a program
11 like this and then they commit the crime
12 again after the 30-40 days they come back
13 to court? You know what I'm saying. I
14 would like to see that. Because I'm
15 understanding -- look, we want to get to
16 the bottom, to be able to make sure the
17 District Attorney has what she needs. So
18 I don't want to get caught up in politics
19 and spending time on politics. So from
20 from that standpoint, we need to truly
21 understand where your office is, because
22 your office, based on your testimony, it
23 contradicts what we are seeing, at least
24 from the study that was done by the state
25 Department of Justice. That talked about

1
2 recidivism was not a contributing factor
3 towards the increasing crime. I don't
4 know whether that's true or not true.
5 Bottom line is that State authority
6 that's saying that, but you're saying it
7 is a high contributor. So we want to just
8 be able to assess, because maybe you need
9 more resources. Maybe Nassau is an
10 anomaly and we need more resources in
11 Nassau than we need in other places. We
12 don't know. But I want to get to the
13 bottom of the number without getting
14 involved in the muck and mire of
15 politics.

16 MR. LEE: That's fine.

17 PRESIDING OFFICER NICOLELLO: Thank
18 you, Mr. Lee.

19 MR. LEE: Thank you, presiding
20 officer.

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PRESIDING OFFICER NICOLELLO: The next department, Department of Human Services, Jill Nevin.

COMMISSIONER NEVIN: Good afternoon, everybody. I'm Jill Nevin, I serve as the Commissioner of the Department of Human Services.

Just quickly, my fiscal staff and I worked closely with Office Management and Budget to prepare what we consider a fiscally responsible Human Services 2023 Budget. What we're presenting today we're very comfortable with and happy with. We plan to continue to work closely with OMB on any issues that may arise throughout the year that might need some attention. Our budget is in line pretty much with last year.

PRESIDING OFFICER NICOLELLO: Is that it?

COMMISSIONER NEVIN: Yes.

PRESIDING OFFICER NICOLELLO: Questions. Legislator Mule.

LEGISLATGOR MULE: Good afternoon.

1
2 So you know we've heard a lot from the
3 youth service agencies that they
4 acknowledge that there's been an increase
5 but that they need more. You know the
6 argument that they make makes sense to
7 me, and I'm a social worker by training,
8 that that the more money you put into
9 preventative services, the less problems
10 you have going down the line. And given
11 the need that COVID has presented and the
12 fact that we have so much money available
13 to us through COVID funding, I heard one
14 person say: A continuous stream of
15 funding. I'm not sure if that's possible,
16 but certainly it must be possible to get
17 more money for youth services,
18 particularly to address the needs, the
19 mental health needs of our youth. So that
20 way we end up avoiding having to deal
21 with the DA down the line. It just it
22 just makes total sense that that's where
23 we should be able to add money. So I'm
24 making a request that that additional
25 funds be put in the youth services line.

1
2 Well, we are working within the confines
3 of our budget. They are getting awarded
4 the ARPA funds, all of them that were
5 speaking. We have offered also recently,
6 additional support to most of the ones
7 speaking today through our opioid
8 settlement funds, so we are supporting
9 them additionally beyond their -- we are
10 working within the confines of our
11 budget, but they are all being awarded
12 ARPA awards and we have supported them
13 above and beyond through the opioid
14 settlement funds in other ways through
15 other areas of Human Services. But it is
16 support for those organizations.

17 LEGISLATGOR MULE: Can you give us
18 the amounts that the Youth Services
19 agencies are getting from both ARPA and
20 the opioids settlements?

21 COMMISSIONER NEVIN: I could tell
22 you the formula, so Youth ARPA is going
23 is 20% of their 2021 contracts. I don't
24 have all those numbers. I have for the
25 few that spoke today, the Hicksville

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2 Teenage Council, they requested \$32,000
3 and they're being awarded \$32,000. YES,
4 Counseling Centre requested \$60,000 and
5 they're being awarded \$60,000 and
6 Hispanic Counseling Centre was requested
7 \$60,000, awarded \$60,000.

8 LEGISLATGOR MULE: Is this above the
9 amount that's been budgeted or is that
10 factored?

11 COMMISSIONER NEVIN: Yes.

12 LEGISLATGOR MULE: Yes, all right.
13 Do you know specifically what type of
14 services are being provided with that
15 additional funding is?

16 COMMISSIONER NEVIN: It's to expand
17 on what they're existing contracted to
18 provide, whatever services they're
19 providing under their contract is what's
20 going to be expanded.

21 LEGISLATGOR MULE: Is this a one
22 year or two years.

23 COMMISSIONER NEVIN: Yeah, ARPA it's
24 a one shot, but can use through 2026.

25 LEGISLATGOR MULE: They could use

1
2 it through 2026.

3 LEGISLATGOR MULE: So they they
4 could choose parse it out over the year.
5 And what about the opium.

6 COMMISSIONER NEVIN: The opium
7 monies, for two of the agencies that
8 spoke today, they're getting \$60,000 each
9 year for the next four years, just about
10 a quarter of a million dollars over the
11 next four years to be utilized. That's
12 that's through the opioid settlement, but
13 it's all all overlaps. Especially when
14 you're looking to higher social workers
15 and what not.

16 LEGISLATGOR MULE: And again that
17 goes above and beyond the the budget that
18 you provide?

19 COMMISSIONER NEVIN: Yes.

20 LEGISLATGOR MULE: I'd still like to
21 see additional funding go towards them.

22 COMMISSIONER NEVIN: Okay.

23 LEGISLATGOR MULE: Thank you very
24 much.

25 COMMISSIONER NEVIN: No problem.

1
2 LEGISLATOR FORD: Just to follow-up
3 to Legislation Mule's questions. In
4 regard to the ARPA awards. As you have
5 stated, this is 20% of the total money
6 that they would get, like if somebody was
7 getting a \$100,000, they'd get \$20,000
8 from ARPA, correct?

9 COMMISSIONER NEVIN: Correct.

10 COMMISSIONER NEVIN: Have all of,
11 the agencies that have been promised
12 this, money? Have they all been paid to
13 date?

14 COMMISSIONER NEVIN: They are in the
15 process right now of rolling that out.

16 LEGISLATOR FORD: And how many
17 agencies have been paid so far?

18 COMMISSIONER NEVIN: I don't have
19 that number. I could get that for you,
20 though.

21 LEGISLATOR FORD: All right.

22 COMMISSIONER NEVIN: The contract
23 process has not been completed yet for
24 the ARPA.

25 LEGISLATOR FORD: And I understand

1
2 due diligence in going through this. But
3 I ask, though that because you know you
4 weren't here last year, so the money was
5 promised the funding, the additional
6 funding was promised the agencies and to
7 a certain degree they counted on this,
8 which I would think rightfully so. The
9 beginning of the year when the new County
10 Executive came in, I believe letters were
11 sent out reinforcing that he was going to
12 fulfil this commitment to all of the
13 agencies. So even with the change in the
14 administration, there was confidence in
15 the fact that they would receive this
16 funding. We're now in October, the middle
17 of October, and still not all these
18 agencies have been paid, and now we're
19 going through the contact process. How
20 long is this contract process going to
21 take and are you reevaluating each and
22 every agency that is receiving funding
23 through your office?

24 COMMISSIONER NEVIN: We're not
25 reevaluating, they're going to be

1
2 awarded. Seema could speak to the
3 process the length.

4 MS. ZAKI: So Haggerty (phonetic)
5 has been hired by the previous
6 administration and is putting through the
7 contract for the whole Department of
8 Humans Services for the ARPA funds. Once
9 the process is complete, the department
10 is responsible for reimbursing the
11 claims. In fact, either today or tomorrow
12 we are going to have a training on the
13 portal Haggerty has created to reimburse
14 these agencies. So we are just waiting
15 for the contract process to be completed.
16 The providers have received letters from
17 the current administration of how much
18 they're receiving. I guess current
19 administration has vetted the agencies
20 again, so that delayed it a little bit
21 maybe, but we are pretty much at the tail
22 end of this whole process, and department
23 will be reimbursing the claims.

24 LEGISLATOR FORD: All right.
25 Because I noticed that in the budget

1
2 there are no increases for any of the
3 agencies, or very, very few agencies are
4 actually getting any increases other than
5 what they got in previous years, correct?

6 MS. ZAKI: Yes. This is a regular
7 funding has nothing to do -- that amount
8 is not reflecting in the budget.

9 LEGISLATOR FORD: I know. The
10 additional funding under ARPA would be
11 something that they could use. Haggerty,
12 it's an outside agency that was hired by
13 the previous administration. So how long
14 have they been working on these
15 contracts? Do you know offhand?

16 MS. ZAKI: I guess for whatever
17 reasons they had to pause, I think, and
18 then they resume. I don't have that
19 information. We'll get back to you on
20 that.

21 LEGISLATOR FORD: I would appreciate
22 this. And then, if you're saying at the
23 tail end, so once the contract, once this
24 has been, once I guess Haggerty finishes
25 their work, how soon do you expect that

1
2 the checks would be issued to these
3 agencies again?

4 MS. ZAKI: Again, we'll get back to
5 you on that. Once the contract is
6 completed, they submit the claims. The
7 claims they have to be submitted for the
8 department to reimburse. To complete the
9 reimbursement process.

10 LEGISLATOR FORD: You're
11 reimbursing. Maybe I'm missing something
12 here. According to both the previous
13 administration and the current
14 administration, letters be sent out
15 saying to these agencies that they, under
16 ARPA, they would be entitled to 20% of
17 what their funding was. What claims do
18 they have to submit for this?

19 MS. ZAKI: So they, when they
20 submitted their applications, they have
21 the scope of work. They have defined what
22 they will be drawing these funds for.
23 That is in the letter. The department,
24 has not received it. It has gone
25 directly from the County Executive's

1
2 office to the providers. Once we start
3 receiving the claims and the rest of the
4 documents, the budget especially, the
5 fiscal, will be more involved in
6 reimbursing the claims process.

7 LEGISLATOR FORD: So now there's a
8 new portal system that they have to apply
9 through.

10 MS. ZAKI: No, they have already
11 applied. Haggerty has created this
12 portal for the claims reimbursement
13 process, it seems. Which fiscal will be
14 receiving training on like in the next
15 couple of days. That's where we are from
16 the fiscal point of view.

17 COMMISSIONER NEVIN: So they need to
18 spend and then submit claims to us in
19 order to get reimbursed up. They're
20 getting that \$20,000. They need to spend
21 and then submit a claim to Human Services
22 and then we will reimburse them for that
23 claim.

24 LEGISLATOR FORD: I'm going to go
25 out on a limb on this because we all know

1
2 that they probably spent that money
3 already and that they're waiting to be
4 reimbursed. That would be my guess.

5 COMMISSIONER NEVIN: It's quite
6 possible with some.

7 LEGISLATOR FORD: Yeah, so I'm
8 hoping. We will follow this because I
9 want to make sure. It has been a long
10 time. It started with the previous
11 administration. We really need to put
12 this one behind us so that we could work
13 on helping in other ways.

14 The RFEI that was issued and you
15 know, as you know, like with the opioid
16 settlement monies, have we been receiving
17 a lot of responses from interested
18 parties?

19 COMMISSIONER NEVIN: So questions
20 and letters of intent were due on Monday,
21 Monday was a holiday. So we do have some
22 things in that are going to be going
23 through review.

24 LEGISLATOR FORD: So when is the
25 cut-off date? I was under the impression

1
2 that this was not going to be a short
3 open window. There are a lot of agencies
4 that may not be aware to go through all
5 the language and the volumes of paper,
6 questions and paper.

7 COMMISSIONER NEVIN: I have to get
8 the exact date, but I believe proposals
9 are due mid to end of November, but
10 letters of intent were due on the 10th.

11 LEGISLATOR FORD: All right, and
12 that's not really set in stone. Because
13 I'd like to make sure that that if some
14 people did not realize that they need to,
15 because there's some people that are new
16 to this whole system and they would like
17 to be part of this, that there would be
18 some consideration made to to some of the
19 agencies. We're looking at taking a look
20 at this funding, whether or not it's you
21 know, of course, to help with addiction,
22 mental health, which is very key. We have
23 the Veteran agencies. We accepted this
24 settlement money, we basically, I guess,
25 restricted it to a certain degree, put

1
2 some caveats on it, that it could only be
3 used -- and I believe that there's many
4 of us, if not all of us, that would like
5 part of this money to be used for
6 Veterans. And I don't know whether or not
7 if maybe all of the Veteran service
8 agencies were aware of this. If they
9 have not registered with the County, how
10 would they know that they could so that
11 they could put in a letter of intent?

12 COMMISSIONER NEVIN: Well, the way
13 we put it in *Newsday* as standard
14 practice, and we also reached out to all
15 of our executive directors that we
16 partner with currently to let them know
17 that an announcement has been posted on
18 the bid board.

19 LEGISLATOR FORD: When you said you
20 put it in *Newsday*, was it in like the the
21 small print area?

22 COMMISSIONER NEVIN: Yeah.

23 LEGISLATOR FORD: Is there anyway
24 that maybe we can do something like
25 another blast out, but in regular print.

1
2 Not everybody reads all of those.

3 COMMISSIONER NEVIN: I could see if
4 we could get creative and see additional
5 options. I hope we can. You know just in
6 case, because it would be a shame that
7 there may be some agencies -- it's very
8 important. You know, I believe in due
9 diligence.

10 I thank you for providing the
11 funding to the agencies that you already
12 did especially, Especially NUMC, I think
13 that's very key. We just want to make
14 sure that we reach the people that this
15 money is intended for and we utilize it
16 to the best of our ability. I appreciate
17 all the work that you've put into this. I
18 know you're very dedicated to this and
19 you want to see it done right and we want
20 to join you with that. Okay. Thank you.

21 COMMISSIONER NEVIN: Thank you.

22 PRESIDING OFFICER NICOLELLO: I just
23 wanted to follow-up Legislator Ford's
24 questions and comments with respect to
25 the ARPA fund. This legislature passed

1
2 that funding in August of 2021. So it's
3 15 months now and the youth agencies have
4 come to us a number of times. We received
5 commitments that they received the monies
6 and it's it's ridiculous that it's 15
7 months later and we're being told that
8 well, you know we're working with the
9 contractor, the consultant, and we have
10 portal will be set up for reimbursement.
11 I mean just get them the money for Pete's
12 sake. I mean what. What else do you have
13 to do? Can you give us a timeline, a
14 real timeline as to when money is going
15 to be dispensed, assuming they get their
16 information through the portal?

17 COMMISSIONER NEVIN: I'd have to
18 look into that and get back to you.

19 PRESIDING OFFICER NICOLELLO: I
20 mean, are they going to get the money by
21 the end of the year?

22 COMMISSIONER NEVIN: Definitely.
23 It's it's right around the corner.

24 PRESIDING OFFICER NICOLELLO: Right,
25 I mean it's it's frustrating. Frustrating

1
2 for us as legislators. It's exponentially
3 more frustrating for them, who've been
4 promised this money for over a year and
5 still hasn't arrived yet. So whatever has
6 to be done, just let's get it done as
7 soon as possible.

8 Legislator Deriggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON: I think
10 there's an end date, also correct. I
11 think what was it? 2026? If we don't get
12 the funds out, we're going to lose the
13 funds.

14 COMMISSIONER NEVIN: They will
15 certainly be well before 2026. We're
16 still talking about a huge amount of
17 money that has to be dispersed, including
18 the money that was pulled back from other
19 programs.

20 I just have one other question. I
21 might be getting the wrong information,
22 but I was told that groups that I'm
23 talking about I guess both avenues of
24 funding, but groups that don't do
25 business with the County are not eligible

1
2 for this type of grant; is that
3 incorrect?

4 MS. ZAKI: I think that's incorrect.

5 LEGISLATOR DERIGGI-WHITTON: So like
6 501-C3 not just the ones that the County
7 has a relationship with? Is that correct?

8 COMMISSIONER NEVIN: I don't want to
9 speak incorrectly. I could look into that
10 and certainly get you the details.

11 LEGISLATOR DERIGGI-WHITTON: I was
12 told by a group that doesn't do work with
13 the County that they were told they would
14 not be eligible because they're only
15 responding to the to the groups that
16 previously did work --

17 COMMISSIONER NEVIN: I know from my
18 contract it was a blanket for the
19 different areas whether they were getting
20 a scaled percentage, whether they were
21 all getting a dollar amount or just one
22 single percentage. But I can get back to
23 you in details about non-contracted.

24 LEGISLATOR DERIGGI-WHITTON: Because
25 there's a lot of groups out there that

1
2 are not contracted with the County that
3 could benefit from this funding also.

4 The last thing, I know we've been
5 speaking with the jail and it sounds like
6 there's both the sheriff and the unions
7 are really receptive and I think you
8 would have a place in this to put some of
9 the opioid funding there. I think we can
10 even use it for capital improvements to
11 help really make a better drug rehab
12 facility in the jail.

13 COMMISSIONER NEVIN: Yeah, we're
14 currently in the process of working with
15 jail on some meth services over there.
16 Expansion. We do provide meth services
17 now, but expansion into methadone.

18 LEGISLATOR DERIGGI-WHITTON: I know
19 that the need is there.

20 PRESIDING OFFICER NICOLELLO:
21 Legislator Bynoe, then Legislator Rhoads.

22 LEGISLATOR BYNOE: Thank you. Good
23 afternoon.

24 First I'll start with maybe just
25 your head count. You're down 10. Can you

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tell me in what divisions.

COMMISSIONER NEVIN: We're not down, we shifted a few, but we're actually increasing by one.

LEGISLATOR BYNOE: So I have proposed head count of 60, but your onboard is 50. The 2022 adopted was 59, the onboard as of September 2022 is 50 and the proposed for 2023 is 60. So you would be gaining one, which leaves a variance of 10 position.

COMMISSIONER NEVIN: That was projected as the 50. From what I'm understanding, the 2021 is 58 and we're looking for 60.

LEGISLATOR BYNOE: How many do you have on board right now?

MS. ZAKI: We are 59, General Fund.

COMMISSIONER NEVIN: 59 General Fund.

LEGISLATOR BYNOE: On board?

MS. ZAKI: In General Fund, yes.

LEGISLATOR BYNOE: Because I have September 2022 on board head count as 50.

1
2 Are you saying that you have everyone
3 that you would be hiring with the
4 exception of one position at this point?
5 Is that what you say? Where's that
6 position?

7 COMMISSIONER NEVIN: We've shifted
8 things around. I know in Aging I'm trying
9 to get additional on board. I've had some
10 attrition and some leaves of absence that
11 I need to fill.

12 LEGISLATOR BYNOE: In terms of youth
13 board. You have enough staffing.

14 COMMISSIONER NEVIN: Yeah. We've
15 just had turnover, but we've just
16 acquired two additional people to fulfil
17 those slots.

18 LEGISLATOR BYNOE: So these numbers,
19 apparently they don't jive with what you
20 have, but I'm told the are the Office of
21 Management and Budget numbers. So if my
22 numbers are correct, you have 10
23 additional appointments that you can make
24 or hires. In any event, let's move on in
25 the interest of time.

1
2 If you would, and I hate to do this
3 to you again. You said the ARPA money.
4 The formula that's gonna fund the youth
5 boards is what?

6 COMMISSIONER NEVIN: It's 20% of
7 their 2021 contract. Do you know what
8 that grand total number is?

9 COMMISSIONER NEVIN: I could get
10 that for you. I don't have that in front
11 of me.

12 LEGISLATOR BYNOE: I'm wondering
13 what it is, because I know we have a
14 significant amount of ARPA money, and I
15 know that money has the ability to be
16 used in a very broad way and in ways that
17 exceed Human Services and Social Services
18 and the like. But that being said, I feel
19 like we could actually give our Youth
20 Board a little bit more money. To my
21 understanding there's roughly \$300
22 million ARPA money that's come in or
23 coming in. We have a significant amount
24 of money there and it looks as though
25 those entities that are providing

1
2 assistance in the opioid addiction, where
3 there is a more finite and focused use of
4 the money, but for youth boards that we
5 are trying to stop that school to prison
6 pipeline situation. We're trying to get
7 them before they're on opioids and the
8 like, and we're hearing testimony one
9 after the other, that they need more
10 money and they haven't gotten any raises
11 in years. If there was a way to get more
12 ARPA money into the hands of those youth
13 board organizations, I think we should do
14 that. I'd love to know the grand total
15 that would be allocated based on this
16 formula, because I'd like to look at that
17 in comparison to the total pot of money.

18 COMMISSIONER NEVIN: Sure.

19 LEGISLATOR BYNOE: Thank you very
20 much, and then I just want to shift to
21 probably some of your OTPS spending, your
22 contract services. It's your department
23 that's funding those Mobile Crisis and
24 working with the Police Department. How
25 are we doing with in terms of being able

1
2 to recruit and retain individuals on that
3 Mobile Crisis team, are you seeing any
4 turn over those agencies?

5 COMMISSIONER NEVIN: No. We
6 haven't and we're actually in the process
7 of recruiting for our 22/7 talks hotline
8 two additional psychiatric social
9 workers.

10 LEGISLATOR BYNOE: Okay. And those
11 those folks would be helpful too, because
12 they talk directly, even with the Mobile
13 Crisis and with family.

14 COMMISSIONER NEVIN: And make
15 referrals.

16 COMMISSIONER NEVIN: Okay. So right
17 now currently, how many are we
18 contracting for that mobile crisis team?
19 You split the county in four?

20 COMMISSIONER NEVIN: I think we have
21 12. We subcontract through Southshore
22 Epoch.

23 LEGISLATOR BYNOE: So right now we
24 feel that the funding that we have is
25 sufficient to continue those services.

1
2 They're running from what hour to what
3 hour?

4 MS. ZAKI: I think around 10
5 o'clock, 12 o'clock shipped and they're
6 there until 12 o'clock. I've spoken to
7 some of them. We'll get back to you with
8 all the details.

9 LEGISLATOR BYNOE: Very good.

10 COMMISSIONER NEVIN: So there's
11 there's an expansion that consists of
12 five additional team with two clinicians
13 each, 10 clinicians and two care
14 coordinators. So that's the 12 and one.
15 So there's a total of 13.

16 LEGISLATOR BYNOE: My last question
17 is going to also be in the realm of
18 mental health. It's your department
19 that's tasked with carrying out the local
20 law that was enacted by this body to
21 ensure mental health for stage training
22 to our public facing employees. I know
23 with COVID we did some stuff virtually
24 and then went back to, from what I
25 understood, to some in-person training.

1
2 I'd like to know where the training as it
3 relates to the different departments, are
4 all departments trained?

5 COMMISSIONER NEVIN: County
6 departments. Yeah, so it's a work in
7 progress. I know Office for the Aging is
8 training this week or next week. Kali
9 (phonetic), who is my training
10 coordinator, is continuing to train other
11 areas.

12 LEGISLATOR BYNOE: We knew that it
13 would take some time to do all the
14 departments when COVID hit, but I'd love
15 to get an updated list and how many have
16 been trained and what the schedule is
17 training the remaining staffers. And
18 that's all I have for you today. Thank
19 you.

20 PRESIDING OFFICER NICOLELLO:
21 Legislator Rhoads and Legislator Ford.

22 LEGISLATOR RHOADS: Thanks,
23 Presiding Officer. This is more of a
24 statement that it is really a question.

25 I think part of the frustration is

1
2 that when we approve these original ARPA
3 funds to go to the local agencies, the
4 whole idea behind it was that we would be
5 able to do increase in funding for each
6 of those agencies by 20% and we'd be able
7 to streamline the process because we have
8 an existing relationship with these
9 vendors already. So then you wouldn't
10 have to go through the usual background
11 investigation so we could get that money
12 out to those agencies right away. It
13 wasn't meant to preclude any other agency
14 from applying, but the idea was that the
15 ones that we had existing relationships
16 with, we would across the board give a
17 20% increase because we wouldn't have to
18 do that exhaustive background check.

19 The fact that we're now, you know, I
20 was a little frustrated, to be honest,
21 that we approved those funds in August. I
22 was little frustrated that under the
23 previous administration they hadn't been
24 doled out the same year. The fact that
25 we're now 15 months into this and it's

1
2 still not out, I think it is one of the
3 reasons that you're hearing frustration
4 expect expressed by a number of our
5 legislators.

6 So I know that you're saying that
7 it's imminent, but let's try and make it
8 imminent as soon as humanly possible.
9 Thanks.

10 COMMISSIONER NEVIN: I understand.

11 LEGISLATOR FORD: Just one quick
12 question. With the opioid settlement
13 money, I know that we're allocating it to
14 agencies and anybody who will respond to
15 the RFEI, but considering the fact of
16 schools and hearing how in middle school
17 so many young people are vaping, you know
18 and probably doing drugs and just given
19 the mental health crisis that's impacting
20 them, is there any money? Because I know,
21 like in some schools perhaps they can run
22 programs or do something special to try
23 to engage the students after-hours you
24 know, not during the school day. Will
25 there be any funding or any possibility

1
2 of funding to provide if any of the
3 school districts can come up with some
4 sort of like program that they can submit
5 to you for consideration to get funding?
6 You know, like I know in the city, the
7 one school district every year they
8 always did teen night out. They'd get
9 anywhere between 300-400 students that
10 would congregate on Friday night. They
11 open up the high school and they'd have
12 all these events and the whole purpose of
13 it was to have the the students socialize
14 with one another without the use of
15 cellphones, and social media or anything
16 like that. They just have plain fun just
17 to show them that this is something that
18 they can do and it also gave an
19 opportunity for some of the teachers to
20 observe the students outside the
21 classroom. Is there any type of funding
22 for something like that?

23 COMMISSIONER NEVIN: There could be
24 potentially. It's definitely something we
25 could take into consideration for the

1
2 future monies that do come come in.

3 LEGISLATOR FORD: Thank you very
4 much. Thank you for doing a wonderful
5 job.

6 COMMISSIONER NEVIN: Thank you.

7 PRESIDING OFFICER NICOLELLO:
8 Legislator Walker.

9 LEGISLATOR WALKER: I just want to
10 thank you too, especially for all the
11 help and you sat with us really trying to
12 work on the Opioid Funding and moving
13 forward. Legislator Ford, and I really
14 can't thank you enough for that.

15 And I know the hold up with these
16 monies isn't isn't you and you have to
17 listen to us. I know that our youth
18 agencies, they thought they'd have those
19 checks already and obviously that's not
20 the case. It might be right around the
21 corner, but there's still some hoops they
22 have to go through to get at those
23 checks. So again, as a Presiding Officer
24 said, the quicker the better. And you
25 know we heard from many of them this

1
2 morning and all they do for our kids. I
3 know, our kids can be very resilient, but
4 our kids are going through a tough time.
5 I think more than ever we are dealing
6 with, you know, issues for our kids that
7 that COVID just made worse. So anything
8 we can do to help our agencies is
9 certainly beneficial. Hopefully,
10 addressing things now, as Legislator
11 Bynoe said, that problems they have now,
12 don't become problems for the future. We
13 are addressing them now as they're kids.
14 Thank you.

15 COMMISSIONER NEVIN: Thank you.

16 PRESIDING OFFICER NICOLELLO: Well,
17 thank you very much for the presentation.

18 COMMISSIONER NEVIN: Thank you.

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2 PRESIDING OFFICER NICOLELLO: The
3 next department is the Department of
4 Consumer affairs.

5 COMMISSIONER CAPECE: Good
6 afternoon, may I proceed? I'm going to
7 read a couple of notes out and then I'll
8 be open for any questions that you have.

9 First of all, I'd like to thank OMB
10 and the Comptroller's Office for giving
11 us a lot of support and assistance in my
12 first nine months in this particular job,
13 and I want to thank again my staff for
14 all their good work. The staff at
15 Consumer Affairs are doing an exceptional
16 job.

17 One of the things I tried to do
18 transitioning from my previous life in
19 the Police Department and going into
20 Consumer Affairs, I try to instill upon
21 them the team approach. What do I mean by
22 team approach? Transparency, efficiency,
23 accessibility and multitasking? I think
24 if they do those things and I think it's
25 for a lot of agencies, you'll get the job

1
2 done as best you can.

3 Jumping right into the backlog:

4 On new licences, when I started it
5 was at 1723, it's down to 672, but be
6 advised, some of those are pending. What
7 do I mean by pending? Contractors that
8 come in sometimes do not comply with our
9 rules and regulations. They don't have
10 the proper insurance. They have not
11 listed the proper work they're doing.
12 They have judgments against them, they
13 owe taxes, they owe consumer stuff. We
14 won't give them a license. So you're
15 never going to have zero. There's always
16 going to be some licenses that are out,
17 but my goal is to get it down to a very
18 reasonable number.

19 Renewals. When I started it was
20 6679. As of today it's 1812. But that
21 also includes our October renewals, which
22 are normal renewals. So our actual number
23 backlog is around 1548 and we have the
24 same issues with renewals. Sometimes the
25 contractors do not provide the correct

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2 paperwork. It causes a lot of problems.
3 What did we do to try to counteract that?
4 Number one, our front desk is very
5 robust. We do not just let people e-mail,
6 we let people come in. If there's a
7 particular contractor that has some
8 particular issue, we let them meet with
9 me, my acting deputy and our county
10 attorney and we try to work it out. So
11 that's the backlog.

12 Other areas of Consumer Affairs:

13 Traffic, Limousine Commission. We're
14 up-to-date we have 384 registered
15 drivers, we have 525 taxis registered in
16 Nassau County.

17 Weights and Measures. They've
18 inspected so far this year 7155 premises.
19 This includes several visits to the 12
20 scrap yards that are in Nassau County.
21 Now the scrap yards are the ones that are
22 dealing with the catalytic converters and
23 our inspectors have issued three
24 summonses as per the law that you passed
25 and the leg (sic). We've issued three

1
2 summonses to scrap yards that have not
3 complied with the law. We did not just
4 show up with them. When the law was
5 passed, we sent them a notice of what the
6 law was and what we expect them to do,
7 and we gave them time to comply. Then we
8 inspected them. We still found three were
9 not in compliance. As of right now. We
10 have not issued a summons in the last
11 month and a half, so I think we're
12 getting compliance from that aspect.

13 As far as for 2023, what am I
14 looking to do? I want to do increased
15 enforcement in the field. I want
16 inspectors to go out in the field. I want
17 Landscapes, contractors, to see our
18 vehicles out in the field so they know
19 we're out there. So they're going to
20 comply with the law, and they're going to
21 comply and get a license.

22 I want to do more sting house
23 operations. We did a sting house
24 operation in conjunction with the
25 District Attorney's Office that was very

1
2 successful and actually brought around
3 \$47,000 in fines that we generated to the
4 office. I want to continue that.

5 I want to eliminate the backlog more
6 and get it down to a reasonable level. By
7 a reasonable level, I gave you the
8 numbers, a little lower would be
9 reasonable. So there's never going to be
10 zero, but we shouldn't have contractors
11 waiting a long time to do business in
12 Nassau County. We want our contractors
13 to be able to come here, if they have the
14 proper licensing, they have the proper
15 paperwork, we will get them the license
16 right away. But just be advised, a lot
17 of contractors do not have the proper
18 paperwork. And that's where it increases
19 our work output. We take a lot of time
20 to try to get them to comply.

21 I also want to do something, I want
22 more community outreach. I want people in
23 my office to be at civic meetings. I've
24 been talking to Lionel Chitty in Minority
25 Affairs at certain meetings that they

1
2 have, so we could have a table and we
3 could have people from my office out
4 there to tell the public:

5 - What's the latest scams?

6 - How do you look up a complaint
7 against a contractor; a lot of people
8 don't know how to do it.

9 - How do you file for a license;
10 there's a lot of people out there that
11 don't know how to file, and unfortunately
12 there are came to our attention, there's
13 a lot of so-called expeditors that are
14 charging people money to get through the
15 system. By doing that, they're filling
16 out their paperwork and stuff, and that
17 offends me, because I think we should be
18 able to help our citizens do that. So I
19 want to get more outreach to do that.

20 Other than that, that's my plans. I
21 want to reach my full head count of 26.
22 I'm down to 19. I'm hoping to reach my
23 goal for 26.

24 Also, I didn't mention consumer
25 complaints. We have approximately 700

1
2 outstanding consumer complaints. What do
3 I mean by consumer complaint? That's
4 someone who registered online or at the
5 desk or through the mail. They've
6 registered a complaint against some sort
7 of business or company that have not
8 fulfilled an obligation the consumer
9 feels they haven't. With more people I
10 could get that number down. But consumer
11 complaints are very difficult because
12 each one is individual. It's not a time
13 and motion study, like it takes 15
14 minutes to do this, 20 minutes to do
15 that. Everyone is different.

16 So with that, if there are any
17 questions, I'll be happy to answer.

18 PRESIDING OFFICER NICOLELLO: Thank
19 you for the presentation.

20 Number one, you anticipated most of
21 my questions. Well done, but also well
22 done on getting those number of licenses
23 and renewals down. You've made a
24 tremendous amount headway over the last
25 few points. All of us were very concerned

1
2 about that, the effect of our economy on
3 our businesses and our residents. So
4 thank you for the work you're doing and
5 really just keep that up.

6 One of the other issues that had
7 been brought to our attention was was a
8 backlog in hearings, lack of JHOs; how
9 we're doing on hearings?

10 We're doing pretty good on hearings.
11 We have one hearing officer. I have to
12 praise my county attorney, Mary Hawkins,
13 who's not here. She's Florida. She
14 really is revising the scheduling of
15 people coming in for hearings, so it's
16 not in a haphazard way and it's more
17 efficient. What I talked about with team,
18 the team effort, we have to be more
19 efficient. We can't have a hearing at
20 nine and one o'clock because people,
21 people cancel. I hate to say we're being
22 a doctor's office, but I want to sort of
23 overbook. So you know, I rather someone
24 wait and we get through it and we get it
25 done. But our hearings are up, and our

1
2 revenue is up. We refunded consumers this
3 year approximately \$175,000 through our
4 hearings. So far to date.

5 PRESIDING OFFICER NICOLELLO: What
6 about department revenues? Are they
7 trending up?

8 COMMISSIONER CAPECE: Yes, they are.
9 We're ahead of our budget. In September
10 we were ahead of our budget for revenue
11 coming in. We generated approximately
12 \$200,000 so far and new revenues beside
13 that 175.

14 PRESIDING OFFICER NICOLELLO:
15 Legislator Schaefer then Legislator Ford.

16 LEGISLATOR SCHAEFER: Good
17 afternoon. How are you?

18 COMMISSIONER CAPECE: Hi.

19 LEGISLATOR SCHAEFER: Hi. A couple
20 of topics touched upon. The hiring
21 process, you said you had 19 right now
22 you want, I guess, another seven.

23 COMMISSIONER CAPECE: Yes, when I
24 first started I had 21. Some people we
25 had, unfortunately, a worker who was

1
2 going to celebrate her 50th year in
3 county service unfortunately passed away.
4 We had someone left to go to a better
5 job, and we had two people retire. So
6 right now my head count with OMB is 26.
7 I'm at 19. I put in for three bilingual
8 investigators, because I think it's
9 important that you know if we're going to
10 be transparent and open, I have to have
11 people that could help people that don't
12 speak the language too well.

13 So I'm looking for three bilingual
14 investigators, three people in licensing
15 and one weights and measures.

16 LEGISLATOR SCHAEFER: Were there any
17 bilingual employees there previously?

18 COMMISSIONER CAPECE: Only one. But
19 we did hire two people and one person
20 speaks Hindi and I have one person that
21 speaks Chinese, so we're in pretty good
22 shape there.

23 LEGISLATOR SCHAEFER: And
24 whereabouts in the process are you, did
25 you already put that job out?

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COMMISSIONER CAPECE: I've already contacted HR to get them on board. I don't know where it is in that process.

LEGISLATOR SCHAEFER: Is this it typically just one JHO officer?

COMMISSIONER CAPECE: Yes, we have one judge that works two days a week and we're trying to fill his schedule, which he embraces, and my county attorney has been wonderful in facilitating that process.

LEGISLATOR SCHAEFER: And you said then you have 700 outstanding complaints.

COMMISSIONER CAPECE: Well, those those are registered complaints that have not been fully satisfied.

LEGISLATOR SCHAEFER: Is there like a typical number that you would see in a year of complaints like an average?

COMMISSIONER CAPECE: I think from what it runs between 700-1000 over the last 10 years. I don't want to say I'm not worried about that, I'd like it to be less, but it's typically average 700.

1
2 MR. HEINO: And those complaints
3 will vary from home improvement
4 contractors to retail stores. All
5 different types of between warrantees and
6 charging incorrect price.

7 LEGISLATOR SCHAEFER: Okay. I think
8 what you said about being out in the
9 community is very important. I think
10 that's a great idea. I can think of
11 civics that I can suggest it to. They're
12 always looking for speakers or people to
13 come. I know Mr. Heino has done that for
14 us a number of times. I've been in office
15 nine years and he's always done a great
16 job coming out, discussing the scams,
17 senior centers, et cetera. So anyone who
18 hasn't utilized your office for that I
19 think I would encourage them to.

20 COMMISSIONER CAPECE: Just call this
21 up and well, you know we'll work it in
22 the schedule.

23 MR. HEINO: I enjoy doing it, so
24 thank you.

25 LEGISLATOR SCHAEFER: That's all I

1
2 have.

3 LEGISLATOR FORD: Thank you very
4 much for your presentation. And I will
5 have a forum for my residents as well,
6 because actually in the aftermath of
7 Sandy, we found out, and Kenny was nice
8 enough to let everybody know, that there
9 is a certain way that when you hire a
10 contractor you pay them a third, then a
11 third and then a third. Unfortunately,
12 many of the residents gave all of the
13 money to the contractor up front. So I
14 think that the better educated our
15 residents are, the better protected they
16 will be.

17 COMMISSIONER CAPECE: Additionally,
18 if I may interrupt you with, we told the
19 Office of Emergency Management, if there
20 is another catastrophic storm or
21 disaster, I will have someone man a phone
22 at the command center to answer any
23 questions that come in and then, after
24 the command center is demobilized, we'll
25 have a dedicated line for a certain

1
2 amount of time at Consumer Affairs to
3 answer questions just related to that
4 particular event.

5 LEGISLATOR FORD: Thank you and I
6 think we're on the same plane right now
7 because I actually have a statement that
8 I'd like to be able to read. It won't be
9 that long, but I think, considering that
10 we're getting ready to observe the 10th
11 anniversary of Sandy.

12 "I would like to take the time
13 during this budget hearing on consumer
14 affairs to publicly thank the men and
15 women in this department for their
16 assistance that they gave to our
17 residents after this devastating storm,
18 most notably Madeline Farley, Greg May,
19 and Ken Heino. They were instrumental in
20 assisting homeowners with their
21 contractors, at times negotiating with
22 the contractor to finish the work so the
23 resident confined finally move back home.
24 Ken Heino came out to a few public forums
25 and was met with angry, tired, and fed up

1
2 population who felt no one was listening
3 to them. Not only did Ken listen, he
4 responded. He, along with Greg May, went
5 after unscrupulous contractors, helped
6 with some financial assistance to the
7 homeowners, and they fast-tracked
8 licenses to allow contractors to work.

9 This may not seem like much to
10 anyone who was impacted by this flooding
11 and devastation, but as someone who lived
12 through this, with about 90% of my
13 district, it meant the world. We were
14 pushed down and these individuals helped
15 us get up. To this day, people come up to
16 me and say we saved them. You can never
17 realize the impact of a department such
18 as Consumer Affairs can have on a
19 population, and it was through the
20 leadership of Ken Heino, who had many
21 years in service there, who helped so
22 many as he went above and beyond what
23 what was required of him. He, along with
24 the many people who work in Consumer
25 Affairs, gave hope to so many, and for

1
2 this I am forever grateful. And I want
3 thank Consumer Affairs and I want to
4 thank all the leadership. I want to thank
5 Ken Heino and Commissioner Capece. I
6 thank you very much for your leadership
7 and I look forward to working with you."

8 MR. HEINO: Thank you.

9 COMMISSIONER CAPECE: Thank you.

10 PRESIDING OFFICER NICOLELLO:
11 Legislator Walker then Legislator Bynoe.

12 LEGISLATOR WALKER: And I will be
13 brief.

14 Just too, I want to thank you for
15 trying so hard to clear up the backlog.
16 Because I know when you stepped in you
17 inherited kind of a big mess. And also
18 for any time, that I know that my office
19 reaches out to you regarding whether it's
20 it's a business that has a problem or an
21 individual that's a problem or a problem
22 with the license, you get on top of it
23 right away and you know you really do
24 help us, and Legislator Ford said, all
25 the people that you helped during Sandy.

1
2 And I have to tell you some of those
3 people have now left here and moved to
4 Florida, and now we're dealing with the
5 mess they have from the recent storm in
6 Florida. And if I tell you how many of
7 them have reached out to me and said, if
8 it wasn't for your help during Super
9 Stand and they're advising people down
10 there just on their own, now that they
11 live down there, as to things that they
12 should pay attention to. So just know,
13 you are still helping people from here
14 that are now down there and they're
15 helping other people. So thanks for all
16 you do for us.

17 COMMISSIONER CAPECE: Thank you and
18 I'm willing to travel (laughter).

19 LEGISLATOR WALKER: I'm travelling
20 with you.

21 LEGISLATOR BYNOE: Hi. Good
22 afternoon.

23 So I have a quick question. I have a
24 few questions, but quickly, on the
25 enforcement you were doing. Were any of

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those related to the gas tax exemption
that we as a county, as a body --

COMMISSIONER CAPECE: We did not see
any violations of the gas tax. And it
was a little confusion from New York
state on that. But we did issue a
violation. There were people that were
gouging the credit card aspect of it. In
other words, cash/credit.

So if the industry standard -- each
bank is different, but it goes between
three to five percent somewhere around
there.

MR. HEINO: We use the average of
4%.

COMMISSIONER CAPECE: We had one gas
station that was charging on a 3.99
gallon price for cash and it was 4.99 for
credit. So they were summonsed, fined and
paid their fine.

LEGISLATOR BYNOE: And it was only
one.

COMMISSIONER CAPECE: Just one.

LEGISLATOR BYNOE: Very good. So, in

1
2 terms of the paperwork the contractors
3 have to submit for licensing, how often
4 do they get license?

5 COMMISSIONER CAPECE: Every two
6 years.

7 LEGISLATOR BYNOE: Are they
8 suffering from amnesia like? Do they
9 forget?

10 MR. HEINO: A lot of times they just
11 leave the insurance blank or they'll just
12 get a really cheap policy. And then on
13 the documents that they submit, they say
14 they're going to be doing roofing and you
15 need to be covered for roofing. So when
16 we start examining the insurance
17 documents, you know we look to make sure
18 that it matches the scope of work that
19 they're trying to do. And if it doesn't
20 that's when we, you know, send them memos
21 asking them to up their insurance. Or a
22 lot of times they'll submit an
23 attestation waiver for their Workers Comp
24 saying that it's just them. But then how
25 do you do dormers, extensions, and again

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2 roofing with with an attestation? You're
3 signing a form stating that you're the
4 only employee, that you're not
5 subcontracting. You're not hiring
6 anybody. So you know that's where we go
7 back and forth with some of these home
8 improvement contractors wit regards to
9 getting the paperwork.

10 COMMISSIONER CAPECE: This is just
11 to understand. You have to have a
12 liability insurance. The liability
13 insurance must insure what you're doing.
14 So if you are a concrete type of person,
15 you have concrete, you know whatever
16 driveway, your insurance has to reflect
17 that. Sometimes, like Kenny says, they
18 leave it blank. Also, some of them don't
19 want to do Workmen's Comp because that's
20 an increased expense. But you have to
21 have that. Also, some of them have
22 judgments. There's certain judgments we
23 will not give you a license. For example,
24 if you owe taxes, we're not giving you a
25 license. If you owe New York state, State

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2 Workmen's Comp money, we're not giving
3 you a license. If you're a delinquent
4 parent, we won't give you your license.
5 If you owe money to a vendor related to
6 your work, we won't give you your
7 license. If you have a judgment against
8 you, something of that nature. If it's a
9 judgment with a student loan, if it's a
10 judgment which a master card, we don't
11 touch, that it has to be related to the
12 business. Sometimes they don't understand
13 it and sometimes people, you know, these
14 are men and women that work with their
15 hands. They're not with laptops. So they
16 come in, we tell them, they forget we're
17 starting to write it down. And sometimes
18 there could be just a misunderstanding. I
19 dont know if I mentioned it in my
20 hearing, but we had a gentleman come in
21 that said he yeah, I do roofing, do
22 siding, but he works alone. We said how
23 could you do roofing and siding you bring
24 up the bundle of roof shingles? He goes,
25 no if I have a hole, I fixed the hole if.

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2 If there's someone taking an air
3 condition or out a wall, I fixed that
4 wall. He's now a handyman. But there was
5 a miscommunication and over the computer,
6 sometimes you can't do that. I'm all for
7 efficiency, computerization, but
8 sometimes you got to have that one on one
9 conversation and that's how we got this
10 guy's license that he was waiting over
11 for.

12 LEGISLATOR BYNOE: And so there's a
13 checklist.

14 COMMISSIONER CAPECE: Yes, we have a
15 checklist that every employee working the
16 front desk has.

17 LEGISLATOR BYNOE: You talked about
18 expeditors, people who are, I guess,
19 charging?

20 COMMISSIONER CAPECE: I'll let Ken
21 explain. We got wind of this.

22 MR. HEINO: Sure. So what we've
23 noticed was an intake in minority
24 communities where these people holding
25 themselves out as expeditors, that

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2 they'll fill out their paperwork and that
3 they'll drop it off and submit it to
4 Consumer Affairs and expedite the
5 process. We don't have an expediting
6 process. And then when you hear these
7 stories from these people at the front
8 desk and they're saying: "Well, I just
9 paid this company \$1200 to fill out an
10 application". I know they didn't want to
11 hear it out of my mouth when I said,
12 well, you could have filled that out
13 yourself or we could have even assisted
14 you with filling it out for free. So our
15 game plan is to go back into the
16 community, work with Minority Affairs and
17 to do as many speaking events as possible
18 to educate the public that we're here for
19 them to assist them in getting the
20 license, but they don't need to spend
21 this money to expedite.

22 LEGISLATOR BYNOE: So you hit the
23 nail on the head where I was going, to
24 the extent that I'm wondering what
25 language access is playing in that role,

1
2 whether they feel that inability --

3 COMMISSIONER CAPECE: I think you're
4 right. That's why I requested three
5 bilingual investigators. I'll have people
6 at the front desk. And while we really
7 can't fill out the application for them,
8 we could guide them. If I had more
9 people, it would be a little more
10 efficient. You know, give me the people
11 we'll get it done. I just feel they're
12 being exploited, its exploitation. I'm
13 not trying to cut out an industry.

14 LEGISLATOR BYNOE: So here's my
15 question: What does your documentation
16 look like in terms of language access?
17 Can they read the forms in Spanish,
18 Haitian, Creole, Hindu?

19 COMMISSIONER CAPECE: We don't have
20 multi-language. I'm working on creating
21 -- When I get the bilinguals, one of the
22 things when I interviewed them, I said do
23 you have writing skills because I want to
24 make our documents now in-house to make
25 our documents and several languages.

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LEGISLATOR BYNOE: I would think
there's a professional service --

COMMISSIONER CAPECE: We're going to
look into that too, but --

LEGISLATOR BYNOE: That would
surpass the limited ability of the three
people who are coming in just able to
translate those three ages. Aside from
that, there are dialects in these
languages that need to also be controlled
for, so you know you need to --

COMMISSIONER CAPECE: We do have a
language line. We subscribe to language
line which helps.

LEGISLATOR BYNOE: So I'm just
trying to tell you something. From a
young girl who had a father who came here
speaking Dutch and no English, and so if
he had a document in Dutch and someone
could help him translate that from
English back and forth, he wouldn't have
gotten an expeditor right. He probably
wouldn't and I would say the same,
probably for for the other immigrants

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that are here conducting business. The language line is great. But if they come, if their young kids or their college students come home from school in the evening and they're able to sit down with them and help them. You know, fill out those forms. It goes a lot further than the language line or the three people that you have in your office. I think you have to supplement. I applaud you for getting the three people. I think it's great that we're going to have them. I think language line is great too, but I don't think that is fully encompassing what the issues are. And I think that if we're able to translate our documents into the languages that the contractor is almost familiar with and they are able to get family and friends to sit with them and have some confidence in being able to do that, they won't hire these expeditors. They sometimes can rely on their younger children to help them do that translation, but they're not going

1
2 to have that younger child go in and file
3 the document. So I'm just saying we need
4 to have the ability to meet them where
5 they are.

6 COMMISSIONER CAPECE: I'm glad we
7 had this conversation because I'm going
8 to explore and find out what it costs and
9 I'll put in a request for it. I'll find
10 out we don't have that many documents,
11 really.

12 LEGISLATOR BYNOE: Are they online?

13 COMMISSIONER CAPECE: Yes.

14 LEGISLATOR BYNOE: So a lot of times
15 they can just use -- if it's not a PDF,
16 I'm learning, it can be translated. But
17 in any event I think we have to do
18 something.

19 COMMISSIONER CAPECE: Yes, I agree.

20 LEGISLATOR BYNOE: I don't think
21 that's enough. Because a lot of our
22 folks that are conducting business are
23 from foreign countries. So I think it's
24 important.

25 The other thing I wanted to talk

1
2 about was the the sprinkler system
3 program, that program was widely
4 successful in two years, and then I'm
5 understanding that we did nothing with it
6 this particular year, could you explain?

7 COMMISSIONER CAPECE: We used up the
8 funds with the original funding, and I
9 was told that the second funding has to
10 be approved.

11 LEGISLATOR BYNOE: No. It's an
12 annual allocation. That piece of
13 legislation included an annual allocation
14 for the program. It wasn't a PILOT, it
15 was a program.

16 COMMISSIONER CAPECE: It's funded
17 every year?

18 LEGISLATOR BYNOE: Every year.

19 MR. HEINO: We did have a lot of
20 issues with the computer program, with
21 the way it was also being conducted, and
22 one of the things we did start looking
23 at, is a way to revamp it, so that will
24 be back up and running.

25 LEGISLATOR BYNOE: So the problem is

1
2 that there was a problem with the
3 internal.

4 MR. HEINO: With our internal
5 system, we had people that had applied
6 for this, this funding in 2020, and only
7 received the check this year in June.

8 LEGISLATOR BYNOE: I know, because
9 they were calling me.

10 MR. HEINO: And me too, I mean I
11 don't know why it wasn't processed prior.
12 When the commissioner came in in January
13 and we started reviewing all the
14 documents, we did notice that, you know,
15 I would say 3/4 of them were never
16 submitted to the Comptroller's Office to
17 even be reviewed. All of the ones that we
18 have have been submitted for payment. One
19 of the things that also, you know,
20 Commissioner May only accepted it e-mail.
21 We're now also going to expand it where
22 they can come in, they could drop it off,
23 they can mail it in, just to expand the
24 program as well, to give people more
25 access.

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LEGISLATOR BYNOE: And while this
Body can communicate to our constituency
regarding the program, part of that
legislation also required that Consumer
Affairs marketed the program. The County
has the market the program and since it
was --

COMMISSIONER CAPECE: What I suggest
we do --

LEGISLATOR BYNOE: --department, for
the purpose of managing and administering
the program, you're responsible for
marketing it and making sure that people
are aware of it.

COMMISSIONER CAPECE: What I'm going
to do is when I get back to the office,
Don is our accountant. He was going to
handle all the applications that come in.
We talked about the sprinklers. We just
can't do it the way it was previously
done, so we have to change it. And I
think we'll maybe put a page on our
website announcing the sprinkler rebate
program, because I don't think people

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know about it.

LEGISLATOR BYNOE: I mean they knew about it because this Body did some work and the previous County Executive held press conferences and the like, and that's why the money was used up so quickly in those two years. But there's you know, we have to remind people.

COMMISSIONER CAPECE: Sure, I agree.

LEGISLATOR BYNOE: I mean they only know about it if, if we communicate it. Access and awareness is our responsibility.

COMMISSIONER CAPECE: We'll update, we'll update our website.

MR. HEINO: Once we have it up and running and new forms ready to go, we can even reach out to you, as the legislators, to notify your constituency.

LEGISLATOR BYNOE: When we reached out earlier at some point we were told it was a problem with the computer. Please work through the computer program issue. Because the best time for us to start

1
2 communicating regarding sprinklers is not
3 in the fall. It's in the early part of
4 the spring or the latter part of the
5 winter, when people are going to turn on
6 their systems, so this gives you the time
7 that you need.

8 COMMISSIONER CAPECE: We'll develop
9 something and I'll share it with the
10 Legislative Body. I'll send you an e-mail
11 of what we're planning to do. Since I do
12 have a time-frame, we'll make it right.

13 LEGISLATOR BYNOE: I just knew we
14 couldn't do anything.

15 COMMISSIONER CAPECE: It's a good
16 program. I have one. It's great, works,
17 really well.

18 LEGISLATOR BYNOE: We couldn't do
19 anything with it last year, when we had
20 people who didn't even get paid from the
21 last time around.

22 COMMISSIONER CAPECE: That's all.
23 Every one is paid.

24 LEGISLATOR BYNOE: That's all done
25 now at this point. Let's move forward

1
2 and how we can market this program and
3 manage it effectively. That does it for
4 me. Thank you very much.

5 COMMISSIONER CAPECE: Thank you.

6 PRESIDING OFFICER NICOLELLO: Anyone
7 else?

8 All right. Thank you very much.

9 COMMISSIONER CAPECE: Thank you.

10 MR. HEINO: Thank you very much.
11 Thank you for the kind words.

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14 *(Whereupon, a brief recess*
15 *is taken, 1:24 p.m.)*
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2 *(Whereupon, hearing resumes,*
3 *1:42 p.m.)*

4 MS. PHILLIPS: Good afternoon,
5 everyone, and how is everyone? Long day.
6 So thank you for taking the time today,
7 Presiding Officer Nicoletto. Thank you
8 for inviting us, for those of you that
9 don't know me, which I believe you all
10 do. I'm Elaine Phillips, the Nassau
11 County Comptroller, Betsy Hill and Lisa
12 Tsikouras, who is in charge our
13 accounting division. We also have quite
14 the team behind me. And you know, as all
15 of us, I'm sure, feel we don't do this
16 alone, right? Sometimes we're the
17 spokesperson, but it really takes Lisa
18 and her team and the administrative team
19 to pull this together. So I want to thank
20 each and every one of them. I also want
21 to give OMB and Andy Persich, he did not
22 pay me to say this, a little shout out
23 for the hard work that OMB does. Because
24 without getting ahead of myself, I will
25 say that this is a financially sound,

1
2 well thought out budget. So we have a
3 power point presentation. The power
4 point, if you open the red folders, you
5 can follow along either by your monitors
6 or I think the power point is right there
7 on the left side, the actual report is in
8 the middle, and then we have a surprise
9 for you in the back and I'm going to save
10 that for later. I'm going to let Lisa.

11 So if we would go to the next page,
12 please. So it's important, I think, for
13 you, we were here several months ago and
14 We talked about the mid-year budget. We
15 wanted to update you on our projections
16 for 2022. I don't think you can really
17 understand what we're thinking for 2023
18 until we give you a little background on
19 2022.

20 So when we were here for the
21 mid-year report we projected surplus for
22 Ness County of \$38.2 million. We've now
23 changed that surplus is today to a \$120
24 million, and I'll tell you why in a
25 second, and our projected fund balance

1
2 is, was \$951.7 million, and now we're
3 projecting a fund balance for year end at
4 \$1,033,000,000.

5 The County is in solid financial
6 condition. We have had three years of
7 surpluses and much thanks to you to
8 recognize that if sales tax, since it is
9 one of our largest revenue sources, if it
10 was going to be above and beyond prior
11 budgets, that it was captured. So I give
12 you thanks.

13 The first slide here shows: New York
14 State has a fiscal stress score. You'll
15 see that for 2021 that we no longer have
16 any designation. We were very close last
17 year. I think we were half a point.
18 Instead of 45, it was 44.5. Would have
19 taken us out of that designation. So we
20 were very close last year, but it was a
21 significant change this last year. As you
22 well know, both S&P and Moodys have
23 acknowledged the strong financial
24 condition of Nassau County and we've had
25 rating upgrades. We went from A+ plus in

1
2 S&P to AA- and A2 to A1.

3 So when we talk about what the
4 driver for '22 is, we have to talk about
5 sales tax. We know property taxes are the
6 same. We already are bringing those in.
7 We have a couple of little departmental
8 revenue issues that are up and down. But
9 the real driver is sales tax. So as I
10 spoke to you at the mid-year report, you
11 know, being a good analyst, I need to see
12 scenario analysis. No one has a crystal
13 ball. So on this slide you'll see where
14 it's highlighted in yellow, is our 2022
15 updated sales tax area. So what have we
16 assumed? What we assumed is actual
17 through October 6, even though a check is
18 showing up, the October 12th check is
19 showing up today and we know it's up
20 5.5%, but its actuals. And then we're
21 assuming for the rest of the year a 3%
22 increase over 2021.

23 So you say, Elaine, where did you
24 get the three percent? You know, where
25 did that come? So numbers you don't have.

1
2 But I will tell you in the third quarter
3 I'm going to go back. Sales tax is 5.35%
4 since 2021; same period, 2021. In the
5 second quarter we were up 4.43% and in
6 the first quarter we were up 13.97%.
7 Year to date, were up 7.6% over 2021.

8 We are being conservative. Now,
9 conservative can work both ways. We are
10 being conservative by saying up 3%
11 percent for the remaining checks of the
12 year. And remember, the checks keep
13 coming in through the second week of
14 February. So we have quite a few more
15 weeks to go. We are assuming for 2022
16 actuals plus 3% increase over 2021 for
17 the rest of the year. Let's say they stay
18 at 5%, which is recently, the last
19 quarter. That means instead of \$19.3
20 million over what was budgeted, we would
21 be a \$127.8 million. So that is your
22 third line across the yellow and then the
23 blue beside it.

24 What happens if we're wrong? No
25 crystal balls, don't profess to have

1
2 crystal balls, and instead of a 3%
3 increase we are flat. The remainder of
4 the year is flat. In 2021 you can see
5 that we go to a \$106.5 over actuals of
6 2021 and then if you want to go down two
7 percent, it still would be \$98 million.

8 And when I said you can be
9 conservative both ways, what we don't
10 want to do, and I'm going to say we,
11 because I really truly believe I can
12 speak for you right now, we surely don't
13 want to be over budgeting. At the same
14 time, we don't want to be under budgeting
15 either. Because if we start under
16 budgeting to an extreme: One, hopefully
17 you'll grab those surpluses. They're
18 going to pay for prior liabilities. We
19 have lots of liabilities still. That's
20 okay, but we don't want to have to ever
21 make up the difference by taxing the
22 residents of Nassau County because we
23 didn't at least go in with what we
24 believed, what we truly believe is the
25 right number. So I'm going to say we used

1
2 the actual for 2022, plus 3% for the rest
3 of the year. You know, up 5% increase
4 would be fine. I really don't see it
5 going down the other way.

6 Let's go to the next slide. So now
7 we go into 2023. What do we believe? We
8 believe that, well, what we see in this
9 2023 budget, in the multi-year plan:

10 One, no increase in property taxes. You
11 know that's always great news. As I
12 started out saying, we see a reasonable
13 projection and thoughtful planning.

14 We're going to talk two minutes, I'm
15 going to ask Deputy Comptroller Hill to
16 talk two minutes about the economy,
17 because we all know, we read the papers,
18 where we are right now in the economy.
19 And it's important, when you see what we
20 believe will happen throughout 2023, to
21 understand where we're coming from.

22 MS. HILL: So with regard to the
23 state of the economy, I want to go
24 through pieces of what you're hearing in
25 the news all the time, and there's a lot

1
2 of news out there.

3 The GDP has decreased in the first
4 and second quarters of this year down,
5 1.6 and down .6 respectively. We're still
6 not sure, the GDP for the third quarter
7 will be reported on October 27th.

8 Typically, it only takes two quarters
9 historically of decline for recession to
10 be declared, but we have some very
11 unusual things going on here in terms of
12 strong parts of the economy, with regard
13 to employment and with regard to consumer
14 spending, and also that these statistics
15 are revised over time and there's quite a
16 lag before the recession is actually
17 called by the NBER.

18 The other thing to be concerned
19 about is the significant increase in
20 inflation currently estimated at 8.3%
21 over a 12 month period, and that's the
22 CPI, which is not actually the leading
23 indicator that is used, but it's close to
24 what they use for measure of inflation.

25 So the issue is, then: What is the

1
2 Federal Reserve doing to address the
3 situation of inflation? Since the
4 beginning of the year, they've actually
5 raised rates five times, increasing the
6 effective federal funds rate by 3%.
7 That's quite a big jump, from .08 to
8 3.08%.

9 The Fed has reiterated its goals of
10 achieving a target inflation rate of two,
11 and we just mentioned it was 8.3, but on
12 the scale that they typically use, it's
13 more like 4.5 or 5.2, so it's still got a
14 ways to go before they can get down to
15 the 2%.

16 We're concerned that already there's
17 been enough large increases in the
18 Federal Funds Rate that could push the
19 U.S. into a recession, and also with the
20 looming potential of global recession.
21 That's a big concern as well.

22 So what would happen to Nassau
23 County's sales taxes, if there was a
24 recession? Nassau County's economy is
25 uniquely strong compared to New York

1
2 State and to the U.S. Nassau was the
3 seventh wealthiest county in the United
4 States in 2020 according to the Census
5 Bureau, based on median household income.

6 Unemployment also continues to be
7 very low, especially in Nassau County, at
8 3.3%. Although the difference between
9 the County and the State and the United
10 States has begun to get tighter.

11 MS. PHILLIPS: You know, Betsy and I
12 were talking before we came and we both
13 read a similar article this weekend. If
14 you, whoever, you is could tell us where
15 food prices and, even more importantly,
16 where energy prices are going to be next
17 year, '24, '25, we'll have a much better
18 idea what the economy is doing. The
19 largest risk to the U.S economy and
20 really to the world global economy is
21 energy right now. It's energy because
22 energy impacts food, energy impacts
23 manufacturing, energy impacts every
24 thing. That is an area that we will keep
25 very close eye on.

1
2 MS. HILL: Let me make one more
3 mention: When we were looking at what's
4 the potential for recession and the
5 impact on sales tax, we were concerned
6 about what happened in the great
7 recession, it can't be that bad. We are
8 much stronger right now and we don't have
9 the ridiculous expanded prices of housing
10 that they had at that time when the
11 overlending had occurred.

12 MS. PHILLIPS: Let me jump in.
13 Betsy refers to the great recession, it's
14 2008/2009.

15 MS. HILL: And during that time it
16 was first declared effective as of the
17 end of 2007. In the following year, 2008,
18 Nassau County saw a decrease in sales tax
19 of 1%. The following year, 2009, which
20 was the end of the recession, the sales
21 tax decreased again by 5%. The following
22 year Nassau County sales tax had
23 recovered back to 98% pre-recession and
24 by the following year, it was over the
25 recession. So that's a worst, worst case

1
2 analysis, which we can't imagine would
3 occur if there were a recession at this
4 point.

5 MS. PHILLIPS: You get to give them
6 their gift.

7 MS. TSIKOURAS: In your packages,
8 the last in the last page in the back, on
9 the right hand side, is the infamous
10 cheat sheet. So this is the document that
11 kind of shows the difference between the
12 presentations. I know that there there
13 continues to be some confusion between
14 what we report in the financial
15 statements, the fund statements, our
16 three primary funds, the five major
17 funds. So this is the way we walk through
18 how we have to present our financial
19 information.

20 So when we represent our financial
21 statements, the statements that are
22 audited by the County's external audit
23 firm, what gets submitted to the EMMA
24 system, what the bond rating agencies
25 review, what the investors review, they

1
2 are all reviewing our financial
3 statements, which are issued on a GAAP
4 basis. So when we report our projections,
5 we're always looking at it in a similar
6 manner.

7 So if you follow along on the cheat
8 sheet, you'll see we have the first
9 column is the five major funds. This is
10 what's used by the County's
11 administration, OMB, when they're putting
12 their budgetary information together.
13 That's typically what you see when they
14 come to you for the annual budget.

15 The three major funds, is also the
16 basis for the NIFA control period
17 calculation. So in the package of the
18 report in the back of the report you will
19 see the NIFA presentation, or the NIFA
20 control period presentation, and our
21 projections for 2023. And again that's
22 also used on a five major fund basis, not
23 the three primary that we are looking at,
24 as the NIFA Act was created many years
25 ago when the five major funds were

1
2 looked at, not updated since then.

3 The next column is the three
4 operating funds. That's what we also call
5 that, like the three primary funds, and
6 that is GAAP, reported in accordance with
7 GAAP with GASB statement number 54, where
8 several of the smaller funds that you're
9 you're used to, like the Police
10 Headquarters fund, the Debt Service fund,
11 the Fire Commission fund, those are all
12 consolidated into the General Fund, as
13 well as many of the reserve funds that we
14 have, the Litigation Fund, the Opioid
15 Fund, Employee Contribution Fund. I'm
16 sorry, the Retirement Contribution Fund,
17 the Employee Benefit Fund, all of those
18 are included in the General Fund for
19 reporting purposes. So our presentation
20 will also include those funds in the
21 column under the General Fund. We also
22 look at the Sewer and Storm Water
23 Resource District and the Police
24 District. So those three funds, the
25 Consolidated General Fund, Police

1
2 District, Sewer and Storm Water, make up
3 what we call the three operating funds.

4 MS. PHILLIPS: I'm going to just
5 jump in and we're repeating ourselves
6 from the mid-year but not everybody was
7 here, this is the way counties throughout
8 the United States report. As Lisa has
9 mentioned, this is what the rating
10 agencies use. This is what our outside
11 auditors use. The way we report it is the
12 way it needs to be looked at, and we have
13 entities that look at our balance sheet
14 that somehow have created their own way
15 of looking at things. Well then, I would
16 ask them to go and look at all the
17 counties throughout the United States, or
18 at least through New York State, and look
19 at those counties that way too. We are
20 more conservative in many cases this way.

21 MS. TSIKOURAS: And then the next
22 column you see where it says Governmental
23 Funds. So for financial statement
24 purposes were required to report our
25 financial statements in multiple ways.

1
2 The first way is our Funds Statements Or
3 Governmental Funds, and that's basically
4 the three operating funds plus all the
5 other special revenue funds that we have
6 out there, including the Grant Fund, the
7 Capital fund, the ARPA Fund, the COVID
8 fund, the FEMA Fund, all these other
9 funds and also our component units our
10 blended component units, which you could
11 see are listed at the very bottom. You
12 see, like the NIFA General Fund, we have
13 the Tobacco Settlement Fund. These are
14 all different funds that are recognized
15 as Special Revenue Funds as opposed to
16 being consolidated into the General Fund.
17 And that, again, is in accordance with
18 what the GASB statement requires us to
19 report.

20 So our financial statements, which I
21 happened to bring, like the last one that
22 we have. And here we'll have several
23 statements or several exhibits that are
24 just Governmental Fund Reporting.

25 And then the last column here refers

1
2 to the Government Wide Reporting and
3 Government Wide Reporting. For I guess
4 the best way to describe what that is,
5 it's full accrual. So it's more inline
6 with what you would see in, let's say, a
7 normal like P&L statement or normal
8 balance sheet. The Government Wide
9 Reporting Includes the long term
10 obligations. You'll see bonds outstanding
11 on there. You'll see our capital assets
12 on there. You will see our liabilities,
13 our long term liabilities, our long term
14 litigation liability, our long term tax
15 certiorari liability, retirement system
16 liability, our OPEB liability will be on
17 there as well. Those are all full accrual
18 statements. And as I said, those are
19 kind of the all-inclusive. Everything is
20 in there.

21 So for our financial statement
22 reporting and our projections, we're
23 really using this three operating funds
24 and that. So that's the difference
25 between what you will see in other

1
2 presentations where maybe OMB is talking
3 about the five funds.

4 MS. PHILLIPS: Thank you. We'll keep
5 giving that cheat sheet every time we
6 come.

7 So the bottom line here is, we
8 believe, based on our risks and
9 opportunities and the information that we
10 were provided on the 2023 budget, that
11 2023 could end up with a surplus of \$60
12 million on a GAAP basis.

13 MS. PHILLIPS: Let's turn to the
14 next page. So we're we're not going to
15 go through each of the risks and the
16 opportunities that we've highlighted.
17 You're welcome to read the report at your
18 convenience, but we will talk about a
19 couple of the top ones.

20 First and foremost again, sales tax.
21 It's such a large portion, over 40% of
22 our operating revenues. If you stay on
23 the risks and opportunities, you can see
24 as you flow through our risk and
25 opportunities, the bottom right hand

1
2 corner is a \$60.4 million surplus on a
3 GAAP basis.

4 Next page. Sales tax scenarios.
5 Again, no crystal balls. So I'll tell you
6 how we forecast for 2023. We took our
7 2022 forecast, which was actuals as of
8 October 6, the rest of the year up 3%. So
9 we took that number and we said we still
10 believe that next year is going to have
11 an increase over 2022 of 2%. Now, if
12 that's the case, again, the yellow
13 highlighted column, the budgeted amount
14 for sales tax by OMB, the County
15 Administration, was \$1.527 billion. Our
16 projected sales tax would be \$1.564
17 billion of surplus in sales tax, or an
18 opportunity is the way we define it, of
19 \$37 million, so at 2.4% increase over
20 their budgeted number.

21 But I'm going to go and say, what if
22 we're wrong? No crystal balls here. So
23 we look at this scenario. If you go to
24 the left of the yellow highlighted
25 column, and you say you believe our 2022

1
2 projection, actual plus 3% for the rest
3 of the year, but then you say that's
4 flat. We just stay right on 2022 numbers.
5 The fact is, we would still see an
6 opportunity of \$9 million over what is
7 budgeted.

8 What happens if we go into a great
9 recession? Albeit we do not believe at
10 this point of time that the global
11 economies, the US economy and, more
12 importantly, Nassau County is going to go
13 into a great recession. But if it does,
14 and say what happens, if we take our
15 projection but take down 2% in 2023?
16 Sales tax versus what would be budgeted
17 would be \$19 million dollars less. And by
18 no means do I want to casually talk about
19 \$19 million of our tax dollars, but \$19
20 million on a \$3.6 or \$3.7 billion budget
21 OMB does a good job, we would hope that
22 we would all join together and make sure
23 that we made up that difference.

24 Let's say: The Fed doesn't over
25 tighten this economy; energy prices

1
2 somehow stay lower; therefore, food
3 prices stay a little lower and the
4 consumer continues to do what the
5 consumer has been doing for the last
6 couple of years. And we take our
7 projection for 2022 and we had a 5%
8 growth rate -- so to the right of that
9 yellow column. That means instead of \$37
10 million opportunity on what the County
11 Administration proposed, we'd say there
12 would be a \$79 million extra sales tax
13 revenue there. And let me remind you
14 again: Year to date we're 7.26% up over
15 last year. Let me remind you, in 2019
16 there was a change in New York state. We
17 now receive sales tax for online sales.
18 And third quarter is still 5.35% over
19 last year.

20 The next chart really just
21 demonstrates what sales tax has done. You
22 know, obviously 2019/20 is a hard year.
23 You budgeted right, not knowing in the
24 fall of 2019 that COVID was going to hit,
25 so the actuals were actually below the

1
2 budgeted. But since then we've been well
3 above it.

4 In 2019, when that State Legislation
5 passed mid-year so that's really, you
6 know, it makes it so difficult because we
7 have yet to be in a normal economic
8 environment since that past, but we do
9 our best.

10 We're going to go back to those
11 risks and rewards were going to highlight
12 maybe two or three of them, if you would
13 please.

14 MS. TSIKOURAS: So as the
15 Comptroller said, sales tax has positive.
16 We have some other risks that we've
17 identified primarily in areas of like
18 Fines and Forfeitures, Departmental
19 Revenues and some Rents and Recoveries. I
20 know you see the 28.9 risk on there for
21 Use of Fund Balance. That's because Fund
22 Balance on a GAAP basis is not a source
23 of revenue, it's just taking money out of
24 your bank account to pay your bill. It's
25 not a source of revenue. So we always

1
2 risk that. So you'll see that's what that
3 means.

4 The \$15 million that you see under
5 the column for General Fund is for the
6 Opioid Fund, as there is a plan to
7 utilize some funding for contract and
8 that's been budgeted for 2023. So that's
9 why that's a risk there, and the same for
10 the Sewer fund. There's a projection to
11 use some fund balance in 2023. So we've
12 risked that as well.

13 Fines and Forfeitures. The majority
14 of the 20.6 variance that you see there.
15 The risk is in in TPVA and we have about
16 \$15.3 million that we're projecting as a
17 risk in TPVA, and that's basically just
18 just based on trends at this point in
19 TPVA fines, TPVA administration,
20 red-light camera, red-light camera,
21 administrative fees.

22 And then we're also risking in that
23 category the two initiatives, the boot
24 and the school cameras. And that's
25 because those initiatives have not yet

1
2 taken place. We know that with the boot
3 and tow it requires the rescinding of an
4 Executive Order, which hasn't happened.
5 We thought it would happen. You know, in
6 September it didn't happen. So that's why
7 we're still risking it. You know those
8 could potentially be opportunities to the
9 County in 2023, should they be
10 implemented.

11 For departmental revenues. The two
12 big pieces in that \$12.5 million risk are
13 the Income and Expense Law, which is
14 still in the courts and hasn't been
15 decided yet, and also GIS tax map. We
16 feel that there is approximately five
17 million dollar risk there, based on where
18 the, you know the real estate market is
19 at the moment, mortgage rates. We also on
20 point with the mortgage recording fees
21 and the deed fees because the
22 Administration had taken down the budget
23 for those items in 2023. So we feel that
24 that is definitely achievable.

25 In Rents and Recoveries. One of the

1
2 other things that we always risk happens
3 to be the disencumbrances. So the way
4 that the budget works, our financial
5 system works is when a contract is
6 disencumbered, it gives you back like
7 revenue, but that's not real revenue on a
8 on a GAAP basis. So we always risk that.
9 So we're risking approximately \$7 million
10 of that. There's also approximately five
11 million dollars of cash recoveries, which
12 are the capital closeouts. And while we
13 definitely agree that they could be close
14 out because we haven't seen any of the
15 listing of the actual projects that
16 needed to be closed, we can't really
17 decide if that funding is available. In
18 the past it's been difficult to close out
19 some of those projects due to old
20 balances that are in there that need to
21 be closed out. So to be conservative,
22 we've risked that amount.

23 Then the other item that we
24 typically risk in Rents and Recoveries
25 are sale of County property, because

1
2 again we don't know exactly what they're
3 going to be selling, when it will close
4 and how it will impact the the budget. So
5 to be conservative, we've risked that as
6 well.

7 On the positive side, we also are
8 seeing the potential for a pickup in
9 Medicaid as the County's share is
10 scheduled to decline. I believe it's
11 started in September and it's supposed to
12 go through, I believe, April of 2023. So
13 we have a little bit of a pick up there.

14 So the other big item that we have
15 as far as a potential opportunity, is in
16 Payroll Fringe and Workers Compensation.
17 Workers Compensation, we're actually flat
18 to the budget. We have no risk or
19 opportunity. However, our methodology has
20 always been to exclude any costs
21 associated with the collective bargaining
22 agreements, because we don't know when
23 they're going to happen, we don't know
24 what the terms exactly you're going to
25 be, and whether the estimates that are in

1
2 the budget are adequate enough for any
3 collective bargaining agreements. So if
4 you notice any old reports we had, we've
5 always taken out the collective
6 bargaining agreements. We did that with
7 our 2022 mid-year report as well. So we
8 took out approximately a net amount
9 between Payroll and Fringe of about \$75
10 million. So \$75 million of the \$140.6
11 million that you see there is attributed
12 to the collective bargaining agreements.
13 We also have taken out the vacancies
14 because it's sort of the same theory,
15 like we had these vacancies in there. The
16 positions are not being filled as quickly
17 as had been budgeted. So we're always
18 risking that amount as well, and that's
19 an additional 21. So of the 140.6, we
20 have about 96 million that's just those
21 two assumptions there.

22 And then just very quickly for
23 property tax refunds, I'm sure this one
24 pops: -75, the risk. So the reason for
25 that is because there is the reserve

1
2 within the Litigation Fund and because
3 the Litigation Fund was not included in
4 the 2023 budget, we're currently
5 projecting approximately \$100 million to
6 be paid out in 2023 out of the Litigation
7 Fund, and the \$30 million that's been
8 budgeted in the general fund, we
9 anticipate approximately \$5 million will
10 be paid. So that's really what the 75
11 represents. It's merely a function of the
12 fact that there's no budget for the
13 litigation fund to pick up that 100
14 million dollars.

15 And that's pretty much the
16 highlights.

17 MS. HILL: All the information is
18 detailed in the in real reports. I would
19 need to go back myself to look, so you
20 can find it there.

21 MS. PHILLIPS: Our last slide, and
22 we would be more than glad to answer any
23 questions, is really talking about the
24 multi-year financial plan. It shows our
25 projections based on the information that

1
2 we have in the out years and then it
3 shows versus OMB's projections.

4 Look, multi-year plans are good
5 financial practice. They really are. It
6 brings a good fiscal discipline, but
7 they're as good as somewhat, not the
8 paper that they're written on, but the
9 fact is, it's going to take your job,
10 hopefully our job, and the
11 Administration's job, to really make
12 sure, going forward at any given time,
13 that in any given year that we maintain
14 fiscal discipline. Nobody has a crystal
15 ball. Like I said, it's fine. We want to
16 go through the exercise, but to evaluate
17 us or any other entity based on a
18 multi-year plan, in my mind just doesn't
19 make a lot of sense. We're sitting in a
20 county that has had surpluses for three
21 consistent years. We are projecting a
22 significant surplus in 2022 with very
23 conservative assumptions. This county is
24 fiscally sound and all entities out there
25 need to recognize that.

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PRESIDING OFFICER NICOLELLO: Given
the pause, I'm gathering.

MS. PHILLIPS: We're done.

PRESIDING OFFICER NICOLELLO: Thank
you for the presentation. We very much
appreciate the information and the cheat
sheet, of course. Any legislators have
any questions. Deputy Presiding Officer
Kopel then Legislator Deriggi-Whitton.

LEGISLATOR KOPEL: Thanks for that
very comprehensive presentation. I hope
we'll all do fine on the quiz (laughter).

You touched on and did more than
touch on inflation versus recession. But
I would assume that there is a rather
complex interplay among various factors,
such as when you talk about inflation, I
guess our revenues are going to be
inflated over real dollars. Maybe not
the same amount as inflation out there. I
don't know the differential that might
exist, expenses as well. Could you
comment on how you've dealt with that
interplay? In other words, you might

1
2 assume that there's a recession which
3 might in a worst case decrease certain
4 revenues to some extent. At the same
5 time, we've got inflation which is
6 increasing it to a certain extent, and
7 you're anticipating future expenses in
8 the same way.

9 MS. HILL: We looked at each of the
10 various major expenditures and major
11 revenue sources and took each of them
12 individually and working with the
13 departments and with OMB to analyze what
14 they saw going forward. We're not experts
15 on all those areas. With regard to sales,
16 I think that's where we could bring the
17 best unique, individual independent
18 analysis using the scenarios that we've
19 provided.

20 In terms of what's going to happen
21 out there, as we said, with sales on
22 properties where we just backed them out
23 because we don't know if they're going to
24 occur or not. We haven't been given
25 other increases in expenses other than,

1
2 you know the salary amounts that were
3 provided in the budget.

4 MS. TSIKOURAS: The only thing I
5 would add to that is that some of the
6 largest expenditure that we have. I don't
7 want to say fixed, but you know what they
8 are. They're contractual. All right, we
9 have like salaries. You know those are
10 contractual, they're not always based on
11 inflation at this point. If they're
12 under, like a contract. Also, you kind
13 of know what, like your debt services at
14 this point in time. Right, we don't have
15 variable debt, until we go like and issue
16 additional bonds. But what we have right
17 now is set. A lot of our largest
18 contracts or multiyear contracts that are
19 set at this point, you know. And whether
20 they have an inflationary piece to them
21 or not, you know you do see somewhat of
22 an increase in the budget and in some of
23 the outer years we haven't necessarily
24 risked that for those reasons. So it
25 really depends. But when you think about

1
2 what the bulk of the County's
3 expenditures are, the majority of them
4 are are set, you know.

5 LEGISLATOR KOPEL: So what you're
6 saying then, as I understand it, is that
7 we're kind of reaping benefits from
8 inflation right now, to some extent, but
9 we may pay for that down the road, right?

10 MS. TSIKOURAS: Yes. We could.

11 LEGISLATOR KOPEL: That kind of
12 segways into another area, to some
13 extent. The Federal money windfall. In
14 the same way, are we using this wisely?
15 In other words, are we spending money to
16 increase programs or to set up new
17 things. Which, once they're done, that
18 constitutes typically a base? You never
19 go down with programs, you always go up.
20 So the revenues here now, both from
21 inflation, both from those windfalls, and
22 they may not be there down the road. Are
23 we being prudent in that way?
24 Sufficiently prudent.

25 MS. PHILLIPS: I'm gonna tell you

1
2 quick story. My legislator, Legislator
3 Delia Deriggi-Whitton and I had the
4 opportunity to go to a press conference
5 that the County Executive had on the
6 initial spend for the Opioid money. And
7 I am on board of the largest
8 not-for-profit that provides child and
9 family services. Very little exposure
10 here, it's really New York City. We're
11 in Brownsville. And I thought about that
12 because I thought New York City has these
13 similar pots of money, right. And I
14 thought, as a provider of social
15 services, particularly when it comes to
16 mental health or drug abuse, how do you
17 make a proposal and not lock in those
18 costs forever and ever? Because the money
19 is not going to be there forever and
20 ever, and I didn't come up with the
21 answer. But I think that is going to be
22 the biggest challenge you, the County
23 Administration and you, are going to have
24 is when you're approving Opioid money or
25 ARPA money as it goes out, that we don't

1
2 you know we don't do the wrong thing for
3 these organizations and we don't, not
4 that we don't allow them because it's not
5 our job to manage them, but we make sure
6 that they're not locking in fixed costs
7 that they're not going to be able to do
8 two years from now.

9 LEGISLATOR KOPEL: You agree with my
10 question. What's your opinion? Do you
11 have an opinion?

12 MS. PHILLIPS: You know that's
13 different pay grade than mine.

14 LEGISLATOR KOPEL: Fair enough. So
15 you did comment rather obliquely, I
16 guess, on the persistence of NIFA.

17 MS. PHILLIPS: You know we wrote an
18 Op-Ed after the mid-year and
19 unfortunately, *Newsday*, they dragged us
20 along for a long time, but they wouldn't
21 publish it. Even though, and our point
22 was and still is, and I'm going to use a
23 football analogy, which I really
24 shouldn't. They keep moving the goalpost,
25 they keep moving the goalpost, and if

1
2 they were moving -- there is no question
3 that years ago Nassau County needed a
4 little control and oversight, right. But
5 that is not the current financial
6 condition of Nassau County today and that
7 is due to hard work, a little bit of
8 luck, nothing wrong with luck, and sound
9 financial decisions. And we deserve, we
10 as the people of Nassau County, deserve
11 to be controlled by the people that are
12 elected to do so, not by nonelected
13 individuals. If we as elected officials
14 don't do the right thing, there is a
15 process to get rid of us. We've met the
16 guidelines of control when the
17 legislation was put in place and once
18 again the goalpost seems to move. So I
19 don't want to say it's politically
20 motivated, I really don't want to, but I
21 can't I can't figure it out. I can't
22 figure out why a statement or they
23 approved the multi-year plan last year.
24 They approved the budget. I hear through
25 the rumors that by June they're going to

1
2 be gone and now they're still here. What
3 are we supposed to do? Give us the
4 formula, give us the equation.

5 LEGISLATOR KOPEL: But compared with
6 pretty much every other county in the
7 state, we're solid.

8 MS. PHILLIPS: We're solid.

9 LEGISLATOR KOPEL: We're more solid
10 than many counties that don't have any.

11 MS. PHILLIPS: And look, you can
12 always be better, but we're solid.

13 LEGISLATOR KOPEL: But that's not
14 the guideline.

15 Moving to your own office.
16 Historically, there's been delays in
17 payments to contractors for various
18 things. And I've heard, and it's
19 anecdotally, of course, but but I've
20 heard often that we don't get a lot of
21 bids because people feel like getting
22 paid, makes the whole thing worth while
23 and they're not getting paid and they
24 can't afford to carry it. That's been a
25 problem probably as long as I've been

1
2 here. So how is that looking now?

3 MS. PHILLIPS: You know, I thank you
4 for bringing it up. I can't speak on do
5 people do bid or not when we put RFPs,
6 but what I can talk about is the
7 accomplishments of the team. And when it
8 comes to processing claims, and I'll use
9 longevity as an example. You know
10 longevity was paid when it within six
11 weeks of approval. You know that was a
12 big accomplishment. It wasn't that easy
13 and it took teamwork. It took P&A, and IT
14 and it took comptroller's department, to
15 work together and they, you know, I'll
16 give Beaumont Jefferson, my deputy
17 controller. I'll give Charlie Casolaro,
18 the attorney, really huge credit for the
19 leadership that they showed, bringing the
20 team together and working this out. You
21 know we have a funny internal saying is
22 that we keep putting Drano down the
23 drain. But it's true, we are unclogging
24 the drain. The City of Long Beach came to
25 us and I think it was the beginning of

1
2 March. They hadn't been paid in four
3 years for the portion, the reimbursement
4 that the County gives them for operating
5 the little bus loop down there. Four
6 years, over \$300,000. Within three weeks
7 we had them paid. Now that doesn't mean
8 we are changing the quality of our
9 review, if anything we've put procedures
10 in place.

11 We caught something the other day a
12 department change form to a bank account
13 was submitted and we went in and our
14 review and we found out that it was a
15 phishing, it was a phishing and so we
16 caught it. It would have been a \$160,000
17 that would have been paid. It's being
18 investigated. We reported it. So it's
19 being investigated. We can get better,
20 we can get better.

21 LEGISLATOR KOPEL: Is there any
22 metric that you've used to measure
23 whether there's been progress. In other
24 words, I guess payments may have been so
25 far behind at one point and now they're

1
2 plus or minus weeks.

3 MS. PHILLIPS: Nickie Banvua who
4 tracks. We have a new form of tracking.
5 In the old days what they would do is say
6 you had x, y, z contracting, and so they
7 would, depending on when it came in. It
8 was first, first out and but there would
9 be other payments due to x, y, z
10 contracting. So now we bundle. You know
11 it sounds like so simple, but I'm telling
12 you that was a big change, to bundle. So
13 if we owe x, y, z contracting, we have 20
14 contracts. Let's just review them all at
15 the same time, because chances are if
16 there is a mistake in there, it may be in
17 all 20 contracts. So we can get it
18 solved quickly.

19 LEGISLATOR KOPEL: But do we have
20 any measurement?

21 MS. PHILLIPS: We do have
22 measurement. Of course we have daily
23 measurement.

24 LEGISLATOR KOPEL: And how are those
25 measurements looking versus the time that

1
2 you started?

3 MS. PHILLIPS: So I would say on the
4 average, you know, it depends on the time
5 of year also. So it's a little unfair to
6 use at the time I started because, we've
7 changed policy. We just put a note out to
8 all the departments that they have to
9 have their year end claims in by certain
10 dates. It used to be, I believe, I
11 wasn't here that you know people were
12 busy so they'd all wait till December
13 30th and submit all the claims. So what
14 would happen is, the Claim Department
15 would just balloon out and it would take
16 months to, you know, make up for the
17 backlog. So now we've put a new policy in
18 place. You know what, any claims that are
19 you have to be in by this date. If
20 they're December claims, you have until
21 the second week of January. So we don't
22 have that clogging. So are we down to 15
23 days, you know anywhere between two and
24 three weeks in the -- 17 day average is
25 where we are right now. Were we at the

1
2 beginning of the year higher, yes, but I
3 don't want to -- you know what, these are
4 hard working individuals. And like every
5 department that has come in here, we
6 can't hire. You know one, there were no
7 tests. I said this. I complained about
8 this at the mid-year. There were no
9 tests, then the tests that were given
10 were taken a year to score. Even though I
11 believe we're in the day and age where
12 you could take a test online and know
13 your score immediately. And then the
14 salary structure, it just has to be
15 addressed. It really has to be addressed.

16 LEGISLATOR KOPEL: Alright, thanks.

17 LEGISLATOR DERIGGI-WHITTON: Thank
18 you. You actually stole my question
19 because I was wondering about our turn
20 around. We think alike sometimes.

21 But I just had two quick questions:
22 One with your cheat sheet, and again I
23 defer to you on most of this as far as
24 understanding exactly how this works. But
25 it seems to me that both on the Operating

1
2 Fund and the Governmental Fund, the
3 Operating Fund, I would assume you would
4 use for operational purposes in your
5 budget, and the Governmental Fund, which
6 I would assume you really can't touch.
7 But it seems like they're duplicative in
8 both columns, like many of them anyway.
9 Like column two and column three.

10 MS. TSIKOURAS: Yes. Because if you
11 see just above the three operating funds,
12 it says budgeting. So when we do our
13 reporting like to this Body and
14 internally, when we're looking at things,
15 we look at it with these three operating
16 funds. But when we're reporting on a
17 financial statement basis we have those
18 three operating funds plus the additional
19 funds. So if you were to look at our
20 financial statements and look at one of
21 the exhibits, you would see the General
22 Fund, the Police District, the Sewer and
23 Storm Water Fund, and then you would also
24 see the NIFA General Fund, the Disputed
25 Assessment Fund, the Capital Fund, the

1
2 ARPA Fund. You would see the other ones.
3 We are only looking at what we consider
4 the Operating Funds. These are, like the
5 daily operations of the County, a lot of
6 the Special Revenue Funds. The majority
7 of the Special Revenue Funds are
8 segregated for certain purposes right. We
9 know that the DAF fund is for, is for the
10 DAF, collects the DAF charges and records
11 the tax certiori payments made to the
12 commercial property owners. We know that
13 the Grant Fund maintains all the grant
14 information that are typically funded at
15 a 100%. So those aren't daily Operating
16 Funds per say. But what runs the County,
17 the daily operations of the County are,
18 are really these three, these three
19 funds. So that's why we segregate. That's
20 why we talk about the three operating
21 funds. But those same operating funds are
22 recorded in the financial statements. So
23 the last two columns are for financial
24 statement reporting purposes. Those last
25 two columns does that make it more clear?

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LEGISLATOR DERIGGI-WHITTON: It did to a certain degree, but for instance the opioid settlement litigation funds, that is being listed right now in our Operational Fund.

MS. TSIKOURAS: Yes. With GASB 54 there are rules to determine whether a fund is recognized as a special revenue fund and stands on its own or whether it has to be consolidated, becomes part of the General Fund.

LEGISLATOR DERIGGI-WHITTON: So this is on it's own?

MS. TSIKOURAS: No, it's it's part of the General Fund.

LEGISLATOR DERIGGI-WHITTON: I have a question: Again, I'm not accusing anybody of anything. Does it help us to get out of the NIFA control period if we have a large amount of money in our fund, our Operational Fund?

MS. PHILLIPS: We do not meet the criteria for what was established to be in a control period. Nassau County does

1
2 not.

3 LEGISLATOR DERIGGI-WHITTON: I know
4 we're trying to get out of it. So I'm
5 wondering if that is part of the reason
6 why we are hesitant to be dispersing some
7 of these funds like the opioid settlement
8 fund, because we want to hold on to the
9 cash, is that possibility?

10 MS. TSIKOURAS: No. If you look at
11 the first column, where we talk about the
12 five major funds and then towards the
13 bottom, the NIFA calculation does not
14 include those extra funds. It only
15 includes the five major funds: General
16 Fund, Police Headquarters, Debt Service,
17 Fire Commission, and Police District. So
18 that other cash currently has no impact
19 on the NIFA control calculation.

20 LEGISLATOR DERIGGI-WHITTON: Glad to
21 hear that, because I, like you, I really
22 would like to see this -- I'm trying
23 figure out why it's taking so long to
24 disperse that funding. I know what a
25 crisis -- I get phone calls all the time.

1
2 We have no beds available. I have a
3 neighbor whose son is in jail right now
4 and they're grateful they're not paying
5 the bond because they know he's alive and
6 they can sleep at night. I mean this is
7 just walking my dog I run into people and
8 we get calls all the time. So I think
9 there's such an urgency to get this money
10 out. I think that -- it's like
11 Hotel/Motel money. There's no guarantee
12 we're gonna get it the next year. But but
13 people understand that. I think we can
14 trust these agencies to budget so that
15 they know it's a one time revenue.

16 Us saying, well, we want to make
17 sure you spend the money right and you
18 don't you I don't want you to budget a
19 salary based on -- if they're not smart
20 enough to figure that out, I don't think
21 they would have been surviving for as
22 long as many of them have.

23 MS. PHILLIPS: It would be the
24 administration, whoever is reviewing the
25 RFPs, to insure that too.

1
2 LEGISLATOR DERIGGI-WHITTON: But I
3 just think you know the money was given
4 to us for a reason. It was a settlement
5 for these pharmaceutical companies that,
6 in my opinion, knew a lot more about the
7 addictive properties of their product,
8 their drug then then they let on and they
9 caused a ton of damage, not to mention
10 the loss of children. But you know that's
11 the most number one, but also the expense
12 to different government, different
13 municipalities. So I really think there's
14 such an urgency. I'm very happy to hear
15 it's nothing that would anyway be mixed
16 into the NIFA situation.

17 MS. PHILLIPS: Not at all.

18 LEGISLATOR DERIGGI-WHITTON: I thank
19 you for clarifying that.

20 I had one other quick question and I
21 understand about projections and I know
22 what they're worth. The only thing I'm
23 I'm a little bit worried about is just
24 the discrepancy between your projection,
25 and OMB. Is that plus or minus of your

1
2 number, or is that just plus \$3 million
3 as opposed to plus \$110 million, on the
4 last side. I'm sorry.

5 MS. TSIKOURAS: Remember, as I
6 mentioned earlier, our 2023 projections
7 have excluded the cost of collective
8 bargaining agreements and vacancies, so
9 many of the assumptions that we have in
10 2023 we've taken out into the into the
11 multi-year plan. The numbers are high,
12 because number one, we're not picking up
13 any use of fund balance. We're risking
14 that. We have an opportunity for the
15 payroll and the fringe. Some of the
16 risks that we see in TPVA, we're taking
17 out. We're also not including things like
18 the boot and tow, the school cameras. So
19 what we've done is basically looked at
20 where we are in '23. Now '23 becomes the
21 base for '24 and we take it forward. So
22 we have a surplus again in 2023 and some
23 of those items are coming out into the
24 out years.

25 LEGISLATOR DERIGGI-WHITTON: I like

1
2 your numbers better. But I have to say in
3 the past, OMB has sort of been somewhere
4 in line. This is the largest discrepancy
5 I've seen. I'm not saying it's --

6 MS. PHILLIPS: But again, it's
7 because we don't include any contract
8 negotiations. We don't include vacancies
9 because it hasn't happened. So it's just
10 that difference between the way the GAAP
11 accounting versus. It's the methodology
12 and we're consistent for years. It is a
13 consistency, not through my
14 administration, past administrations.
15 It's been consistent around 12 years, 15
16 years.

17 LEGISLATOR DERIGGI-WHITTON: All
18 right. So I guess you feel comfortable
19 with those projections even though, as we
20 said, they're not anything we can really
21 hang our head on. But we know that
22 contracts are going to be coming. We know
23 that, although it hasn't happened yet, we
24 know they're coming. Like in government.

25 MS. TSIKOURAS: But we don't know

1
2 the extent of of the cost. So if if we
3 were to pick up their cost, we'd be
4 basically saying: We assume their costs
5 are correct. We don't know, we don't know
6 how those terms -- we've had labor costs
7 in the last two budgets that hasn't
8 happened. We've been consistent in
9 excluding those numbers which we were
10 right about. So that's why I said like
11 yeah, at some point there will be, but we
12 are not projecting that. Right now we're
13 saying here is what it is. These are our
14 assumptions, they are our assumptions.

15 MS. PHILLIPS: And it's more of a
16 snapshot. Maybe that's a good word to use
17 here. It's a snapshot of what we know
18 today, what we know today.

19 LEGISLATOR DERIGGI-WHITTON: But
20 again, when we look at the NIFA numbers
21 they're a little bit more inline with OMB
22 projections. I mean, and again, I'm not
23 trying to say when one is right, is
24 wrong. I'm just trying to figure out,
25 like you said, where we actually are,

1
2 because it does feel like things are
3 moving around.

4 MS. PHILLIPS: I would refer you,
5 when you have a moment to go, to Page 41
6 of our actual report, which is the one
7 that's in the folder. It will give you
8 an idea what we're risking and what we're
9 showing as under and over what the
10 administration -- so it allows you to
11 kind of flow through and read-through
12 what we're saying versus what they're
13 saying.

14 LEGISLATOR DERIGGI-WHITTON: Thank
15 you.

16 LEGISLATOR ABRAHAMS: How are you
17 Comptroller?

18 MS. PHILLIPS: Good. How are you?

19 LEGISLATOR ABRAHAMS: Good.

20 MS. PHILLIPS: Good.

21 LEGISLATOR ABRAHAMS: I just have a
22 quick question. Legislator
23 Deriggi-Whitton asked question that was I
24 was thinking of in regard to the labor
25 contracts, but I just wanted to get your

1
2 thoughts on the backlog with tax
3 certioraris. I didn't see it in your
4 presentation, but maybe it's in the
5 larger document that I didn't get a
6 chance to read though the 50 page
7 document. But I just wanted to get an
8 idea from you. Have you identified the
9 backlog? We've seen here, more
10 anecdotally, but we've seen here that
11 that we are settling more cases that we
12 are voting on. We're seeing them come
13 through the Legislature little bit more
14 frequent. But I just wanted to get your
15 opinion on an identified number, and has
16 the administration expressed to you when
17 they will be able to reduce that number?
18 I think that's a true reason, true
19 outlier that's a risk that doesn't really
20 get identified as best as I could.

21 MS. PHILLIPS: I'll answer that
22 backwards. So I have not spoken to the
23 administration of what their plan is on
24 how to pay it down, other than what was
25 discussed with OMB and us.

1
2 LEGISLATOR ABRAHAMS: Fair enough.

3 MS. TSIKOURAS: I can talk about
4 that a little bit. So in our projections
5 we know that we have the \$208 million
6 dollars in the Litigation Fund for tax
7 certiorari. In our discussions with OMB,
8 they indicated that they plan to pay out
9 approximately \$100-150 million probably
10 closer to \$150 million between
11 litigation and DAF Fund. So our
12 projections are anticipating a \$100
13 million payment in '22 out of the
14 Litigation Fund, as well as \$100 million
15 in 2023. The problem with identifying
16 where the backlog or what the tax
17 certiorari liability is at this point in
18 time is that our starting base is all in
19 liability. So we get that from ARC at the
20 end of the year and then we do our
21 analysis on that. We look at what's
22 considered short-term that's in the
23 treasurer's office, we look at what's
24 considered DAF, and then we come up with
25 that number.

1
2 There is a section on page 42 where
3 we talk about what we reported as of the
4 end of the fiscal year 2021, because
5 that's the last time that the it was
6 done. So until we have that analysis from
7 ARC, we can't really determine what that
8 long term liability is. But remember
9 before when we were talking about the
10 cheat sheet, I said that on a full
11 accrual basis, that's where we would have
12 our full liability. So on page 42 we
13 talk about what we had estimated as the
14 all in tax certiorari liability, it was
15 about \$707 million at that time and all
16 those components, the long term piece,
17 the short-term piece, the DAF piece. All
18 those pieces appear in the
19 government-wide financial statements in
20 the long term, full of accrual financial
21 statements. If something is not due and
22 payable, but it's it's kind of sitting
23 out there, it's not considered a
24 liability on a fund statement basis. So
25 what we normally pick up, it's still a

1
2 liability, yes, absolutely, but on a
3 full, accrual basis. So we do look at
4 that distinction at the end of the year
5 when we do our analysis and we start
6 looking at the entries that are necessary
7 to make sure that we've captured
8 everything. But at this point in time we
9 don't have that data yet.

10 MS. PHILLIPS: When you have the
11 opportunity, go to page 42, you'll see.
12 You know we had the year 2021, the total
13 liability had increased to \$707 million
14 from \$647 million and \$587 million as of
15 2020 and 2019. Of the \$707 million, we
16 point out that we know \$250 plus million
17 was settled with with LIPA and National
18 Grid. So even though we don't get a
19 number until December 31st, 2022, it does
20 give you an idea that it's going to go
21 down assuming that that calendar hasn't
22 filled up by --

23 LEGISLATOR ABRAHAMS: It also assume
24 that the County is planning to reassess
25 at some point. Wouldn't it be exacerbated

1
2 if we have a frozen roll going forward in
3 the out years? Does that contribute to

4 --

5 MS. PHILLIPS: I'm trying to think
6 through --

7 LEGISLATOR ABRAHAMS: For example,
8 we're looking at 2022. As far as I know,
9 I haven't seen a plan from the County
10 Executive in terms of the assessment
11 plan, but I'm assuming that the plan is
12 to keep the roll frozen again. I don't
13 know, maybe you might know better than
14 me.

15 MS. PHILLIPS: I don't.

16 LEGISLATOR ABRAHAMS: But so if the
17 roll is frozen again, doesn't that create
18 the same level of a potentially
19 questionable flawed roll which then could
20 create the opportunity for more
21 grievances, for lack of a better term?

22 MS. PHILLIPS: I don't believe that
23 it creates more opportunity. Quite
24 frankly, there's ample opportunity right
25 now to grieve. To grieve successfully --

1
2 Jeff Schoen, Deputy Comptroller in charge
3 of accounting.

4 LEGISLATOR ABRAHAMS: I'm not trying
5 to put you on the spot. I'm just trying
6 to understand how not reassessing what
7 frozen roll, doesn't that create what we
8 had for a period of time under the
9 previous administration, of a frozen
10 roll? Didn't that create more successful
11 grievances?

12 MR. SCHOEN: The success of the
13 grievances wasn't necessarily based upon
14 whether the roll was frozen or not, but
15 if you reassess, depending on, it could
16 give more confidence in their values and
17 lead to less grievances, so that is
18 possible. Yes.

19 MS. PHILLIPS: If property values go
20 down, people might be more comfortable.
21 So, as promised during the early part of
22 my administration, we are in the
23 Department of Assessment, currently
24 doing, I don't want to say a full-blown
25 audit, because that would take years. But

1
2 it will definitely be a solid report on
3 what occurred during the reevaluation.
4 But it's gone broader than that. And in
5 fact we thought we would have published
6 by now. We thought we'd be done by July
7 or August. But it happens, you get in
8 there and you realize, oh, wait a minute,
9 we need to talk about this, we need to
10 evaluate this, we need to look into this.
11 But they're coming and they're going to
12 be several reports, back to back to back
13 to back, on different issues. So it'll be
14 a little easier to read, since it's a
15 very, very complex topic and it's
16 possible that the County Executive -- and
17 I really have no idea. It's very
18 possible that he is waiting for these
19 reports to make a decision what you need
20 to do. What I say in general, you always
21 want to keep your roll current and I know
22 you're going to meet with the Department
23 of Assessment. Ask the same question to
24 our acting assessor. The best thing to do
25 is keep your roll current. But remember,

1
2 you're grieving your assessment, that
3 doesn't mean you're lowering your taxes.
4 Assessed value and taxes do not go
5 hand-in-hand always.

6 LEGISLATOR ABRAHAMS: And that's
7 where I guess I was driving at. In the
8 end is keeping the roll current.

9 MS. PHILLIPS: Absolutely. You want
10 to keep it correct. And it will be one
11 of our findings. I mean not to let the
12 cat out of the bag, but it will be one of
13 our findings.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Comptroller.

16 MS. PHILLIPS: Thank you.

17 PRESIDING OFFICER NICOLELLO: Any
18 other Legislators?

19 (Whereupon, no verbal
20 response.)

21 PRESIDING OFFICER NICOLELLO: Thank
22 you very much.

23 MS. PHILLIPS: Thank you very much.
24 Thank you for having us and, as always,
25 if you have any follow-up questions,

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please reach out or you have anything we
can help you with. We're more than glad
to take care of it.

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PRESIDING OFFICER NICOLELLO: All right, the next department is Assessment, all right, ready when you are.

ACTING ASSESSOR CRONIN: Good afternoon, everybody. How are you doing today? Matthew Cronin. I'm the acting county assessor here in Nassau County and I'm here representing the Department of Assessment. It's an honor for me to sit here before you today. Department of Assessment is, some facts:

Second largest assessing unit in New York state, second only to the Great City of New York; New York City, Manhattan, and Bronx, Brooklyn, Staten Island, Queens;

Our assessment roll for the 2023 tax roll has over 425,000 parcels with a full valuation of over \$340 billion worth of fair market value on the roll.

The importance of maintaining the assessment roll each year is to keep valuations current and accurate. The maintenance requires constant processing

1
2 of permits, verification of sales data,
3 updating the property inventory,
4 maintaining and updating the computer
5 system, something that we do every day,
6 constantly in our systems looking for
7 ways to update and to improve upon what
8 we have. Last two rolls that were
9 published for tentative values were the
10 2022-23 roll, and the 2023-24 roll were
11 frozen due to the COVID-19 pandemic.

12 This year. For the 24-25 roll, we're
13 currently looking at some instability in
14 the market, inflationary trends, stock
15 market instability, international
16 conflicts, conversations of OPEC and the
17 value of oil and the impact of
18 electricity and bills for the home. It's
19 becoming a real point that we're hitting
20 these metrics in our current study and
21 it's not something that we can turn a
22 blind eye to when determining property
23 value for a date that's three months out
24 of today or currently around three months
25 from today. So all these things have

1
2 effect on the housing market.

3 For the 2023 year we were
4 approximately 17,000 SCAR filings were
5 handled by my department, in which we
6 were able to successfully mediate
7 approximately 10,000 cases, eliminating
8 the need for refunds. We administer
9 approximately 300,000 exemptions yearly,
10 verify over 30,000 sales per year and
11 approximately 10,000 permits that we go
12 out and physically inspect these
13 properties on.

14 This year we've implemented some new
15 and exciting technology due to the help
16 of all of you and Cyclomedia. It is a
17 great vendor that uses street-level
18 imagery. I always say it's Googlemaps,
19 times a million. A lot of metrics and a
20 lot of data points to actually accurately
21 capture all street-level inventory of
22 Nassau County. We've successfully done
23 that as of this year. So that's something
24 I'm very proud to speak on.

25 This technology, in addition to the

1
2 existing map technology, gives us
3 approximately three flyovers, per year,
4 captures all the aerial GIS photography.
5 As current as the most recent flyover,
6 September of this year, I have the most
7 current inventory on properties, which
8 is, once again, when you speak to others
9 in New York state, that's pretty good.

10 So with the combination of these two
11 technologies, the efficiencies of the
12 department has increased exponentially.

13 We are also currently working on a
14 mobile technology allowing our assessors
15 to access in real-time information, the
16 computer systems. So think of it as a
17 complete mobile force to go out there and
18 collect the inventory on property, which
19 is the most important piece in
20 maintaining property assessments across
21 any jurisdiction.

22 Some highlights of things that I've
23 been able to accomplish in my
24 approximately five months:

25 I've implemented the first

1
2 departmental-wide policies and procedures
3 manual for all employees. This policy and
4 procedures manual was put out to try to
5 act as a sound basis for structure in the
6 department and to boost morality. A lot
7 of the things that I found when I took
8 the seat was that there was a lot of just
9 unknowns going on, and I took that as an
10 opportunity to really try my best to
11 identify the issues and to really, you
12 know, created a little bit of a
13 professional environment in the office
14 which has been needed for a while.

15 In addition to implementing policies
16 and procedures manual, we've
17 re-established our quality control
18 division with three designated IAO
19 assessors. For those of you who may not
20 know what that is, it is the Institute of
21 Assessing Officers, which is the
22 designation set forth by the New York
23 State Assessors Association. It is a
24 designation that five years you have
25

1
2 actual assessing backgrounds and you need
3 to sit for a master exam. Some of you
4 are attorneys. I never sat for the bar,
5 but a very comprehensive examine and in
6 all practices of assessment and appraisal
7 in New York state. So I'm happy to say
8 that we have three designated IOA
9 assessors who currently work in the
10 Quality Control Division.

11 We have also re-established our
12 Valuation Standards Division. I'm sitting
13 next to my head of the division, next to
14 me is Daniel Ross, who I'm sure you all
15 know. We also have another co-chair and
16 IAO designated assessor. And we have
17 three statisticians on board, with the
18 addition of one more coming all with
19 their background in mathematics,
20 statistics, and one of them has their
21 master's degree in mathematics, and we
22 have one current GIS specialists that we
23 were able to hire last year.

24 With all of these dynamics that I'm
25 speaking to you today, I'm proud to sit

1
2 here and I'm confident in speaking to you
3 all as the current Acting County
4 Assessor. I appreciate your time and I
5 welcome any questions regarding the
6 budget or anything else you may deem
7 necessary.

8 PRESIDING OFFICER NICOLELLO: What
9 is the plan for the Tentative Assessment
10 Roll? Is the County reassessing,
11 trending, freezing?

12 ACTING ASSESSOR CRONIN: It's a
13 great question and it's something that we
14 have been looking at since I've sat in
15 the seat. It is not such an easy answer,
16 however, because the issue that I
17 currently face is that I'm to predict
18 market value based upon a valuation date
19 of the first business day in January this
20 year. I think it's January 2nd of 2023.
21 There are a lot of factors that are in
22 play right now that we're not in play
23 around three months ago: The idea of
24 increase in rate hikes, inflation is on
25 the rise, international conflict faces

1
2 us, and consumer sentiment has decreased
3 approximately 25% in the past three
4 months. It is something that I call it a
5 game time decision. I am ready to pivot
6 whenever it needs to happen, but I would
7 be not doing my due diligence if I didn't
8 wait for all the facts that I could
9 collect and actually make a move on that
10 information. It is something that is very
11 important to me. I take pride in what I
12 do and that's something if the time comes
13 and I decide that it's something that can
14 be implemented at that point, it will be
15 done.

16 PRESIDING OFFICER NICOLELLO: When
17 would you have to make this determination
18 for the tentative assessment notices to
19 go out?

20 ACTING ASSESSOR CRONIN: Well, the
21 valuation date is January 2nd. I'm well
22 aware of the Tax Impact Notice; I think
23 it's County Admid Code 672. That would
24 have to be 60 days prior to the
25 publishing of the Tentative Assessment

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Roll.

PRESIDING OFFICER NICOLELLO: When would you have to make a decision?

ACTING ASSESSOR CRONIN: Very soon, within the next few weeks.

PRESIDING OFFICER NICOLELLO: That decision has not been made today?

ACTING ASSESSOR CRONIN: Not yet.

PRESIDING OFFICER NICOLELLO: All right.

Just the other question: Explain to us what happened with the error.

COMMISSIONER ARNOLD: Absolutely.

In 2021, for the previous reappraisal of the County, the TPP was voted on and implemented by State Statute and previous administration put it into effect. It was a phase-in value that was supposed to approximately take five years to phase in values.

What ends up happening every year is that if there is a decrease in quantity change or a physical change on the property which is negative, we are

1
2 supposed to manually calculate those
3 properties and apply the reduction of the
4 physical onto the total base number. So I
5 always use the example of: If a 100 was
6 the base number and I had a minus 20 in
7 the physical, my percentage difference
8 should be minus 20. One hundred minus 20
9 would be 80. Eighty should have been the
10 new base. What ended up happening is a
11 clerical error was performed and instead
12 of the column on the spreadsheet being
13 put into the system as in 80, it was
14 overwritten as the reduction amount 20.

15 PRESIDING OFFICER NICOLELLO: Okay.
16 And was that specific types of activities
17 on properties? Was it demolition,
18 essentially?

19 ACTING ASSESSOR CRONIN: Yes, so
20 it's negative physical demolition of
21 inventory on the roll and any fire
22 damage. That was implemented from the
23 previous successor and it's been
24 practised ever since it was implemented
25 in 2021.

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PRESIDING OFFICER NICOLELLO: How many properties are we talking?

ACTING ASSESSOR CRONIN: Approximately -- well, 842 exactly.

PRESIDING OFFICER NICOLELLO: Right. The notices went out --

ACTING ASSESSOR CRONIN: Right. The bills went out by the receivers. The bills had gone out and then, once we identified the issue, I contacted all the receivers of taxes and I sent a personal letter from me explaining that the issue existed and that we asked the receivers if they could implement new tax bills which, as of today, they have been sent out to the homeowners.

PRESIDING OFFICER NICOLELLO: Then, is there any refund that would be owed to any of these home owners?

ACTING ASSESSOR CRONIN: To the homeowners, no. If they haven't paid the bill, it is not a refund status to any home owner. If they receive a corrected bill, then they would receive the

1
2 corrected bill. To the County there is a
3 refund that is due that we are currently
4 putting together the actual pieces now
5 for the corrections and that will be here
6 and actually, I would assume, on the 24th
7 we're bringing those forward.

8 PRESIDING OFFICER NICOLELLO: Just
9 explain what the County exposure is.

10 ACTING ASSESSOR CRONIN: The
11 County's exposure is making the
12 receiver's whole, making it whole. So
13 it's approximately 842 parcels, we would
14 have to make those whole.

15 PRESIDING OFFICER NICOLELLO: I'm
16 just not sure why they had to be made
17 whole if the corrected bills were then
18 provided to the receivers.

19 ACTING ASSESSOR CRONIN: Because
20 we're still liable for any change in that
21 value, any change on the taxes.

22 PRESIDING OFFICER NICOLELLO: So in
23 terms of the town --

24 ACTING ASSESSOR CRONIN: It's the
25 school district bills.

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PRESIDING OFFICER NICOLELLO: Do you have an approximate value of the exposure?

ACTING ASSESSOR CRONIN: Total impact on the schools is around \$1.5 million.

PRESIDING OFFICER NICOLELLO: The County has to reimburse the towns for that amount?

ACTING ASSESSOR CRONIN: Yes, the school districts.

PRESIDING OFFICER NICOLELLO: School districts, right. Because they are receiving less money than they should have.

ACTING ASSESSOR CRONIN: Correct.

PRESIDING OFFICER NICOLELLO: When was the mistake made? Obviously, we know the bills --

ACTING ASSESSOR CRONIN: When I looked back in my system, it was around June that they were uploaded.

PRESIDING OFFICER NICOLELLO: The mistake was it generated by technology?

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2 Was it human error? What was it?

3 ACTING ASSESSOR CRONIN: So it was
4 generated by human error that needs to
5 interfere with the idea of a systematic
6 technology. It's a very good question
7 because it brings to the point of every
8 single time that we need to look at the
9 TPP adjustments, it is a manual override
10 of a system that's not necessarily meant
11 to be overridden. It is a manual
12 calculation, which is always something
13 that we try to reduce as best we can and
14 let the system be what it is. Systems are
15 meant to perform and when you have to
16 implement overrides in the system, it is
17 something that always opens us up to
18 liability.

19 PRESIDING OFFICER NICOLELLO: Thank
20 you. Questions. Minority Leader Abrahams.

21 LEGISLATOR ABRAHAMS: How are you,
22 Mr. Cronin?

23 ACTING ASSESSOR CRONIN: Very good.
24 How about yourself?

25 LEGISLATOR ABRAHAMS: Acting

1
2 Assessor, you said a lot of things. Just
3 forgive me, because I just want to make
4 sure I understood you right and I'm able
5 to convey everything back to you or
6 convey everything in terms of my
7 questioning.

8 ACTING ASSESSOR CRONIN: Sure.

9 LEGISLATOR ABRAHAMS: So the
10 questions I was going to ask you was
11 related to the Presiding Officer.

12 Diving into the Taxpayer Protection
13 Plan. The 842, I guess, parcels that are
14 impacted to a tune of \$1.5 million, if I
15 remember correctly and forgive me if I'm
16 wrong, my colleagues here, when there's a
17 Correction of Error, doesn't need to be
18 voted on by the legislature?

19 ACTING ASSESSOR CRONIN: That's
20 correct.

21 LEGISLATOR ABRAHAMS: This error
22 happened in June.

23 ACTING ASSESSOR CRONIN: Right.

24 LEGISLATOR ABRAHAMS: And you found
25 out about it when, in June or just now?

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ACTING ASSESSOR CRONIN: Just now.

LEGISLATOR ABRAHAMS: So you went back and figured out that it happened in June, but you just found out about it a couple of days ago?

ACTING ASSESSOR CRONIN: That's correct.

LEGISLATOR ABRAHAMS: And when do you plan to present it to the Legislature? Because you said you already notified the towns about sending out the correct notices. How can they send out the corrected notices if it hasn't been proved by the Legislature?

ACTING ASSESSOR CRONIN: Well, I don't really know.

LEGISLATOR ABRAHAMS: I'm sorry?

ACTING ASSESSOR CRONIN: I don't know the answer to that question.

LEGISLATOR ABRAHAMS: Look, I want to see every taxpayer pay their fair share, but it just seems like we're adding more liability to the County. It sounds like to me these are illegal

1
2 corrections if we're sending out
3 something it hasn't been approved by the
4 Legislature, which the Legislature is
5 required to approve.

6 ACTING ASSESSOR CRONIN: Well, we
7 are putting together everything on the
8 24th. It will be in front of you then.

9 LEGISLATOR ABRAHAMS: But you've
10 already sent out the correct notices to
11 the towns. The towns are becoming liable
12 because they're already sending out the
13 corrective notices based on that action
14 not happening here in the Legislature.

15 ACTING ASSESSOR CRONIN: Okay.

16 LEGISLATOR ABRAHAMS: Do you do you
17 agree with me?

18 ACTING ASSESSOR CRONIN: I don't
19 really know the question. It's something
20 that is outside of my total purview.

21 LEGISLATOR ABRAHAMS: Let me present
22 it to you again. If I remember
23 correctly, because the previous
24 administration made errors too, and every
25 time I remember -- I mean you guys could

1
2 speak up. I mean you guys remember this
3 stuff. I mean I am speaking out of turn.
4 If I remember correctly, when the
5 previous legislature made errors, they
6 had to come back to us, one of those
7 people was Rob Myles, he's here standing
8 right behind me. He had to present at the
9 podium and present those correction of
10 errors to the Legislature before they
11 went to the towns.

12 ACTING ASSESSOR CRONIN: Right.

13 LEGISLATOR ABRAHAMS: Now I
14 understand the expedience on why you went
15 to the towns because you want to be able
16 to try to correct it as quickly as
17 possible. I'm going to get into that
18 correction, whether or not that's
19 actually going to happen as well. But if
20 I remember correctly, we had to vote on
21 it before it's presented to the towns. If
22 I'm incorrect, then I'll stand corrected.

23 DEPUTY ASSESSOR SPARA: Michele
24 Spara, Deputy Assessor.

25 I think the decision was made to

1
2 send the information to the Receivers of
3 Taxes. We did not instruct them to we
4 provided the information to the
5 receivers. The decision was on the
6 receivers of whether they chose to mail
7 out the bills prior to us presenting on
8 the 24th.

9 LEGISLATOR ABRAHAMS: We are sure
10 that each of the receiver of taxes were
11 aware that they shouldn't be sending that
12 out?

13 DEPUTY ASSESSOR SPARA: We did not
14 tell them to or not to. As far as the
15 Department of Assessment is concerned.

16 LEGISLATOR ABRAHAMS: Did they have
17 knowledge that the Legislature had to
18 vote on it?

19 DEPUTY ASSESSOR SPARA: I can't
20 speak on behalf of the receivers.

21 LEGISLATOR ABRAHAMS: So I guess
22 ultimately -- are we complicit in sending
23 out an illegal correction?

24 DEPUTY ASSESSOR SPARA: We prepared
25 the information for the receivers to

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prepare the bills.

LEGISLATOR ABRAHAMS: But the bills
went out.

DEPUTY ASSESSOR SPARA: It is our
understanding that some of the bills have
gone out. That is our understanding.

LEGISLATOR ABRAHAMS: That sounds to
me to be illegal.

DEPUTY ASSESSOR SPARA: I'm not an
attorney.

LEGISLATOR ABRAHAMS: Okay. All
right. Well, we've got bigger issues.

All right, so let's dive into the
ones that went out.

(Whereupon, off record
discussion.)

LEGISLATOR ABRAHAMS: I'm sorry, my
counsel is telling me. Are you one of the
attorneys for assessment?

MS. ESTIS: Yes.

LEGISLATOR ABRAHAMS: Do you mind?

MS. ESTIS: Karen Estis, counsel for
the Department of Assessment?

LEGISLATOR ABRAHAMS: Can you

1
2 comment on the fact of whether or not the
3 the Correction of Error requires a vote
4 of the Legislature before the County
5 notifies the towns of those corrections.

6 MS. ESTIS: It's my understanding
7 that the information went to the
8 Department of Treasury. I'm sorry,
9 Department of Receiver.

10 LEGISLATOR ABRAHAMS: It went to the
11 Receiver of Taxes before this Legislative
12 Body had the opportunity to vote on it.
13 Do you concur that the Legislative Body
14 needs to vote on it before it goes to the
15 receiver taxes?

16 MS. ESTIS: You know. I think that
17 that would be something that I would need
18 to research and I could get back to you
19 on that.

20 LEGISLATOR ABRAHAMS: What about
21 before bills are issued? Because now
22 each of the receivers of taxes have sent
23 out the bills. So do you think that the
24 Legislature had voted on it before the
25 bills were reissued? Because that's what

1
2 the towns did. By Mr. Cronin's
3 testimony, the towns have already
4 reissued. I'm going to get to that issue
5 as well.

6 ACTING ASSESSOR CRONIN: I'm not
7 sure if they have. I heard that they had,
8 but I am not sure on any of that.

9 LEGISLATOR ABRAHAMS: All right.

10 MS. ESTIS: I'm just saying that our
11 department merely just provided the data
12 for this information. As far as
13 responsibility for whether or not the
14 bills went out, I don't think that that
15 is something that our department
16 encouraged. We sent the data. That was
17 it.

18 LEGISLATOR ABRAHAMS: Well, I don't
19 now if it's as clear cut as, we sent the
20 data, and that's it. I mean, I think we
21 do have a duty, fiduciary responsibility
22 as we send the data. We don't want to put
23 the Receivers of Taxes in harm's way
24 either. I mean before we send the data, I
25 would like to think that it's going to

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2 come this Legislative Body, so we can do
3 the proper vote for the Correction of
4 Error, then it can go to the villages.
5 Because honestly I mean, I don't know,
6 I'd assume everybody would vote yes. I
7 mean I would vote yes. I want to make
8 sure everybody pays their fair share. But
9 it has to follow the proper steps.
10 Doesn't it?

11 MS. ESTIS: I would assume so, yes.

12 LEGISLATOR ABRAHAMS: And do you
13 agree in this case, did it follow the
14 proper steps?

15 ACTING ASSESSOR CRONIN: I think the
16 point is, we did send the data files to
17 the receivers, so they were aware of the
18 changes and the changes that might go out
19 on the bill.

20 LEGISLATOR ABRAHAMS: Mr. Cronin,
21 you're assuming that they were aware that
22 this Legislative Body took a vote.

23 ACTING ASSESSOR CRONIN: I'm not
24 assuming anything no.

25 LEGISLATOR ABRAHAMS: But you know

1
2 full well the vote has to take place
3 before bills can be reissued.

4 ACTING ASSESSOR CRONIN: I don't
5 reissue the bills. I just sent over the
6 updated data files.

7 LEGISLATOR ABRAHAMS: Let's back up.
8 Are you of the same understanding that we
9 have that, that I believe counsel just
10 said, that the legislative vote for the
11 Correction of Error needs to take place
12 before any bills were issued. Are you in
13 agreement with that? That vote needs to
14 take place?

15 ACTING ASSESSOR CRONIN: I would
16 have to look at the law. I really would.

17 LEGISLATOR ABRAHAMS: Wait, I'm
18 confused now you're unaware that --

19 ACTING ASSESSOR CRONIN: You're
20 asking me to speak about law that
21 actually I don't know off the top of my
22 head.

23 LEGISLATOR ABRAHAMS: Sir, you're
24 the Acting Assessor.

25 ACTING ASSESSOR CRONIN: That's

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correct.

LEGISLATOR ABRAHAMS: There was an error that was made.

ACTING ASSESSOR CRONIN: That's correct.

LEGISLATOR ABRAHAMS: You're trying to tell me, your counsel, no one, advised you that it needed to come back to the Legislature for a Correction of Error.

ACTING ASSESSOR CRONIN: No. Which is why we're actually preparing the Correction of Error petitions.

LEGISLATOR ABRAHAMS: So now we're in the same boat now. So basically that Correction of Error has to come back. So it never dawned on anyone that we should advise the towns before they re-issue a bill because it hasn't come to here. I mean, I'm guessing, is going to come by the 24th; when is that? That's 12 days from now. No one advised the towns to say hey, towns, by the way, this never passed the Legislature for a Correction of Error?

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ACTING ASSESSOR CRONIN: Once again,
I sent the data files over to the towns.
There was no conversation of this
did/didn't, it was simply a data
transfer. It was a transfer of data,
updating the information for them.

LEGISLATOR ABRAHAMS: It just seems
to me that seems a little -- I mean, I
don't know. I would hate to be a receiver
of taxes and reissue tax bills when
knowing full well it hasn't even passed
the Legislature.

ACTING ASSESSOR CRONIN: Once again,
we provided them with data files with the
updated information.

LEGISLATOR ABRAHAMS: Karen, did you
get a chance to speak to any of the
counsels of the Receivers of Taxes?

MS. ESTIS: No, I did not.

LEGISLATOR ABRAHAMS: So the only
communication was that we sent them the
data files?

ACTING ASSESSOR CRONIN: Correct.
Updated data files.

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LEGISLATOR ABRAHAMS: I don't know.
I'm scared to say something that puts the
County in more harms way, but I don't
think that's legal.

MS. ESTIS: I think this was
prepared so that we could put these on
notice.

LEGISLATOR ABRAHAMS: Let me just
change gears a little bit. The mistake
was made, it was made in June, it was
caught in October.

ACTING ASSESSOR CRONIN: Right.

LEGISLATOR ABRAHAMS: The bills have
already gone out. Some people might have
paid the bill because it may have been
such a small margin, they didn't really
notice a difference. Some people that may
have noticed that they didn't get the
full exemption of the 40% may have said:
Well, hold up a second, and may have
contacted your office or their receiver
of taxes, or some people that may have
use like myself, I use a mortgage
company, so may have been paid already.

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2 So in all these different scenarios, just
3 explain to me what happens in each
4 scenario.

5 ACTING ASSESSOR CRONIN: I can't
6 answer for that. For each scenario; what
7 do you mean?

8 LEGISLATOR ABRAHAMS: Let's go
9 through it one by one. So if somebody had
10 a mortgage company, like probably 95% of
11 us up here. We mortgage our homes. They
12 pay the taxes through an escrow account,
13 they pay the taxes to the town. If that
14 person, if the mortgage company paid it
15 already, paid this inflated amount
16 without the exemption already, what
17 happens in that particular situation?
18 What happens?

19 DEPUTY ASSESSOR SPARA: They receive
20 a refund.

21 LEGISLATOR ABRAHAMS: They will
22 receive a refund. Currently, or they
23 have to wait until the next tax bill for
24 the schools? They would wait until June
25 to receive a refund. If they only paid

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2 half, because you have the option to pay
3 in full or pay half, mortgage companies
4 tend to pay only in half, they would
5 receive a corrected bill for the second
6 half and they would receive a refund from
7 the County for the first half.

8 LEGISLATOR ABRAHAMS: Got it. Now,
9 in the event that if you're a homeowner
10 that pays your own taxes, that was being
11 prepared, I guess it was on November
12 10th, the going on November 10th,
13 correct?

14 DEPUTY ASSESSOR SPARA: Correct.

15 LEGISLATOR ABRAHAMS: And you paid
16 already, same scenario? You get a refund
17 sometime in June?

18 DEPUTY ASSESSOR SPARA: That is
19 correct. If you're homeowner that has not
20 paid, you are hoping that you get this
21 reissue bill in time and then that
22 reissued bill will have a new reflective
23 amount.

24 DEPUTY ASSESSOR SPARA: Which is the
25 exact reason why we prepared the data

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2 files to get to the receivers as soon as
3 possible in the anticipation that they
4 could correct as soon as possible.

5 LEGISLATOR ABRAHAMS: Got it. So,
6 the total exposure is \$1.5 million?

7 DEPUTY ASSESSOR SPARA: Correct.

8 LEGISLATOR ABRAHAMS: Of the 842
9 parcels, do we have an idea -- I don't
10 know if you spoke to the Receiver of
11 Taxes. How many people have paid so far?

12 DEPUTY ASSESSOR SPARA: We would have
13 no way of knowing that.

14 ACTING ASSESSOR CRONIN: No way of
15 knowing. No way of knowing what was sent
16 out at all. All we did was update the
17 files and sent them over to the
18 receivers, so they understood that the
19 calculation was reissued, and that was
20 the new information.

21 LEGISLATOR ABRAHAMS: Okay. One of
22 the things that my counsel just brought
23 to my attention was I guess the letter to
24 the receiver it quoted as saying: "As a
25 result of this issue, I have addressed

1
2 the issue and have corrected the TPP
3 calculation that has now been applied on
4 the new, updated 2022/2023 tax bill."

5 ACTING ASSESSOR CRONIN: In
6 anticipation that when they did send the
7 tax bills out, the updated data on the
8 site would be implemented on the bills.

9 LEGISLATOR ABRAHAMS: But you can't
10 correct it without coming to this Body.

11 ACTING ASSESSOR CRONIN: Correct, I
12 understand.

13 LEGISLATOR ABRAHAMS: But this was
14 written a couple of days ago. It hasn't
15 come to the Body until the 24th.

16 ACTING ASSESSOR CRONIN: In
17 anticipation of what was going to be
18 voted on here, because a lot of times
19 what happens is assessment is you get
20 reactive and you don't be proactive and
21 we end up trying to catch our tails, if
22 you will.

23 LEGISLATOR ABRAHAMS: But what if
24 this Legislative Body voted no?

25 ACTING ASSESSOR CRONIN: Then I

1
2 guess I would tell the receivers of taxes
3 that you can ignore the letter that I
4 sent you.

5 LEGISLATOR ABRAHAMS: Isn't that
6 kind of double the work?

7 ACTING ASSESSOR CRONIN: It could
8 be, and that's something that I would
9 have to apologize for, and I would take
10 that burden.

11 LEGISLATOR ABRAHAMS: Not that I
12 think me and my colleagues would vote not
13 to something like that.

14 All right. Let me let me move on.
15 You went into a little bit with the
16 Presiding Officer about the frozen roll.
17 I just want to make sure I heard you
18 correctly. You mentioned multiple times
19 -- obviously, there are other factors on
20 why the roll continues to remain frozen.
21 You mentioned gas prices, inflation. I
22 thought you mentioned something about the
23 war in Russia too.

24 ACTING ASSESSOR CRONIN: There's
25 always some indication of the actual

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2 trust in the economy, and I think that
3 that right now is a big part of why
4 liquidity is low, exposure on the market
5 is high, the times are up. And I think
6 all of these factors do come into play
7 when you have to make a decision that is
8 three months away from today's date, that
9 in a moment something could fall, and
10 then I would be the one who is
11 implementing these values, updating the
12 roll. For me, it's something that I take
13 into consideration all factors. Sales
14 price is the best indication of value,
15 but there's a lot that goes into what a
16 home sells for, such as consumer
17 confidence, supply and demand. I mean it
18 is a multifaceted process.

19 LEGISLATOR ABRAHAMS: And you've
20 weighed that versus the consequences of
21 not revaluing properties in Nassau
22 County, and doesn't that open the County
23 to potentially higher grievances? More
24 settlements?

25 ACTING ASSESSOR CRONIN: Well, I

1
2 think the grievance process in and of
3 itself is high and it's the
4 constitutional right of every constituent
5 in Nassau County to grieve.

6 LEGISLATOR ABRAHAMS: I stand
7 correct. You're right, the grievance
8 process is high, successful grievances.

9 ACTING ASSESSOR CRONIN: True.

10 LEGISLATOR ABRAHAMS: I think that
11 creates some level of confidence or lack
12 of confidence on behalf of our home
13 owners, that there is an actual fair way
14 of how the County's assessing value,
15 because obviously they're using values
16 that are frozen, that go back to several
17 years.

18 ACTING ASSESSOR CRONIN: Right. And
19 you bring you bring up a great point in
20 the word confidence, and I think that's
21 the name of the day, that's the word of
22 the day. Confidence. And I sit before you
23 today telling you that there's a lot of
24 factors that go into what is the right
25 value on a home. And to tell you today,

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2 if I knew what your home was worth, I
3 would tell you that I couldn't accurately
4 predict that as of January 2, 2023 as of
5 today.

6 LEGISLATOR ABRAHAMS: I could
7 imagine, yeah. But if I'm Joe Homeowner,
8 I'm sitting back, I got a tax bill and
9 I'm looking at it, it's showing my
10 exemption was here 2021, then it's here
11 in 2022 and then I'm like what happened
12 in 2023. And then I'm being asked to
13 pay this amount and then I hear, you know
14 what, wrong number. We got it wrong.
15 You're going to get a new bill. I get a
16 new bill. We talk about confidence in our
17 assessment systems but and at the same
18 time assuming, I hate to assume, but
19 assuming this Legislative Body hasn't
20 taken any level of action in regards to
21 the Correction of Error, we don't know
22 what may happen. So something else, based
23 on what they are being told today, could
24 change very easily by the 24th. All that
25 being said, I mean we talk about

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2 confidence, but at the same time it's
3 like there's there's so many missteps
4 that are currently occurring that if I'm
5 a homeowner, I don't feel any confidence
6 that I'm paying my fair share.

7 Especially after, I mean, granted, this
8 is a small sample size 842 people out of
9 425,000 parcels. But at the same time --

10 ACTING ASSESSOR CRONIN: It doesn't
11 mitigate the issue. I take it very
12 personal that is an issue.

13 LEGISLATOR ABRAHAMS: I'm not
14 mitigating the issue at all. But what I
15 guess what I'm saying is, at the same
16 time, I don't know if I'm one of the 842
17 people how confident I am in a process
18 where we're saying that we're going to
19 freeze the rolls, I was supposed to pay
20 this, was found out on this day I'm not
21 going to pay this. And then now, by the
22 way, technically what should happen, I
23 should have to wait until the 24th.
24 Because if the town did issue me reissue
25 bill, they shouldn't have.

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ACTING ASSESSOR CRONIN: I would hope that the homeowner would be watching right now or listening and knowing that I'm trying to be proactive to get these data files over to the receivers sooner rather than later, in anticipation that this Legislative Body would be voting in favor of the homeowners and for me to accept the responsibility for the issue.

LEGISLATOR ABRAHAMS: When will you be able to announce that there'll be a decision made on the frozen rolls?

ACTING ASSESSOR CRONIN: Within the next few weeks, I know my timeline is very tight; in the next few weeks.

LEGISLATOR ABRAHAMS: Of the issues that you mentioned, gas prices and markets and groceries, and inflation and war in Russia --

ACTING ASSESSOR CRONIN: I don't think I mentioned groceries. Not groceries.

LEGISLATOR ABRAHAMS: Those issues won't be resolved in the next couple of

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2 weeks.

3 ACTING ASSESSOR CRONIN: That's a
4 good point. Will they? What if, right
5 now, everything crashed? What if right
6 now, there was something that happened
7 that I were to tell you, Legislator, we
8 are here today and I'm going to tell you,
9 here's the value and I'm ready to update.
10 And then tomorrow, something cataclysmic
11 were to happen. It's a reality of today.
12 It is all being factored into my purview
13 and all the analytics are being
14 considered, and I would not be doing my
15 due diligence and I couldn't sit before
16 you confidently today if I made a
17 decision based upon something without all
18 the facts.

19 ACTING ASSESSOR CRONIN: But every
20 assessor, I got to think, New York City,
21 other municipalities throughout New York
22 state, they're all facing the same
23 issues. We're not isolated to inflation,
24 just in Nassau County. It's happening
25 everywhere.

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ACTING ASSESSOR CRONIN: That's
right.

LEGISLATOR ABRAHAMS: Sullivan
County, Albany County. No mater where
you go, but they're still making a
decision whether they're going to choose
to evaluate properties on consistent
basis.

ACTING ASSESSOR CRONIN: I think
you're right. I think one of the main
concerns is that we're coming off of a
two-year freeze of the assessment roll,
and what type of impact is that going to
have on homeowners in a potential, really
inflated market? And and that is my
concern.

MS. ESTIS: Mr. Abrams, I'd like to
also bring to your attention that Cronin
stepped in in May there have been
numerous acting assessors, and what Matt
has done in the short time that he has
been acting assessor has been tremendous.
I mean he was basically thrown into a
situation that easily -- it was three or

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2 four assessors -- during a very limited
3 time, he is making every attempt to be
4 proactive and to notify and to do what we
5 need to do to get this department running
6 at its best. And that's a very, very
7 integral part of the County. Now I
8 understand -- I'm sorry, I didn't know if
9 you were able to listen with Rob --

10 LEGISLATOR ABRAHAMS: I can do two
11 things at one.

12 MS. ESTIS: Oh. That's great.

13 LEGISLATOR ABRAHAMS: Continue.

14 MS. ESTIS: I'm sorry?

15 LEGISLATOR ABRAHAMS: Continue.

16 MS. ESTIS: I think that that's the
17 most important element here, is that Matt
18 was faced with this situation. He's
19 acting on it to control and to be
20 proactive, and that's something that,
21 unfortunately, the Department of
22 Assessment has not seen in a very long
23 time. Why? Because people have been
24 coming in and out of there.

25 LEGISLATOR ABRAHAMS: So you said a

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2 lot of things, a couple of thoughts. And
3 look, I'm not dismissing the fact Mr.
4 Cronin has been proactive in what he's
5 doing in the office. I would love to
6 learn more about that.

7 MS. ESTIS: Immensely proactive.

8 LEGISLATOR ABRAHAMS: Great.
9 Immensely.

10 MS. ESTIS: Yes.

11 LEGISLATOR ABRAHAMS: That being
12 said, I'm more focused on the issue at
13 hand. The issue at hand. There was never
14 an announcement, I guess, Mr. Cronin, by
15 yourself or the County Executive or
16 anyone from this office, that there was
17 an error. People actually got an error in
18 their bill. It was never announced.
19 There was never any press conference,
20 there was never any public statement that
21 842 people got was wrong. They never got
22 a phone call, never got anything. They
23 had to figure it out on their own and
24 then call the office themselves and then,
25 based on some of the conversations we had

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2 with some of them, they had to hope and
3 pray. Because, as this morning they had
4 no idea that a reissue bill was going to
5 come.

6 ACTING ASSESSOR CRONIN: We still
7 don't know if reissued bill is going to.
8 We still don't know.

9 LEGISLATOR ABRAHAMS: You talk about
10 being proactive, an announcement of the
11 error would have probably been something
12 that I would have liked to have heard.

13 ACTING ASSESSOR CRONIN: Well,
14 hopefully there won't be any more, but I
15 could tell you and I will look at you in
16 the eye when I say this: If it happens
17 again, you will see me make an
18 announcement. This is something that is
19 new in my tenure. I'm, and I appreciate
20 your words, Karen, I'm doing everything I
21 can to try to mitigate this and to turn
22 this department into the place that I
23 know it can be.

24 LEGISLATOR ABRAHAMS: I appreciate
25 your honesty.

1
2 I want to get into a little bit. You
3 have talked about settlements of the
4 number going from 80,000, 64,000 and
5 17,000?

6 ACTING ASSESSOR CRONIN: Yeah,
7 17000, SCAR filings.

8 LEGISLATOR ABRAHAMS: That sounds
9 like mass settlements to me, but you tell
10 me. Because it seems like it just based
11 on the sheer number.

12 ACTING ASSESSOR CRONIN: Right.
13 Well, every single year grievances are up
14 and down. It is a culture of this county.
15 Grievance culture I call it. Something
16 that is the pain of my existence as the
17 Acting County Assessor. I can't speak to
18 the Assessment Review Commission. I have
19 no control over settlements or stipulated
20 ratio. That is not the Department of
21 Assessment. Just just for the record, it
22 has nothing to do with me.

23 LEGISLATOR ABRAHAMS: I understand.

24 And just finally going back to this
25 situation. So the error was created in

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2 June. We discovered it in October.

3 ACTING ASSESSOR CRONIN: Right. Are
4 there independent auditors that review
5 the roll before anything is issued to the
6 towns?

7 ACTING ASSESSOR CRONIN: Yes.
8 That's part of the quality control
9 process. The issue with this is that the
10 error was in and of itself presenting
11 correctly. It's very hard to find the
12 error once it is established in the
13 system. It is. Because, once again, it's
14 a manual override in calculation that's
15 supposed to be systematic. It all looks
16 okay, and that's the danger of it.

17 LEGISLATOR ABRAHAMS: The
18 independent auditors, they're not people
19 at work in the Department of Assessment,
20 right?

21 ACTING ASSESSOR CRONIN: What do you
22 mean by this?

23 LEGISLATOR ABRAHAMS: Who's the
24 independent auditors that actually
25 review, the independent eyes that review

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anything before it's sent out?

ACTING ASSESSOR CRONIN: I have a quality control division in my office. I do not have privatized vendors that do any type of --

LEGISLATOR ABRAHAMS: So you have a committee of folks that work in the Department of Assessment that review the roll before it goes out?

ACTING ASSESSOR CRONIN: Yes.

LEGISLATOR ABRAHAMS: And they missed --

ACTING ASSESSOR CRONIN: Not only do they review the roll, they review everything. All transactions within the system. So data changes on a property: A new deck, increases on physical, decreases on physical. Those are the type of things that get quality controlled every single day. It is an ongoing process and something that actually we implemented -- I didn't mention in my speech, but it is an ongoing process. A lot of times what happened in my tenure

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2 of three and a half years now in the
3 department, is that we would wait until
4 the weekend of Thanksgiving. And I think
5 everybody here can tell you that if I'm
6 to prepare a roll in January of the
7 following next month, for me to quality
8 control a roll within a matter of five
9 weeks is really unfortunate. It does not
10 give you enough time to catch issues and
11 potentially make the changes because, as
12 you know, I call it the machine, you
13 press one button, one lever goes the
14 other way. It is a constant, dynamic
15 situation within the system. So what I
16 decided to do this year is to say, you
17 know what we're going to actually do this
18 on a weekly basis. We are going to take
19 every single data change that goes on in
20 this computer system and we are going to
21 review it for accuracy, fairness, and
22 transparency. What does it mean for the
23 taxpayer, ultimately, when they see their
24 value on the roll? Anything that goes
25 on, we're checking on a weekly basis.

1
2 That's my internal staff. Which brings a
3 point and it's part of why I think it's
4 so paramount to understand that this is a
5 very complex system. It is. And I'm not
6 saying that as an excuse. I actually like
7 the challenge. However, I did have to
8 implement new quality control measures
9 and part of that was, right now I have
10 three designated assessors on that team
11 which are, once again, IAO designated
12 assessors. They know in and out of the
13 system and they understand what it means
14 to have a value impact on the roll due to
15 data changes, not only data changes but
16 also exemption changes as well. So it is
17 an ongoing process that, instead of
18 waiting for the end of the year to
19 implement, I've done it on a weekly
20 basis. To me I think it's -- I mean 842,
21 I take that personally. And to all the
22 homeowners, it's not good and I agree
23 with you.

24 LEGISLATOR ABRAHAMS: The exposure
25 is 1.5. The 1.5 exposure is everyone that

1
2 that has received the reissue bill,
3 because we're not going to go to the
4 other people in the respective school
5 districts and ask them to change their
6 bills and you got a whole --

7 ACTING ASSESSOR CRONIN: No. It is
8 only the 842 parcels.

9 LEGISLATOR ABRAHAMS: The County
10 guarantee insures that we're not going to
11 go to everyone else. All you folks that
12 got a higher bill than you should have
13 gotten, you're going to get a reduced
14 bill and then the County just eats the
15 1.5.

16 ACTING ASSESSOR CRONIN: If you vote
17 on it when the Correction of Error is
18 presented to you, yes.

19 LEGISLATOR ABRAHAMS: Can you
20 describe the most egregious case of
21 someone that received a higher bill? We
22 had heard stories of someone's bill being
23 doubled to the tune of \$15,000 more.

24 ACTING ASSESSOR CRONIN: I didn't
25 see any. I don't have a receipt of any

1
2 tax bills. I don't. So I didn't see the
3 actual bills themselves.

4 LEGISLATOR ABRAHAMS: Well, I mean,
5 I guess that will come when you have the
6 Correction of Error and you have present
7 to us, correct?

8 ACTING ASSESSOR CRONIN: Yeah.

9 LEGISLATOR ABRAHAMS: Well, we have
10 heard cases where bills have been doubled
11 to \$15,000 and those folks have clearly
12 said we're not going able to pay. I don't
13 have anything further.

14 PRESIDING OFFICER NICOLELLO: Thank
15 you. Just some follow-up questions.

16 So, as a result of a mistake, these
17 842 homeowners received bills in which
18 they were erroneously going to have to
19 pay more than they should have, correct?

20 ACTING ASSESSOR CRONIN: Correct.

21 PRESIDING OFFICER NICOLELLO: We're
22 talking, apparently in a range of
23 thousands or up to \$15,000, correct?

24 ACTING ASSESSOR CRONIN: Correct,
25 correct.

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2 PRESIDING OFFICER NICOLELLO: So if
3 the County did not alert the receivers
4 and/or the homeowners and they went and
5 paid that money, if they could, they'd be
6 out that money till June.

7 ACTING ASSESSOR CRONIN: Right.

8 PRESIDING OFFICER NICOLELLO: So you
9 attempted to act proactively to prevent
10 that from happening, to prevent those
11 taxpayers from being out thousands of
12 dollars till June, when the County got
13 around to refunding them?

14 ACTING ASSESSOR CRONIN: Right.

15 PRESIDING OFFICER NICOLELLO: Okay.
16 So you sent a data file to the receivers
17 of taxes. My understanding is the County
18 Executive has sent a letter to all 842
19 homeowner alerting them to the issue.

20 ACTING ASSESSOR CRONIN: I did.

21 PRESIDING OFFICER NICOLELLO: You
22 did. Okay, all right. So you were
23 proactive. You didn't wait until the 24th
24 and then all those people paying their
25 taxes out that money, you wanted to act

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proactively.

ACTING ASSESSOR CRONIN: Right.

PRESIDING OFFICER NICOLELLO: Let me ask you this: Can you get us the Correction of Errors?

ACTING ASSESSOR CRONIN: To clarify, I created the letter. The letter was sent to the receivers of taxes and I said: If you would like to send this to you the 842, that's what we will send, so that's where we are right now.

PRESIDING OFFICER NICOLELLO: I'm confused. Did a letter go to the 842 people?

ACTING ASSESSOR CRONIN: Not right now, no. Because my intention with the letter was to have it go, once it was ready for approval by the Legislature, to go with the bill so that the questions come in my direction.

PRESIDING OFFICER NICOLELLO: Can you get that Correction of Errors before the 24th? We don't have a meeting scheduled, but we can always have an

1
2 emergency meeting.

3 ACTING ASSESSOR CRONIN: Of course.

4 PRESIDING OFFICER NICOLELLO: As soon
5 as you can get that to us, we'll schedule
6 a meeting and get it done.

7 ACTING ASSESSOR CRONIN: I'd
8 appreciate that.

9 PRESIDING OFFICER NICOLELLO: I
10 mean, do they have it available now? I
11 mean what are we talking about?

12 DEPUTY ASSESSOR SPARA: We don't
13 have it currently it's complete form.
14 There has to be a staff summary, things
15 like that. But we certainly can have it
16 to you by the end of the week.

17 PRESIDING OFFICER NICOLELLO: All
18 right, we do an emergency meeting. I
19 think it's 12 hours notice. So
20 basically, we can turn this around
21 overnight if we need to.

22 ACTING ASSESSOR CRONIN: That'll be
23 great, that'll be great. Thank you.

24 LEGISLATOR ABRAHAMS: Just by my
25 calculation, Mr. Cronin, we were trying

1
2 to figure out the average per household.
3 I took the 1.5, divided by 842. I came
4 to the total of 1781.

5 ACTING ASSESSOR CRONIN: That's for
6 the full-year. Approximately.

7 LEGISLATOR ABRAHAMS: So, roughly,
8 for the full-year these 842 people were
9 seeing an average per household or per
10 parcel \$1781.

11 ACTING ASSESSOR CRONIN: Yes.
12 That's the mathematics.

13 LEGISLATOR ABRAHAMS: I just got to
14 tell you, I mean if that was me that got
15 that, I don't think I could swing \$1781
16 just like that, So I mean it's I would
17 envision, most people are not going to be
18 able to pay it. Especially, those that
19 may not have the benefit, like most of us
20 up here, they are not seniors; well, some
21 of us are seniors (laughter). But all of
22 us are not on fixed incomes. So from that
23 standpoint, I would envision most people
24 are not going to pay.

25 ACTING ASSESSOR CRONIN: Right.

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2 That's, once again, why we put them out
3 there and we wanted the receivers to know
4 and put the best foot forward, and --

5 LEGISLATOR ABRAHAMS: I just want to
6 say something. Being completely fair, I
7 have to imagine it wasn't easy for you to
8 come here today.

9 ACTING ASSESSOR CRONIN: No.

10 LEGISLATOR ABRAHAMS: Because you
11 knew I was going to come and ask you
12 these tough questions. But you did, and I
13 respect that. Even though I don't agree
14 with all your responses, I respect the
15 fact that you came here, you took the
16 shots, you took the hits and you're still
17 here. So from that standpoint, I
18 appreciate you.

19 ACTING ASSESSOR CRONIN: I
20 appreciate that.

21 LEGISLATOR ABRAHAMS: Many
22 colleagues in your government would not
23 do that. It's not personal, we just have
24 to get to the bottom of it.

25 ACTING ASSESSOR CRONIN: I

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understand.

LEGISLATOR ABRAHAMS: But I respect
the fact that you actually did that. I
wanted to make sure I said that to you.

ACTING ASSESSOR CRONIN: Thank you.
I do appreciate that very much.

PRESIDING OFFICER NICOLELLO: After
we beat you up, we might even hire you
(laughter).

ACTING ASSESSOR CRONIN: Oh, boy. I
have a child expecting any day now. Any
day. I'm waiting for the phone call, so
I have my first on the way, so a lot of
activity, but thank you.

PRESIDING OFFICER NICOLELLO: Anyone
else?

ACTING ASSESSOR CRONIN: Any budget
questions (laughter)?

PRESIDING OFFICER NICOLELLO:
Legislator Mule.

LEGISLATGOR MULE: We talked a lot
about people on fixed incomes and some
people, they want to get their bills
taken care of and they get their bill and

1
2 they send it off. Some of those people
3 are probably going to be on fixed incomes
4 and those increases are really not
5 something that they should wait until
6 June for. Is there any way of expediting
7 that so that they can get -- Because
8 that's sounds like maybe a small matter
9 to us, but it's it's not a small matter
10 to people who truly are on fixed incomes.
11 It's not right what happened and it needs
12 to be remedied for those people. I don't
13 know how many people that would be.

14 DEPUTY ASSESSOR SPARA: That would
15 be something that the County Treasurer's
16 Office would have to do, since they are
17 the ones that actually issue the refund.
18 Generally, the way it works is when the
19 receivers return the warrant to the
20 Treasurer's Office, they then look at the
21 shortages and make the school districts
22 whole. That's why it has to go through
23 the entire year. We can certainly reach
24 out to the Treasurer and speak to them
25 about that. They would have to work with

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the receivers. The receivers would have to identify who has paid in full and work with the Treasurer. I don't know that we can speak for the Treasurer.

LEGISLATGOR MULE: I hope you can do that, because it's not right.

DEPUTY ASSESSOR SPARA: We will.

LEGISLATGOR MULE: Thank you.

PRESIDING OFFICER NICOLELLO: Anyone else?

(Whereupon, no verbal response.)

PRESIDING OFFICER NICOLELLO: Thank you very much.

ACTING ASSESSOR CRONIN: Thank you, everybody. I appreciate it.

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2 PRESIDING OFFICER NICOLELLO: Next
3 up, Department of Health, Dr. Irina
4 Gelman.

5 LEGISLATOR KOPEL: You can start
6 whenever you're ready.

7 (Whereupon, technical
8 difficulties with Zoom audio
9 for Dr. Gelman.)

10 DEPUTY COMMISSIONER CONIGOILAO: Good
11 afternoon, let me introduce us. I am
12 Debbie Conigoilao, I'm the Deputy
13 Commissioner for Administration for the
14 Health Department. This is Denen
15 Jenkins, our Fiscal Director, and Shelly
16 Schechter, Director of Maternal and
17 Child's Health and that is our new
18 commissioner, Irina Gelman. She is
19 currently up in Clayton, New York, at
20 NYSACH, the New York State Association
21 for County Health at their Public Health
22 Leaders conference. So that's where she
23 is.

24 So, our budget is a slight increase
25 from last year and that is due to the

1
2 preschool increase that the New York
3 State has given to the providers.

4 LEGISLATOR KOPEL: Is that you're
5 done?

6 DEPUTY COMMISSIONER CONIGOILAO:
7 Yeah. Pretty much.

8 LEGISLATOR KOPEL: Excellent.
9 Concise, to the point.

10 Anyone have any questions?

11 LEGISLATOR BYNOE: Greetings. So
12 let's start with the big drop of
13 information you just gave us. It's
14 increase based on what? Is it early
15 childhood intervention or is it
16 preschool?

17 DEPUTY COMMISSIONER CONIGOILAO:
18 Preschool.

19 LEGISLATOR BYNOE: Could you explain
20 that a little more?

21 MS. SCHECHTER: Sure, I'd be happy to
22 sell. Good to see you again.

23 Preschool is the State Ed Funded
24 Program for children three and four years
25 old. As different from early

1
2 intervention, which is zero to three-year
3 olds?

4 LEGISLATOR BYNOE: Okay, so it's
5 it's a part of early intervention, just
6 the preschool component; am I correct?

7 MS. SCHECHTER: Well, they are two
8 very different programs. Early
9 intervention is funded and legally
10 operates under State health. Pre-school
11 is funded and legally operates through
12 State Ed.

13 LEGISLATOR BYNOE: Early
14 intervention was identified in the
15 Comptroller's budget as a risk. Do you
16 know why? Is there going to be any
17 change in the formula and how are you
18 being reimbursed there?

19 MS. SCHECHTER: No. I know NYSACH is
20 looking for a five percent increase in
21 providers services, but I don't
22 understand what the risk would be.

23 LEGISLATOR BYNOE: It's not until
24 2024 and it's at 2.8, in any event.

25 So I kind of wanted to hear from you

1
2 a little bit about where we were on COVID
3 and what we're planning for the upcoming
4 year, relative to continuing our efforts
5 to make sure that folks are vaccinated
6 for the regular flu, and as well as
7 making sure that we're continuing to roll
8 out the boosters. They say the booster
9 numbers are flat and at this last round
10 of the booster that was just put out, I
11 guess, or that they're trying to get
12 people to take, really deals with the
13 last set of variants. And so are we
14 really having a public campaign to make
15 sure that people do both the flu and the
16 COVID booster?

17 MS. SCHECHTER: Actually we do have
18 plans for a public campaign in the
19 immunization program to do more public
20 education on immunizations in general,
21 childhood immunizations. As you, polio
22 has become a big issue right now as well.
23 So on all the immunizations. I believe
24 we're funded over a million dollars for
25 that.

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MS. JENKINS: Yeah, we got a grant that gave us funding that we could do to do outreach for various vaccinations. So I think we're planning on doing some bus adds and some other things to help get people vaccinated.

LEGISLATOR BYNOE: The big push I'm hearing is really going to be the flu. I took my shot.

MS. SCHECHTER: I got one on each arm, but it's low. You're right.

LEGISLATOR BYNOE: We really need to do a significant campaign to make sure that people don't get lax even just getting the flu vaccine.

MS. SCHECHTER: Correct. And we've seen, you know, vaccine preventable diseases have seemed to come back on a number of fronts. You're right.

LEGISLATOR BYNOE: So where are we with this polio? I know that we've found so trace amounts in wastewater. Have we identified any polio cases?

MS. SCHECHTER: No cases. We have a

1
2 fairly well vaccinated population for
3 polio. Polio is the one children get
4 three doses as an infant and then one
5 booster before they go. We have very
6 good rates on polio, not that it couldn't
7 happen at all. But we have very good
8 rates.

9 LEGISLATOR BYNOE: To that point,
10 groundwater samples and testing, there
11 was a law that was passed by this Body,
12 that requires that the County engage a
13 consultant to work to compile all of the
14 water sampling from all providers across
15 Nassau County so that we can have a
16 snapshot of the conditions and so that we
17 can help in some ways identify emerging
18 contaminants or maybe plumes or anything
19 that's occurring as far as water, the
20 water sample. So now what I learned in
21 2021, was that we did not do it in 2020
22 because of it COVID, a little thing like
23 COVID stopped us but understandable,
24 right. And then 2021, I'm understanding
25 because of the different variants that

1
2 then started to become a problem, we
3 didn't do it again. But I want to know
4 where we are. There's still time in 2022
5 to compile that report.

6 MS. SCHECHTER: We are gathering
7 together the RFP process as we speak.

8 MS. JENKINS: We started the
9 process, so we could put out a bid to see
10 if we can get an outside consultant to do
11 the report for us.

12 LEGISLATOR BYNOE: An outside
13 consultant to do the compilation of the
14 report and then give you an analysis.

15 MS. JENKINS: Yes.

16 LEGISLATOR BYNOE: And so when do we
17 think this Body would receive such a
18 contract for our view, based on where you
19 are in the process?

20 MS. JENKINS: I think we just
21 started to put it in the the system for
22 it to be routed so we can get approval to
23 get it done, and then we have to go
24 through a whole process. So it might be
25 hopefully maybe by the end of the year.

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2 LEGISLATOR BYNOE: And this is for
3 them to compile the a report for 2022?

4 DEPUTY COMMISSIONER CONIGOILAO:
5 This is for the organization to be picked
6 to do --

7 LEGISLATOR BYNOE: I understand
8 that. To do what study? Can they go back
9 and look at 2021 for us and 2022? Or was
10 it just for the look back to 2022?

11 MS. JENKINS: I think they are going
12 to try to go back to try and do 2021 and
13 '22.

14 LEGISLATOR BYNOE: That would be
15 optimal that we go back and look at '20.
16 Because I know what we did do for 2020, a
17 portion of that money that should have
18 been used for that study, we pushed it
19 into the sprinkler system. So I'm not
20 asking you to go back to 2020, but I am
21 asking for '21 and '22.

22 MS. JENKINS: We do have the money
23 in the budget for it. Okay. I think that
24 would be imperative. Thank you very much.
25 I don't have any other further questions.

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LEGISLATOR WALKER: When we spoke about the vaccines, what are we doing to try to assist those who are coming into this country, but our communities, who possibly don't have any vaccines, especially since we've had, like the polio issue. But many of them are coming here and they don't have any. I mean they not only don't have COVID, but they don't have any other vaccines that our children, have received over the years and we have received over the years. How can we reach out to be able to address them and assist them?

MS. SCHECHTER: That's a great question, obviously not a new question. These systems that receive the newly immigrant people would be the systems that we would work with to make sure that they have the vaccines they need. But you're absolutely right, it's not a solid plan at this point and we need to really do better with them. You know it's it's not just the local health department,

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obviously, that has that reach.

LEGISLATOR WALKER: Exactly. I'm sure in some ways it's a difficult issue to address, but something we do need to address.

MS. SCHECHTER: Absolutely.

LEGISLATOR WALKER: You will keep us updated?

MS. SCHECHTER: Yes, I will. And then when you said too about the rise in the need to early intervention with our preschoolers -- my background is actually education. It was actually early childhood education -- are we finding that there's many, many more children in that age-group I mean, it seems that's what.

MS. SCHECHTER: Absolutely.

LEGISLATOR WALKER: I don't know if that was also due to COVID and that we might have realized that when they were not preschool age. But now those little ones are preschool age and so we need to address those.

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MS. SCHECHTER: Right. Yes, we definitely saw a decline during the '20 and '21 COVID years, if you will. And and strong increase back now. One of our big challenges is that the use of Telehealth, video therapies, has really been difficult to break now. A lot of the therapists want to do, for example, speech therapy, to a two-year old via i-pad. Now that might have been the only way to do it in '20 and 21. But we're really trying to pull to to you know, deincestivise that now and get face-to-face back. That's a challenge.

LEGISLATOR WALKER: It is a challenge. Because I know my grandson that would get speech, and now he's now in fifth grade, but during the COVID time and he was doing it via an i-pad, they don't even like it. They they want to be with that person, because then the interaction between that person and the child is so important.

MS. SCHECHTER: Right. We've been

1
2 working with the State Health Department
3 to encourage them to issue some guidance
4 about going back or having two payment,
5 two reimbursement models. There's a lot
6 of ways you can do that, but the State
7 has to do that in early intervention. So
8 we're pushing. Because we don't like it
9 either. We have many, many families who
10 need to speech therapy for their kids and
11 are waiting for face-to-face rather than
12 accept virtual for those obvious reasons.

13 LEGISLATOR WALKER: And then
14 obviously that holding up that child
15 because they're getting no services now,
16 while you're waiting for that to happen.

17 MS. SCHECHTER: Correct. It's been
18 kind of the after wash, if you will, of
19 COVID.

20 LEGISLATOR WALKER: Unfortunately, I
21 think it's the effect in many areas. I
22 mean a lot of people don't want to come
23 back to work. They'd rather work via
24 their computer.

25 MS. SCHECHTER: Right. It is, it's a

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challenge.

LEGISLATOR WALKER: Okay. Thank you very much.

LEGISLATOR FORD: Good afternoon. I'm looking at your staffing analysis and I guess as this year you have a 156 employees and you have in the budget that you want to increase it to 181? Am I reading this correctly?

MS. JENKINS: Yes, that's correct now.

LEGISLATOR FORD: Do you have active lists to pick these employees from, or do you have to issue any civil service test?

DEPUTY COMMISSIONER CONIGOILAO: Some civil service lists have already been established and others have not.

LEGISLATOR FORD: Are there any obstacles in your way of bringing this head count up to what you would like it to be? Because, obviously, when I look at some of the jobs you want them to look at, whether or not they're seasonal or full time. I know with seasonal you're

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2 going up, you want to increase it by 13,
3 Correct. I'm looking at the budget.

4 MS. SCHECHTER: Generally, we have
5 19 seasonal.

6 LEGISLATOR FORD: Currently, you
7 have 19, but you're looking to increase
8 it to 33, correct?

9 MS. SCHECHTER: When this snapshot
10 was -- some had left, so that's why it
11 looks like we're looking for 13, but
12 every year the seasonal program is 19
13 employees.

14 LEGISLATOR FORD: I'm not -- I'm
15 just hoping that you could get them on
16 board, because you're very important.

17 MS. SCHECHTER: Recruitment has been
18 a little difficult.

19 LEGISLATOR FORD: I'm in support of
20 your asking for people. Trust me. And I
21 would like it so that if you, especially
22 in the full-time side, that you have
23 lists and there is nothing in the way of
24 you hiring the people that are necessary
25 for you to do the job that you need to

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2 do, you know I see that they're looking
3 at, like you do food safety. That's
4 something that you oversee and my concern
5 sometimes when I think about that, with
6 the food insecurity with people, that the
7 cost of food being so high that sometimes
8 families may try to hang on to food as
9 long as they can and maybe it expired or
10 something like that and they shouldn't be
11 eating it. So that is a concern to me
12 that this can happen. It's just, you
13 know, try to get the message out.

14 Also I think you're looking to also
15 hire, bring on, another early
16 intervention service coordinator which I
17 120% support the early intervention
18 programs. I really do. It helped my
19 nephew who didn't speak, now we can't
20 shut him up, but you know what we're
21 happy he's speaking.

22 So when I look at everything that
23 you bring to the County, we do count on
24 you. You guided us through COVID. You
25 helped to coordinate a lot of stuff. So

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2 you're very integral to us. That's why
3 I'm hoping that if there isn't a list
4 that Civil Service will work with you in
5 a timely fashion to establish that test,
6 give it, and then establish that list so
7 that you're able to bring candidates in
8 and hire the employees to be able to do
9 the services that are necessary.

10 And I just want to, Doctor -- I'm
11 going to say her name wrong, but I met
12 with her and during this training and I
13 will be reaching out to the doctor as
14 well as you, because I know one of my
15 concerns that we talk about in
16 emergencies and with Sandy, the one thing
17 that I think fell short, especially for
18 those that were impacted in the areas
19 where they were flooding, there was no
20 need of communication, no cell towers, to
21 see what can we do to help alleviate the
22 fears and concerns of people if they feel
23 like her going to be cut-off from
24 information that they need to have. So
25 I'm hoping that we'll be able to work

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2 together on that with OEM who is in the
3 back. Commissioner Corbett it is very
4 good at his job and you are good at your
5 job. So I'm hoping that we'll be able to
6 work through something like that and come
7 up with the plan. But thank you very
8 much.

9 DEPUTY COMMISSIONER CONIGOILAO:
10 Thank you and thank you for recognizing
11 the work that we do.

12 LEGISLATOR FORD: Always.

13 LEGISLATOR BYNOE: I'm sorry, I
14 still have another question.

15 Back to early childhood intervention
16 and preschool. Back -- I want to say
17 maybe even around this time last year, we
18 had a real, all hands-on deck meeting
19 regarding creating a framework for more
20 access and awareness for the program and
21 maybe doing some work to ensure that new
22 mothers understood the different stages
23 and benchmarks that children should be
24 hitting so that they knew whether the
25 child was progressing properly or there

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2 needed to be some level of intervention.
3 I had used an example of a brand new
4 mother in the district. She had never
5 really been around infants. She didn't
6 have any younger brothers, sisters,
7 cousins, and so she really didn't know
8 the benchmarks. And then we were in the
9 middle of COVID and, therefore, the baby
10 wasn't seeing the doctor as often as she
11 would typically, and so there was some
12 delays that were identified later on and
13 and it was just right outside of the
14 opportunity for -- forgive me if I get
15 this all wrong -- getting the help at the
16 early intervention piece but then had to
17 wait for the preschool.

18 MS. SCHECHTER: I remember that.

19 LEGISLATOR BYNOE: You remember me
20 reaching out about that. So that started
21 a whole discussion about having some
22 public service announcements, working
23 with technology, working with some of the
24 hospitals that are delivering the babies
25 and the pediatric doctors and even

1
2 incorporating even the dentist, because
3 it was the dentist who actually
4 identified the threatened delay.
5 Apparently, there's something that
6 happens in the oral region and it can
7 sometimes mimic tonsillitis type of thing.
8 But it really is a delay and I can't put
9 it all together in this very moment. But
10 we talked about making sure that all
11 these folks that are charged with the
12 care and support of the infant and the
13 family to engage them in this process.
14 And so I'd love to hear if we've taken
15 those plans, and been able to work to
16 bring anything to fruition.

17 MS. SCHECHTER: There have been a
18 lot of effort on universal screening.
19 Help Me Grow, Docs For Tots; there's a
20 lot of agencies out there now that are
21 that are fostering universal screening.
22 That's really what you need to do. You
23 need to make sure that universal
24 screening is like getting your
25 immunizations and doing all -- that you

1
2 look at developmental progress through
3 the first and early years.

4 The other part of that problem is
5 families that get referred to early
6 intervention and don't take it. We've put
7 a real press on -- they haven't they
8 haven't refused it until you've had a
9 discussion with them. You know that kind
10 of stuff. Because very many moms will be
11 too challenged and too busy to actually
12 take the early intervention referral and
13 and work with us.

14 So we have an enhanced, you know,
15 early intervention model now where we
16 actually go out and work with them and
17 try to get them to yes. To try to get
18 them to, okay, I'll take the eval, I'll
19 take a look at the services.

20 But you're right, the beginning of
21 all that is universal screening. And we
22 we send mailers out to every newborn
23 every month. We do about 1000, little
24 more than 1000, paper mailings to every
25 every newborn.

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LEGISLATOR BYNOE: Well, if you mail me anything to my house, you want me to miss it.

MS. SCHECHTER: Right. I know it's not good enough. You're right.

LEGISLATOR BYNOE: But if you e-mail me, you text me. That's why we're started talking about technology acting in place of that paper mailing. I mean we got these new mothers who are harried and trying to be all that they can for this new baby. And you know a paper coming in the mail is not as responded to as an e-mail or text message on their phone.

MS. SCHECHTER: Once we get them in one of the programs, once we get them in WIC, we text them all the time. But you're right, it's very tough. The birth registry information doesn't come with a cellphone number.

LEGISLATOR BYNOE: And we were talking about trying to find better ways to insure that registry was fine tuned or that we even created a secondary

1
2 registry. I remember the conversation
3 like it happened yesterday.

4 MS. SCHECHTER: I think it was
5 pre-COVID.

6 LEGISLATOR BYNOE: No, no. I
7 actually think we had some masks on. But
8 nonetheless, we talked about even
9 engaging child care, doing training for
10 some of the childcare employees. We
11 talked about engaging --

12 MS. SCHECHTER: Right. I think
13 Social Services was there with us.

14 LEGISLATOR BYNOE: It was a mixed
15 bag. It was Social Services, you, like I
16 said, all hands-on deck. There was many
17 members of that particular
18 administration. I'd just like that
19 conversation to get started again. I
20 think as identified by Legislator Walker
21 COVID definitely would have had some
22 impact on furthering those delays, and so
23 I think we need to get back on track with
24 having that conversation.

25 To that end, I'm going to just ask a

1
2 question regarding legislation that the
3 County is pursuing in an attempt to cap
4 or mitigate the local cost of preschool
5 and early intervention services. Can you
6 tell me what that legislation looks like?

7 MS. SCHECHTER: I think that's from
8 NYSACH. NYSACH is bringing that forward.

9 LEGISLATOR BYNOE: Is it that NYSACH
10 is bringing it and they're looking for
11 County partners?

12 MS. SCHECHTER: No. I don't know if
13 it's early intervention. I think it might
14 be preschool. The real money user, if
15 you will, is preschool not early
16 intervention. Early intervention is \$25
17 million, pre-school is \$125 million.

18 LEGISLATOR BYNOE: Yeah, it's in
19 OMB's budget book on page 152. The County
20 is pursuing state legislation to cap or
21 mitigate the local cost of preschool and
22 early intervention services.

23 MS. SCHECHTER: I can't speak to
24 that.

25 LEGISLATOR BYNOE: As a former

1
2 school board member, as my colleague
3 Debbie Mule probably could attest to,
4 when the children don't get those
5 services, they end up in school with IEPs
6 and they end up in programs that are 10
7 times more costly than getting involved
8 in providing the intervention earlier on.
9 But more importantly, we really reduce
10 the opportunities for folks to right size
11 out of these challenges the longer we
12 delay them from getting services and
13 capping and mitigating cost and all that
14 stuff, and get it is costly to us, but I
15 don't want us as a county to adopt a
16 policy that we're looking to get out of
17 our responsibility.

18 MS. SCHECHTER: That would be
19 outside the County scope anyway. Well,
20 it's in the County's book.

21 MS. SCHECHTER: I didn't write it.

22 LEGISLATOR BYNOE: And so I've been
23 here before where I identified five
24 million dollars was going from this early
25 childhood preschool intervention into the

1
2 police line. And so you've heard of the
3 school to prison pipeline, that couldn't
4 be more illustrated when you look at a
5 budget that's taking that money and
6 putting it into the police line. So I
7 don't and I made some noise about it,
8 this caucus did, and they put the money
9 back and the money remained there. And
10 now we're seeing that we need even more
11 money. So had we taken that five million
12 dollars some years ago and moved it into
13 that line, we really would be in a
14 significant deficit.

15 So one of the other things that I'm
16 wondering is whether this department, for
17 this purpose has received any ARPA money
18 so that maybe we can actually expend
19 services as opposed to be looking at ways
20 to cap and mitigate, because we've got to
21 know. As my colleague has already said,
22 COVID plays a roll in how these kids are
23 progressing. Have has this department
24 received any ARPA money for this
25 particular endeavor?

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DEPUTY COMMISSIONER CONIGOILAO: No.

LEGISLATOR BYNOE: Yeah, we should be. These are highly impacted members of our community. We should definitely be getting ARPA money to expand services. We shouldn't have people on weight list trying to get services. We should find other providers and be offering additional services. So please take that into account and know that I would much appreciate that. I think that's getting some head nods. So let's see, I think the body might also be in support of that.

LEGISLATOR FORD: Anyone else?

(Whereupon, no verbal response.)

LEGISLATOR FORD: I see none. Thank you very much for your presentation. Thank you really appreciate waiting so long.

I don't now if she could hear us. Thank you very much, Dr. Gelman.

1
2 LEGISLATOR FORD: We're going to now
3 here from the Department of Information
4 Technology. Good afternoon. Thank you
5 very much. Well, introduce yourselves,
6 let's get on with this.

7 COMMISSIONER STANTON: Good
8 afternoon, Nancy Stanton IT Commissioner.
9 Thank you for your time today. The 2023
10 budget is inline with our previous year's
11 submission. There is a \$2.5 million
12 uptick from 2022, primarily attributed to
13 several key initiatives:

14 1. Cyber Security. First and
15 foremost cyber security has been and
16 continues to be our highest priority; a
17 number of key enhancements have been
18 completed as well. We continue on a daily
19 basis to monitor our environment,
20 infrastructure, and network. We have
21 recently contracted with an incident
22 response company as well. Thanks to the
23 County Executive's office, we have been
24 working on an RFP to help bring in
25 additional resources to evaluate our

1
2 environment, help support us on
3 penetration testing and remediation.

4 2. Peoplesoft. We are currently
5 working to move to the cloud as well. We
6 are working to upgrade or will be working
7 to upgrade to the latest version.

8 3. Geographic Information Systems.
9 We continue to work with Assessment,
10 FireCom, DPW and PD to provide
11 state-of-the-art tools.

12 Hiring continues to be an issue.
13 OMB continues to approve PRFs. We have
14 several pending PRFs to replace retired
15 staff. However, it is extremely difficult
16 to retain staff as well, hire staff at
17 the current CSEA salaries. The salaries
18 in it are not competitive. We are hoping
19 this can be addressed in the near future.

20 Thank you.

21 LEGISLATOR FORD: Thank you. It
22 seems to be the mantra of so many
23 departments dealing with hiring employees
24 and keeping them. All in all, it's
25 always the issue of whatever grades these

1
2 employees are on and the salaries that
3 they're making. Have you reached out to
4 Civil Service and to the Administration
5 in the hopes of trying to get these
6 salaries increased?

7 COMMISSIONER STANTON: Yes, I have.

8 LEGISLATOR FORD: All right, I mean
9 because we're I'm pushing. I honestly
10 believe that this is crazy. What is the
11 starting salary normally?

12 COMMISSIONER STANTON: It depends on
13 the title, but some could be as low as
14 \$40,000. But to bring in an IT
15 professional at \$60,000 it's just not
16 working. Not only that, we bring people
17 in and then the school districts or
18 another district takes them at \$20,000
19 higher a year. It's not sustainable. We
20 train people. I have fabulous team, we
21 work hard, they're motivated. I just
22 can't keep them and if I lose them I
23 can't replace them.

24 LEGISLATOR FORD: Wow. Because
25 there's no pool of candidates that you

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could choose from?

COMMISSIONER STANTON: They say no. They decline us. We canvas all the time and we get constant, rejects, salary, salary, salary.

LEGISLATOR FORD: It's insane.

COMMISSIONER STANTON: It is insane.

LEGISLATOR FORD: This has been an issue, but I think this year more so than ever.

COMMISSIONER STANTON: Yes.

LEGISLATOR FORD: We see where you actually look at some of the salaries, you cringe.

COMMISSIONER STANTON: We do, you do. It's almost embarrassing. And I feel bad. You know they come to me and they say we don't want to leave, but I have a family, I have children. I can't stop them. I say, we have great benefits and you know it's a great opportunity. You try, but I can't. I have a few actually, one in particular, two in particular, one that works for the clerk and one that

1
2 works in parks, and they came to me and
3 they said we're going to stay. We're
4 hoping that something will happen in the
5 near future. We love what we do, we love
6 working with this team and we're going to
7 stay.

8 LEGISLATOR FORD: Well, I wish you
9 luck. I'll partner with you.

10 COMMISSIONER STANTON: Thank you.
11 Thank you. Thank you. Anything you can
12 do, I would appreciate it.

13 LEGISLATOR FORD: I'm fighting about
14 a couple of things already. I might as
15 well bring this on too, but it really is
16 something -- we need to keep a vibrant
17 workforce here in the County. It's very
18 very, very important. The solution is
19 not always to privatize departments. The
20 solution then work with CSEA to work with
21 the workforce that we have and with the
22 supervisors that we trust.

23 COMMISSIONER STANTON: Yes. Yes.

24 LEGISLATOR FORD: And to say if this
25 is an issue and problem, let's correct

1
2 it, let's work on it. Let's do what we
3 have to do.

4 COMMISSIONER STANTON: Just to give
5 you one little example, GIS. You know
6 it's very hard to bring people in at
7 those salaries. So we work with civil
8 service and we just developed GIS trainee
9 titles. So it's kids coming out, kids,
10 coming out of school with bachelor
11 degrees, with some kind of internship,
12 and we're actually hiring two of them. So
13 that's great. But that doesn't help me. I
14 need people that are in this already that
15 know how to work in this environment,
16 can't always train everyone.

17 LEGISLATOR FORD: I understand, I
18 understand. Does anybody else?

19 LEGISLATOR DERIGGI-WHITTON: First,
20 I wanted to thank you because I heard
21 from my staff how you've been helping
22 with the CRP program.

23 COMMISSIONER STANTON: Yes. We're
24 very excited about that.

25 LEGISLATOR DERIGGI-WHITTON: If we

1
2 can make that process easier, you're
3 going to have 19 happy people up here.

4 COMMISSIONER STANTON: Yes.

5 LEGISLATOR DERIGGI-WHITTON: Another
6 thing, in a non techi language so I can
7 follow you. Do you know what happened
8 with Suffolk County?

9 COMMISSIONER STANTON: I've spoken
10 to the commissioner a few times, but they
11 are not giving up information and I don't
12 blame them. They're in the midst of
13 disaster. We've helped them, we've sent
14 them some equipment. I've sent them staff
15 to help, but I would be lying if I told
16 you I knew what happened. I've heard
17 rumors and I can, you know, come up with
18 my own conclusion, but I would rather not
19 say anything about Suffolk at this time.

20 LEGISLATOR DERIGGI-WHITTON: I hope
21 at some point we can get more
22 information.

23 COMMISSIONER STANTON: We will.
24 They said that they would talk to me.
25 They're just not ready.

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LEGISLATOR DERIGGI-WHITTON: Maybe
you can report to us.

COMMISSIONER STANTON: Without a
doubt.

LEGISLATOR DERIGGI-WHITTON: If we
even have to allocate more funds for
that, it would really be worth while.

COMMISSIONER STANTON: Yes, yes.

LEGISLATOR DERIGGI-WHITTON: It is.
The other thing that someone else in our
staff just brought up. I don't know how
much of a role you play in this, but
we've had those keyless entry and they're
not complete yet.

COMMISSIONER STANTON: The new ones
that are being put in. I think it's four
doors, two doors, four doors. Yeah, we
are working on it. I'll make a phone call
tomorrow and see what the date is. I know
DPW had some work to do and then we have
some work to do, but it's definitely in
the works. Parts were difficult to get
for that installation. So yeah, that's
what delayed it.

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LEGISLATOR DERIGGI-WHITTON: Thank
you.

COMMISSIONER STANTON: You're
welcome.

LEGISLATOR BYNOE: Hi. Good day,
Commissioner. How are you?

COMMISSIONER STANTON: Good. Thank
you.

LEGISLATOR BYNOE: Good. I'm sorry I
stepped out of the chambers for a second,
but I do believe someone asked you about
trying to get as many people on board as
possible and there's been uphill battle.
I know you know it's a challenge for you,
but specifically around areas of cyber
security, experience and expertise, what
does our staffing level look like as it
relates specifically to people with five
years or more with cyber security
experience. Well, I have, Al Perez Deputy
Commissioner, he handles cyber security;
Steve Barry, Senior Engineer who has been
with the County for 34 years. They are my
senior staff that handles all of it and

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2 there are other people under them that
3 work with them. We have a team that are
4 doing it. We would love to bring in cyber
5 security staff, but at these salaries I'm
6 not going to get them.

7 Now we're working with the County
8 Executive's Office on an RFP that
9 hopefully will allow us to bring in some
10 people to help us with that kind of
11 stuff. But you know we would love to
12 bring in cyber security people, but not
13 at these salaries. You're not going to
14 find them.

15 LEGISLATOR BYNOE: So they are in
16 certain positions -- aren't there
17 ordinance positions or non-competitive
18 positions within your framework where you
19 could bring in the salary individuals
20 that you --

21 COMMISSIONER STANTON: Sure. With
22 approval, sure. Yeah.

23 LEGISLATOR BYNOE: And so to that
24 end, have -- does the gentleman here, you
25 have a lengthy experience in cyber

1
2 security.

3 MR. PEREZ: Yes. I have 39 years of
4 IT experience.

5 LEGISLATOR BYNOE: Cyber security
6 and cyber resiliency.

7 MR. PEREZ: Cyber security, network
8 training for microsoft. I have
9 approximately 39 years of IT experience
10 and have been exposed to and working with
11 and in the security space for over 20
12 years.

13 LEGISLATOR BYNOE: And so, cyber
14 resiliency and security: Two different
15 things, and everyone's saying that we
16 should be doing both. The security aspect
17 is to harden it, tighten it, make sure
18 people don't get in. The resiliency is,
19 is all of the exercises that one would
20 have to take in the event one gets in
21 that keeps us up and mobile and able to
22 function as a county so that we don't
23 have to shut down and be able to work as
24 a liaison between all of the different
25 law enforcement agencies and departments

1
2 to make sure that they're functioning. So
3 in terms of this specialist that you're
4 looking to hire, what would a timeline
5 look like for having that person?

6 COMMISSIONER STANTON: I was not on
7 the committee. However, these gentlemen
8 were, and I believe a vendor has been
9 chosen. I'm not sure it's been awarded
10 yet, but I believe -- is that correct?

11 MR. BARRY: It's not been awarded
12 yet. They're still going through the
13 vetting process, but once it's awarded it
14 should be a fairly quick process to get
15 it through.

16 COMMISSIONER STANTON: It's a key
17 priority of the County Executive.

18 LEGISLATOR BYNOE: Can you talk a
19 little bit about what services we
20 would --

21 MR. BARRY: So they'll they'll be
22 providing penetration testing,
23 application testing, any internal web
24 testing, they'll be augmenting any of our
25 staff if we need them to remediate any

1
2 findings that they come up with. And
3 it's two-year contract with option to
4 renew for additional two years.

5 LEGISLATOR BYNOE: And would this
6 also consist of ensuring that our vital
7 and key departments have the ability to
8 come off of the central system and maybe
9 operate in silos so that they can still
10 still function?

11 MR. BARRY: I think that's one of
12 the main goals for that: To look at the
13 plan to create resiliency for all the
14 different departments.

15 LEGISLATOR BYNOE: And they would be
16 working directly with you two gentlemen?

17 MR. BARRY: Us plus the rest of the
18 IT staff. We have several engineers out
19 of the data center they be working with.

20 MR. PEREZ: And the police and the
21 DA.

22 COMMISSIONER STANTON: Yeah. I was
23 going to say the police and the DA are
24 separate from us, but working with the
25 same vendor, which is nice, because then

1
2 you get consistencies throughout.

3 LEGISLATOR BYNOE: Absolutely, and
4 so each department has their own IT
5 person, so those folks would also then be
6 part of a larger team that would work to
7 identify.

8 COMMISSIONER STANTON: I wouldn't say
9 every department has their own IT support
10 staff, but some do, and we have a pool of
11 technicians that travel around to the
12 other departments, but they're all cross
13 trained.

14 LEGISLATOR BYNOE: Every department
15 would be represented in this process?

16 COMMISSIONER STANTON: For sure, for
17 sure.

18 LEGISLATOR BYNOE: Really interested
19 to see that come to fruition. I suspect
20 that you've isolated and identified some
21 funding for equipment and the like in
22 this budget.

23 COMMISSIONER STANTON: Yes, we have.

24 LEGISLATOR BYNOE: Based on doing
25 doing some forecasting on what would be

1
2 suggested. So we have some funds that are
3 set aside?

4 COMMISSIONER STANTON: Yes, we do.
5 We also asked for a million dollars in
6 capital funds, which I don't think that's
7 been approved yet, but we'd like to have
8 that as well.

9 LEGISLATOR BYNOE: Okay. Our
10 limited research indicates that ARPA
11 after money also could be used for that
12 type of, security and resiliency,
13 insomuch that some of things that we used
14 to do in person we're doing remotely and
15 the like, and so to my understanding,
16 ARPA can be used for that as well.

17 COMMISSIONER STANTON: Thank you.
18 Great to know.

19 LEGISLATOR BYNOE: I think that does
20 it. Thank you.

21 COMMISSIONER STANTON: Thank you.

22 LEGISLATOR KOPEL: Thank you for a
23 wonderful presentation and thank you.
24 You're done.

25 COMMISSIONER STANTON: Thank you.

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LEGISLATOR KOPEL: Now we have social services, and that would be Nancy, Commissioner Nancy Nunziata.

Good afternoon, sorry, you've been you've been sitting here for many hours and have undoubtedly enjoyed listening to everyone else.

Anyway, why don't you go go ahead.

COMMISSIONER NUNZIATA: Good afternoon, everyone. So I'm Nancy Nunziata, I'm the DSS Commissioner.

Just to speak a little bit about the budget. Currently, our proposed budget is for about \$498 million, which is \$27 million increase over the 2022 budget. Much of that is as a result of additional staffing that we've needed, particularly in our child protective services unit. And also we have several contracts. We do provide some contractual services and there's been a minor increase in that, and that's mostly because of ECOLA.

Our approved head count last year was 555 and this year for '23, it's 559,

1
2 a total of four. I've been listening to
3 my colleagues. We're running into the
4 same problem everybody is: Hard to
5 recruit people. We currently have 472
6 folks on staff, so we're down by 87
7 people. Much of that number also has to
8 do with the fact that DSS has an older
9 employee population and I'm not talking
10 chronologically, I'm talking people with
11 many, many years of service. So this year
12 alone, we had 40 people who retired. We
13 have four more coming up at the end of
14 this month and five more coming up by the
15 end of the year. So that's you know, it's
16 really hard to replace when you have that
17 many retirees.

18 When I came into the position, it's
19 going to be three years now, 65% of the
20 workforce at DSS could have retired at
21 any moment. They all had their years in
22 and they had age. So that's one of the
23 battles that we're up against all the
24 time. And you know part of what happens
25 when they leave is that's a lot of

1
2 institutional knowledge that goes out the
3 door. That's not to say that we don't
4 have succession planning and that we
5 don't have people that we're essentially
6 training and grooming to to move up. But
7 you know it's hard when you have almost
8 50 people with 25 years or more walking
9 out the door.

10 Much like my other colleagues said,
11 the salaries are rough. Many people do
12 not accept the job because of the
13 salaries, and unfortunately at times
14 we're competing with other county
15 departments. So it's not even like we're
16 competing with the outside. One of our
17 biggest competitions is probation.
18 Probation pays their caseworkers a lot
19 more than we pay. So that's tough.

20 And just to give you an example of
21 of the salaries and we've been doing what
22 some of my other colleagues have said is
23 we've been requesting salary waivers. So
24 let's take, for example, a caseworker
25 position. The actual base salary for a

1
2 caseworker is \$32,855. So what we did is
3 we requested a salary waiver to bump it
4 up to \$44,555, and even at that salary we
5 had 18 applicants and we were only able
6 to hire five. Everybody else turned down
7 the salary. We now have a waiver in for
8 \$49,000, we submitted that in June and
9 we're still waiting on the approval of
10 that. But I'm giving you caseworkers as
11 an example. But forgot to introduce my
12 colleague.

13 MS. SIN LU: My name is May Sin Lu,
14 I'm the senior accountant for DSS.

15 COMMISSIONER NUNZIATA: And May, is
16 also, we have accountants and it's very,
17 very difficult to hire because the
18 salaries are so low. I felt comforted
19 actually listening because I thought,
20 okay, we're not the only ones that are
21 going through this.

22 But essentially our budget is the
23 same. We work closely with OMB whenever
24 we've needed to increase staffing in
25 different units. We've been able to work

1
2 with them to get that again. One of our
3 biggest concerns is CPS and making sure
4 that our caseloads are within state
5 mandates, and I'm happy to report that
6 they are. We are averaging 12 cases per
7 worker, which is a far cry from where we
8 were a couple of years ago when we were
9 averaging 18 and 20 cases per worker.
10 And we monitor that very closely.

11 Actually, one of the things that we
12 developed is a monitoring tool. So I get
13 this report. I could look at it every day
14 or every month we update it. Gives you
15 every caseworkers name, how many cases
16 they have, whether cases overdue, et
17 cetera. So at a moment's glance we know
18 where we are with staffing in that
19 particular unit, which is probably one of
20 the most critical units that we have in
21 DSS.

22 Is there anything, May, on the
23 budget that you want to add?

24 MS. SIN LU: I'm open for question.

25 LEGISLATGOR MULE: Yes, good

1
2 afternoon. Commissioner, right over here.

3 Just two quick questions. The first
4 is, according to my summary. Excuse me,
5 it's a \$2.7 million increase. But you
6 said \$27 million, which is correct?

7 COMMISSIONER NUNZIATA: It's a \$27.3
8 million increase compared to 2022
9 expenses.

10 LEGISLATGOR MULE: The budget to
11 budget increase. Okay. This is
12 incorrect. Okay, thank you.

13 The second thing is, I'm so pleased
14 to hear that the caseworker assignment
15 loads are are down to where they are,
16 because I mean we're all reading about
17 the tragedy of Thomas Valva and we never
18 ever want something like that to happen
19 here, not to anybody.

20 COMMISSIONER NUNZIATA: Yeah, I
21 mean, I have to tell you if there's
22 anything that keeps me awake at night,
23 it's a case, God forbid, like that. We do
24 get high profile cases. I have three of
25 them right now. But I have to say, I

1
2 have a great group of staff. And we have
3 a new CPS director who I promoted a
4 couple of months back and she's doing a
5 great job.

6 LEGISLATGOR MULE: Thank you.
7 That's all for me.

8 LEGISLATOR WALKER: Hello,
9 commissioner.

10 COMMISSIONER NUNZIATA: Hello.

11 LEGISLATOR WALKER: I know you and I
12 have spoken many times during the
13 craziness of COVID, not that it's totally
14 behind us, but now, thank God that our
15 kids are back in school, I worried about
16 that a lot during COVID, because first of
17 all it wasn't easy to have children out
18 of school at home. Moms and dads had to
19 somewhat be teachers and teacher helpers
20 and whatever at the same time they're
21 trying to do work or whatever. You know,
22 even situations where children are in a
23 very safe household, you know parents
24 were getting frazzled a bit. But for
25 those who are in situations that were not

1
2 good, I really worried about those
3 children because school was a safe haven
4 for them. And now they were not there
5 and they didn't have the schools either
6 to bring you know incidences to you that
7 they were suspicious of. Now that they
8 are back in school, are we finding that
9 we're getting a lot more information?

10 COMMISSIONER NUNZIATA: Yeah, for
11 sure. During the whole time of COVID,
12 when we're in the midst of this, a lot of
13 the calls were down because, as you said,
14 school is a main source of reporting for
15 us. But as I look at the numbers:

16 In July, July 15th we had 774 active
17 cases; August it dipped down a bit to
18 569; and now it's back up again in
19 September to 657.

20 So we're definitely getting more
21 frequent calls. And I think with the
22 Valva case going on, we're anticipating
23 more calls. Because as people become
24 more aware of how serious the problem is
25 and how they're next door neighbor seems

1
2 to be a great person, you know decent
3 family, beautiful home, there could be
4 really bad things going on behind the
5 doors.

6 LEGISLATOR WALKER: Of course it's
7 just information that we're reading in a
8 newspaper whatever, but it seems that the
9 schools reached out to DSS in Suffolk and
10 obviously it didn't go anywhere. Again,
11 I would never want to think that would
12 ever happen here. So I'm happy to see
13 that our caseloads have decreased for our
14 case workers and that there's a lot of
15 focus on what is going on.

16 I know too that we had spoken about
17 this many times before too, in other
18 services that we offer through DSS and
19 you're out and about with our families,
20 you see issues that you could then bring
21 forward to our health department in
22 regard to like early interventions and
23 things like that. So that's something we
24 stay close with them, hopefully. Because
25 the numbers in pre-school they said

1
2 intervention has dramatically increased.

3 When they see things that need to be
4 addressed to DSS and when you see things
5 that need to be addressed to the Health
6 Department. I hope we really are keeping
7 that communication open with each other.

8 COMMISSIONER NUNZIATA: The good
9 thing is we have several people from the
10 early intervention program on sight at
11 DSS from the Department of Health so the
12 referrals flow back and forth. But you're
13 right, we need to do that.

14 Just so that you know, in the other
15 areas of DSS, our numbers have been
16 climbing. Our SNAP applications are up
17 about eight percent, or public assistance
18 applications are up to 15%. Again we
19 suspect that the tougher the economy
20 becomes, more people are applying for
21 services. So we're busy. You know we were
22 busy all through COVID and we're still
23 busy.

24 LEGISLATOR SCHAEFER: Good
25 afternoon. How are you?

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COMMISSIONER NUNZIATA: Good.

LEGISLATOR SCHAEFER: Good.

I just had a couple of questions about the some of your vacancies, so there's approximately 87 vacancies right now; is that correct?

COMMISSIONER NUNZIATA: Throughout all of DSS.

LEGISLATOR SCHAEFER: So it's not more specific titles, it's really kind of everywhere.

COMMISSIONER NUNZIATA: It's all titles. We have it in accounting and in all areas. In CPS, I think right now we have like eight or something like that, but we're still keeping our caseload.

LEGISLATOR SCHAEFER: How many did you say you have?

COMMISSIONER NUNZIATA: How many do I have? I have 12 vacancies.

LEGISLATOR SCHAEFER: I know obviously as was mentioned the Thomas Valva case, the number of cases per case worker has changed since then; is that

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correct?

COMMISSIONER NUNZIATA: Oh yes, we
were --

LEGISLATOR SCHAEFER: Forced by the
State to reduce.

COMMISSIONER NUNZIATA: Well, yeah.
The State recommends between 12 and 15
cases per worker. That is standard, and
right now we're hovering around 12.
They're maybe a worker who has a little
bit more or a little bit less, but our
average is within keeping with State
mandates.

LEGISLATOR SCHAEFER: How has that
been for them to maintain? Is it a little
easier?

COMMISSIONER NUNZIATA: I have to
tell you, it's a combination things:

One, that's obviously extra staffing
which we were able to bring on board. So
we've brought on, I think, about probably
10 more caseworkers since then.

It also is a question of making sure
that we keep within the mandate to

1
2 investigate cases and then make a
3 determination. So we have "x" amount of
4 time to investigate a case. We have 60
5 days to investigate a case and make a
6 decision whether it's founded or
7 unfounded. What was happening earlier
8 when I first got here is we had a lot of
9 cases that will open well beyond the 60
10 days, so cases weren't being closed out,
11 either closed out or indicated and then
12 provided services.

13 So one of the things that our new
14 CPS director has been working on closely
15 with me is making sure that we're meeting
16 those time frames, and that also helps.
17 So it's not only doing the investigation,
18 but it's making timely decisions about
19 whether there's grounds to indicate a
20 case or not.

21 LEGISLATOR SCHAEFER: And have there
22 been any changes implemented for the
23 employees to assist them, because it's a
24 very difficult job?

25 COMMISSIONER NUNZIATA: Yeah, it's a

1
2 tough job. And we recently had an
3 employee who was who was essentially
4 attacked on a visit. She had to make a
5 home visit and when she went to the house
6 the guy was the father and he locked her
7 in the house and then she tried to break
8 out and she hurt herself. So staff are
9 really concerned about about safety.
10 There are plans being worked on to issue
11 different types of cellphones with the
12 ability to contact police immediately.
13 We're also talking about getting more
14 county cars because a lot of our staff go
15 in their own vehicle, which also could be
16 dangerous. Someone could get your license
17 plate. So we need to do that.

18 Ultimately, I would love to see us
19 to be able to send two people out per
20 visit, but that would definitely require
21 some more staffing.

22 LEGISLATOR SCHAEFER: Are those like
23 plans that you would work out in
24 conjunction with the Police Department,
25 the phones and --

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COMMISSIONER NUNZIATA: Yeah, and the CSEA is also working closely with the administration on doing that, because it's one of their members.

LEGISLATOR SCHAEFER: So that seems to be moving forward?

COMMISSIONER NUNZIATA: Yes.

LEGISLATOR SCHAEFER: And you're continuously looking, I guess, for more caseworkers? Obviously all these vacancies are open.

COMMISSIONER NUNZIATA: Always, and you know, part of the problem, even for all the other positions, is Civil Service. Not necessarily our Civil Service, the State. They don't have tests. If there is a test, it takes them months to get us the scores. Which I don't understand, they're Scantron cards, I teach. In five minutes, when you give an exam, you put the Scantron through and you get the results. But we're waiting months and by the you're losing people.

I've spoken to Martha about it here,

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2 but as I also spoke to other
3 commissioners, it's really a statewide
4 problem and it's at the State. They are
5 the ones who issue the exams, not us. We
6 put in the request, but they issue the
7 and the score them. So it's a big
8 problem.

9 LEGISLATOR SCHAEFER: Yeah. Okay.
10 That's all I have. Thank you.

11 LEGISLATOR WALKER: I just had a
12 question regarding students who are in
13 college and going for social work, are we
14 able to utilize them in any way? We were
15 saying we have workforce money that
16 possibly maybe some of these students
17 would come in and be able to work with
18 DSS, get a salary. It might not be the
19 salary that they hope to eventually have,
20 but possibly even help them to further
21 their education. I don't know exactly
22 how we can utilize it, but even if they
23 could be somehow assisting the department
24 and learn while they're you know, while
25 they're assisting.

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COMMISSIONER NUNZIATA: Yeah. We have social work interns who generally do 21 hours a week. It's unpaid. I think if we were going to try to bring in people, we'd have to talk with the CSEA because they'd probably may not be too happy with bringing people in for work that they feel members could do. Even with the interns we really have to work out with them what the interns can do and what they can't do. So that's where I think the sticky part would be.

LEGISLATOR BYNOE: So I'm very happy that you're able to keep the number down on the cases. I remember at some point there was a State preferred max cap for for caseloads.

COMMISSIONER NUNZIATA: Yes, 12 to 15.

LEGISLATOR BYNOE: And you said on average, we have 12 --

COMMISSIONER NUNZIATA: We have some people that have a little bit more like 13 or 14, but yeah, we're within the

1
2 State recommended average.

3 LEGISLATOR BYNOE: And I suspect
4 that the APS staff also is met with a lot
5 of challenges.

6 COMMISSIONER NUNZIATA: Yeah.

7 LEGISLATOR BYNOE: Are we seeing an
8 increase in the need to oversee folks
9 income and paying their bills, and all of
10 those things?

11 COMMISSIONER NUNZIATA: Yes, we have
12 a number of cases. They're called
13 guardianship cases, where we go to court.
14 We had very, really so proud of our Legal
15 Department and our APS Department. They
16 brought a case recently, a woman who in
17 her late seventies/eighties, and a worker
18 who used to help around and do little
19 repair jobs. Well, this woman had a lot
20 of money. She was worth a couple of
21 million dollars. So what did he do? He
22 decided he was going to marry her. So he
23 was a 40 something year-old guy and he
24 got somebody paid some one to marry them.
25 And of course it came to our attention

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2 because there was a report called in.
3 And I have to tell you, our Legal
4 Department did an amazing job and it's a
5 landmark case where we got that marriage
6 annuled and this woman now, her money is
7 being used to care for her as opposed to
8 going to this man who was purely taking
9 advantage of her. So it made all the law
10 journals and our attorneys were very,
11 very proud. It was weeks of trial, but we
12 did it.

13 But we are seeing a lot of cases, a
14 lot of financial mismanagement and abuse,
15 but also a lot of physical abuse and a
16 lot of hoarding and also older people,
17 just being left in their apartments, not
18 eating properly, nobody caring for them.
19 What people do to older and younger
20 people is dreadful.

21 LEGISLATOR BYNOE: I was hearing an
22 uptick from friends that are working at
23 public housing authorities, specifically
24 around seniors. So just hopeful that we
25 can keep up with all the cases there.

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And so the other thing I wanted to know is: In processing, you said there was an uptick in SNAP. Are we able to turn those around quickly so that people are able to get the services they need?

COMMISSIONER NUNZIATA: Yeah. Right now, you know sometimes we're making it by a slim margin. But again, we have to turn these cases within 30 days. You have to move them. If not, we have Empire Justice who breathes down our back. But we've been doing it both on the SNAP and the TA side.

LEGISLATOR BYNOE: So the mandate is 30 days?

COMMISSIONER NUNZIATA: The mandate is 30 days from when an application comes in. You have to make a decision whether they qualify or not, and that's a quick turn around.

LEGISLATOR BYNOE: And then on the homeless housing.

COMMISSIONER NUNZIATA: Must have read my mind. I was just going to say

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2 what I've failed to talk about is an area
3 that's really increasing, which is our
4 homeless issue. Homeless problem.

5 Nassau County has a pretty
6 significant homeless problem, just to
7 give you some numbers:

8 Currently we have 1134 adults and
9 children that we are taking care of an
10 emergency housing, and that could mean
11 they're in shelter or they're in hotels.
12 All of the categories of homeless
13 arising.

14 Homeless men: We had 319 last year
15 and already this year we have 374
16 homeless single men that we're dealing
17 with.

18 Women: On the rise as well. We had
19 a 143 single women in shelter last year
20 and this year so far we have 175.

21 Children: The one number that's
22 gone down a bit. It's probably because
23 the families are a little smaller as the
24 children. We had 402 children in shelter
25 last year. We have 369 as of today. These

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2 "As of" today are all as of today.

3 Families: We have a 183 families
4 that are in shelter.

5 And just so that you know, a lot of
6 our, especially the individuals, although
7 a number of families wind up in hotels
8 just because we don't have enough shelter
9 space. So as of today we have 404 in
10 shelter and 328 people in hotels. So
11 that's varied around the county.

12 Clearly, the numbers going up. And
13 especially with the single men, they
14 often have mental health issues,
15 substance abuse issues. We're seeing
16 what everybody else is seeing.

17 And of course now we'll have Code
18 Blue, that's going to be starting very
19 soon. And for those of you who may not
20 know, it's whenever the field
21 temperature's 32 or below, we must house
22 everybody, so even people that are
23 undocumented. And speaking of that, I
24 mean we have a big homeless, undocumented
25 population out there, and the problem

1
2 with that is that they don't qualify for
3 any of our services. You have to be
4 qualified. So when you're undocumented,
5 you're not qualified. However, we did
6 apply -- New York State has what they
7 call their rental supplement program.
8 Every county was allocated money. I think
9 ours is \$2.9 million and we had to submit
10 a plan. So right now, our plan that we
11 submitted -- we have a lot of these
12 homeless singles that have been in hotels
13 a year, two years, three years, that
14 hotel room has essentially become their
15 home. So even though we may not want it
16 to be their home, but it is where they
17 are comfortable. So one of the things
18 we're looking to do is we've talked to at
19 least two of the hotel owners to convert
20 some of those rooms into efficiency units
21 so that people will be able to cook a
22 meal and they'll have refrigeration and
23 the things that they need to sustain
24 themselves and essentially make it
25 permanent housing.

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2 We also have had recently, and DCE
3 Moore knows about this. We met with two
4 different providers who are among our
5 better providers, who may be interested
6 in doing some apartments. Part of the
7 homeless problem is the lack of housing.
8 The money that people get, even if you're
9 on security, SSI, you just can't afford
10 housing here and quite frankly, you can't
11 afford it like anywhere. Even in New York
12 City, New York state, everybody's
13 struggling. So we're trying to get
14 creative about ways in which we could
15 help make someone homeless, get them some
16 permanency. Because it's expensive.
17 Homelessness is very expensive and in the
18 end the goal is to have people have a
19 decent, safe place to live. So we're
20 trying to think outside the box.

21 LEGISLATOR BYNOE: Prior to this,
22 \$20 million, and I'll want some
23 clarification on that. I know during
24 COVID there was no money available for
25 unhoused folks until some COVID recovery

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2 money came down. Attorneys of this
3 caucus did the research on my behalf and
4 then presented it to the County
5 Administration that found that little
6 loophole where they could actually house
7 some folks. But it couldn't be directly.
8 It had to be by way of giving it --

9 COMMISSIONER NUNZIATA: Had to give
10 it to a non profit.

11 LEGISLATOR BYNOE: We gave it to the
12 Inn.

13 COMMISSIONER NUNZIATA: Yup. And
14 that was great.

15 LEGISLATOR BYNOE: Is that money --

16 COMMISSIONER NUNZIATA: That money
17 is gone. It was used up. That's the
18 problem. We don't have that. That was
19 great.

20 LEGISLATOR BYNOE: Those folks were
21 sleeping in front of supermarkets and
22 parking garages and it was in tents and
23 wooded areas, and it was really heart
24 breaking to see and hear. And, more
25 importantly, we're susceptible for

1
2 contracting and spreading COVID at the
3 time, and so we were able to place some
4 of those folks. Now you're saying there's
5 29 -- the whole \$29 million could be used
6 for --

7 COMMISSIONER NUNZIATA: It's not \$29
8 million, it's like 2.9.

9 LEGISLATOR BYNOE: It's 2.9.

10 COMMISSIONER NUNZIATA: If it was
11 29, I'd be doing a happy dance.

12 LEGISLATOR BYNOE: Only for
13 undocumented?

14 COMMISSIONER NUNZIATA: No, it's for
15 anyone, but the good thing about this is
16 that it allows us to help someone who's
17 undocumented.

18 LEGISLATOR BYNOE: So that will
19 supplement the money that we receive for
20 other homeless.

21 COMMISSIONER NUNZIATA: Yeah. So we
22 have the allocation this year. And the
23 State, when I spoke with them, they said
24 they anticipate that this will happen
25 every year. So it's every county and,

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2 like I said, we didn't have to compete
3 for this money. They gave you an
4 allocation based on size and all of that.

5 LEGISLATOR BYNOE: Is it going to be
6 that same income guideline? Because when
7 we talked -- I mean, I can't believe the
8 income guidelines. If you have any
9 income, you don't qualify.

10 COMMISSIONER NUNZIATA: But this
11 it's not necessarily income
12 qualification. But you're right. Federal
13 poverty guidelines are so outdated, they
14 are so low that hardly anyone qualifies
15 for our services.

16 LEGISLATOR BYNOE: And so one final
17 question regarding those that are
18 homeless and being housed in hotels: Do
19 they have a requirement to leave every
20 day?

21 COMMISSIONER NUNZIATA: They had
22 thought it was pretty inhuman, so nixed
23 that when I first got here.

24 LEGISLATOR BYNOE: And there's no
25 transportation services provided to

1
2 individuals.

3 COMMISSIONER NUNZIATA: No.

4 LEGISLATOR BYNOE: The reason I ask
5 is because that Jericho Motel in
6 Edgewood where I believe some are
7 staying, there is no bus line in
8 proximity, so they're walking down the
9 turnpike, which has no sidewalks and
10 walking long distances in inclement
11 weather and the like and causing some
12 concerns for the folks that live nearby.
13 So I was just wondering if they have to
14 go to a doctor or or anything like that,
15 there's no stipend or do we engage --

16 COMMISSIONER NUNZIATA: Well, they
17 can qualify for the NICE bus or something
18 like that. But we don't provide
19 transportation. And it's funny you
20 mentioned that because when we had the
21 other plan for Jericho, we were working
22 on creating a bus line and having a bus
23 route established there.

24 LEGISLATOR BYNOE: I hope, when we
25 take into account when, when we start to

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2 consider these type of alternative
3 lodging for them, that we look for spaces
4 that might be a little more convenient
5 for people to move around, because, I
6 believe, their ability to gain upward
7 mobility and maybe get jobs and get
8 counseling on a regular basis and all
9 that other stuff doesn't happen as
10 effectively if they're isolated
11 nationally and don't have the ability to
12 get around.

13 COMMISSIONER NUNZIATA: Yeah,
14 absolutely. One of the parts of this plan
15 that we submitted to the State also
16 includes caseworkers to go out and work
17 with people. Which would be something
18 different, because right now we don't
19 have that capability. We use other
20 agencies sometimes to do that, but we'll
21 be able to hire. They're not going to be
22 DSS staff. Whatever nonprofit we choose,
23 They will then have caseworkers that go
24 out, because that's what folks need. They
25 need someone to kind of help them along.

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LEGISLATOR BYNOE: We don't want them to stay stopped, we want them to mobilize and gain some level of self-sufficiency.

So these not for profits that are doing work on the behalf of DSS, are any of them being funded through ARPA money?

COMMISSIONER NUNZIATA: The funds, several of our current contractual agencies applied. One of the things that happened back in March of this year was the CSEA issued their Section 32 objection to basically every ARPA contract that was being proposed. So we met with them in March, there was another meeting in April, and the final meeting was in June and we finally were able to negotiate with the CSEA. Basically, one of the agencies that had applied, we really did, after careful consideration, feel that our own people could do the work. So there were agreements made. Now was not part of these negotiations, but there was an agreement made between the

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CSEA, Office of Labor Relations and us so
that a lot of this Section 32 objections
were removed. And so we're hoping now
that those contracts go forward.

LEGISLATOR BYNOE: Thank you.
Commissioner.

LEGISLATOR KOPEL: Okay. Thank you.

COMMISSIONER NUNZIATA: Okay. Thank
you.

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LEGISLATOR KOPEL: Now we have
Office of Emergency Management,
Commissioner Corbett.

ACTING COMMISSIONER CORBETT: Go
ahead, please, soon as you're ready.

ACTING COMMISSIONER CORBETT: Yes,
sir. Good evening, everybody.

LEGISLATOR KOPEL: Thank you for
your patience.

ACTING COMMISSIONER CORBETT: Thank
you for staying here to see us this
evening. I'm Richard Corbett. I'm the
Acting Commissioner of OEM. I was hired
as the Deputy Commissioner in January and
I have been in the Acting Commissioner
since July. First, I want to thank OMB
and the Comptroller's Office for their
assistance in helping us prepare all this
and teaching me a lot about how the
County finances run. With me is Tom
Delaney, he's my Finance Chief in our
section, and I'd like to thank him for
teaching me as well.

I just want to go over a couple of

1
2 things. Nassau County OEM is one of only
3 15 of the 16 counties in New York state
4 that certified in emergency management.
5 We're also the largest county that's
6 certified. What that means is our plans
7 have been reviewed by our peers in the
8 New York State Department of Homeland
9 Security and Emergency Services and
10 approved by FEMA, which in turn, if there
11 ever is a major disaster or emergency in
12 Nassau County, New York State and FEMA
13 will start deploying resources this way
14 if they know something is coming, because
15 they know the points of contact, they
16 know all of our staging areas.

17 Nassau County is also the sixth most
18 densely populated county in New York and
19 the 28th most densely populated in the
20 United States.

21 Since I've been here, we've done
22 numerous trainings with the senior
23 community for hurricane and emergency
24 preparedness. We're trying to get some
25 tables, tablecloths with our logo on it

1
2 to make it look a little bit more
3 professional, but that doesn't seem to
4 stop anybody from showing up. We've
5 supported multiple legislative events,
6 including Juneteenth national night out
7 and meeting with some constituents with
8 them.

9 Our CERT Program was recently
10 recognized. CERT is the Community
11 Emergency Response Team; it's a group of
12 volunteers that works out of OEM. They
13 were recently recognized by the State for
14 the professionalism and how well the
15 program is run. It's one of the best run
16 in the state.

17 They recently started a new class of
18 recruits of volunteers. It's being
19 conducted at the Rockville Centre
20 Recreation Center. And what's different
21 about this class is it's mostly members
22 of the Latino community and they actually
23 have translators there teaching everybody
24 how to work within the CERT system. So
25 that's pretty impressive.

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2 We work with many community
3 departments providing support and
4 supplies. We supported a lot of fire
5 department mass gatherings, parades and
6 emergencies. Our department receives
7 numerous grants for the police
8 department, fire departments and fire
9 marshals to better protect our residence.
10 We have multiple trainings within our
11 department. Our members are trained
12 throughout New York State and the country
13 to prepare our residents for emergencies.

14 We work closely with our partners in
15 Suffolk, New York City, Westchester, Port
16 Authority, and the MTA, so we're all on
17 the same page. We are constantly rotating
18 stock of all our essential items for
19 emergencies, such as PPE, ready to eat
20 meals, sheltering supplies, and pet
21 sheltering supplies.

22 We are in the process of updating
23 our fleet just before last week. Our
24 newest piece of equipment was a 2015
25 vehicle and we have vehicles that are

1
2 old, but I'm not going to complain
3 because they're army surplus, from the
4 1990's.

5 We're designing a new
6 state-of-the-art command post and we are
7 actually in the process of -- we have a
8 newer command post with an older command
9 post. We are taking equipment off that
10 vehicle and putting it on to the smaller
11 vehicle, which in turn will, in disaster
12 or emergency, it will provide broadband
13 and satellite communication. So like in
14 Long Beach, Legislator Ford, I grew up
15 there, when we had Hurricane Sandy, we
16 had no phone and we had no internet. We
17 could bring that truck down there and it
18 can provide internet access for about 800
19 people. Hopefully, the newer command
20 vehicle will be more state-of-the-art
21 because, as we all know, technology is
22 changing day by day.

23 One of the big things that I'm
24 working on is operational continuity.
25 Right now we have two members that are

1
2 eligible to walk out the door at any
3 time. They are one bad day away of saying
4 goodbye, and unfortunately it's my two
5 senior finance people. We are working on
6 replacing them. We have somebody that's
7 coming in and I'm working with OMB to
8 have her transferred to my department.

9 I know a lot of discussion here was
10 about keeping people working for the
11 County. I had that issue when I first
12 started here. We had two positions. It
13 was Emergency Management Trainee and
14 Emergency Manager 1. I've worked closely
15 with the CSEA and Civil Service. So we
16 are providing a career path where we're
17 going to have Emergency Manager Trainee,
18 Emergency Manager 1, 2 and 3, because
19 what I've seen is like everybody else,
20 people come out of school, they start
21 low. To get hired Emergency Management
22 as a trainee you need a bachelor's degree
23 and I looked to change that and we did.
24 But stopping the career at an Emergency
25 Manager 1, there was no where to go. So

1
2 people would take the thousands of hours
3 that they have invested in training here
4 at Nassau County, which we provide,
5 everything they learned from Nassau
6 County, and just go to the private
7 sector. So I think we figured out a
8 continuity issue and retention, so we're
9 going to go with that.

10 Our head count has remained the
11 same. But I'm just hoping to supplement
12 my finance team in the new near future.
13 And I absolutely love doing what I do.
14 I'm a guy who comes to work smiling and
15 I'm grateful for a job. I'm happy to come
16 to work every single day.

17 Thank you and this is Tom Delaney,
18 he's the finance chief. And our budget
19 is pretty much flat from last year.

20 LEGISLATOR DERIGGI-WHITTON: I have
21 one selfish question: You have December
22 fourth on your calendar for Toys for
23 Tots, it's at the Coliseum?

24 ACTING COMMISSIONER CORBETT: I have
25 so many dates on my account of different

1
2 toys for tots.

3 That was just brought to our
4 attention and Major Kilbride. He will
5 make sure that he has everything he
6 needs. He'll take everything he needs
7 from us. As you know, OEM is a big
8 supporter of the Toys for Tots. Just
9 about every member of our staff
10 volunteers hours to work with Major
11 Kilbride.

12 LEGISLATOR DERIGGI-WHITTON: We
13 actually started that in Glen Cove around
14 13 years ago, and it's now the largest
15 collection in the whole nation. We
16 collect enough toys for not only Nassau
17 County and Suffolk, but part of the five
18 boroughs. Okay.

19 ACTING COMMISSIONER CORBETT: I'm
20 proud to be part of that.

21 LEGISLATOR DERIGGI-WHITTON: Can we
22 work on the weather, like I'd like a nice
23 warm --

24 ACTING COMMISSIONER CORBETT: We're
25 trying to get a dome to cover the county

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for the winter, so we'll see how that goes (laughter).

LEGISLATOR DERIGGI-WHITTON: Thank you.

LEGISLATOR BYNOE: Thank you. So you're acting?

ACTING COMMISSIONER CORBETT: Yes, Ma'am.

LEGISLATOR BYNOE: Since January.

ACTING COMMISSIONER CORBETT: I've been acting since July.

LEGISLATOR BYNOE: Well, welcome.

ACTING COMMISSIONER CORBETT: Thank you.

LEGISLATOR BYNOE: I guess we hope to have a confirmation in some short order, because I think what you guys do over there is way too important to have somebody in an acting position, and when I look at what you do with the limited people, it's just amazing. I've taken young people to visit OEM prior to your tenure. I'm proud to say two young people decided in careers of Office of Emergency

1
2 Management: One is currently working in
3 New York City and their emergency
4 management, and one is getting their
5 degree in it, and so what you do is
6 extremely impactful. Even for those that
7 didn't get to see you in inaction, but
8 for those who got to see you in action
9 during 2020 and 2021 during the pandemic,
10 hats off to you. I was not here during
11 Sandy or Irene, but I can only imagine
12 our impact.

13 You do this with very little, only
14 people and to only need two finance
15 people seem shocking to me. Are there no
16 other folks that we would look to maybe
17 have some succession planning or --

18 ACTING COMMISSIONER CORBETT: That's
19 what I'm in the process of doing now.
20 I've been working on it but, as you know,
21 finance people are hard to come by. Young
22 finance people are chasing the money.
23 Ideally, I would like somebody maybe as a
24 second career that's going to be able to
25 sit in the chair and do the job and that

1
2 has some experience, that knows grants.
3 But we are working on a succession plan.
4 I do have somebody, hopefully that she
5 will be coming over to us from OMB on a
6 more permanent basis. She works with us
7 two days a week and goes OMB three days a
8 week. She is a breath of fresh air.
9 She's able to do everything in finance,
10 from recovery to the finance job.

11 LEGISLATOR BYNOE: Cause, it's more
12 than just finance right, it's compliance,
13 it's it's all the things that come along.

14 ACTING COMMISSIONER CORBETT: All
15 the rules that go along with distributing
16 the awards and everything and spending
17 them.

18 LEGISLATOR BYNOE: You're almost
19 fully funded through grant money?

20 MR. DELANEY: We use our grants to
21 the largest extent possible to offset the
22 General Fund expenses. I'm just looking
23 at it right now, out of the 11 people
24 that we have on our head count for
25 General Fund, almost all of these people

1
2 are going to be used. To utilize our
3 Emergency Management Performance Grant
4 we're allowed to spend up to 50%, salary
5 and fringe with a cost match, though, of
6 50%. So I need some funding on the
7 General Fund for that cost match. It's an
8 in-kind, obviously.

9 But on the grant side, we've got
10 eight people that are currently a 100%
11 grant funded between two different
12 Homeland Security Grants that we have.
13 The problem I have, though, is there's a
14 personal cap on these grants. We're only
15 allowed to spend 50% of the grant on
16 personal costs, salary and fringe. But if
17 we have recurring contractual costs, like
18 we do with VEEP, for example, that also
19 counts. Also PDs training and exercise
20 that overtime which they use the grants
21 for that, that at all counts for
22 personnel too.

23 LEGISLATOR BYNOE: Are we using any
24 ARPA money in your department?

25 MR. DELANEY. No.

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LEGISLATOR BYNOE: No ARPA money for emergency management?

MR. DELANEY: No one's asked us about anything that we would need that would fall under our guidance. I've got ideas, but not necessarily even for us.

LEGISLATOR BYNOE: As I'm looking at several departments that have come up during these budget hearings and the amount of money that's coming in, I'm finding that I think we could kind of broaden our use for it. I would think emergency management would be a good place to park some of that money and even if it was short-lived for the purpose of making sure there was some continuity and succession planning and the like, because it's not money that's going to be around forever, it's money that we can use in the shorter outer year period. So I think that that should be some place we can find some funding to take care of those financial positions that you need to backfill.

1
2 In terms of equipment, I know you
3 said you're getting a new truck.

4 ACTING COMMISSIONER CORBETT: We are
5 designing a new truck right now and we're
6 actually working with New York State
7 because they have trucks that are that
8 are deployed in certain areas. So one of
9 the plans I have is to work with New York
10 State and FEMA for them to stage a truck
11 here, but for us to be responsible for
12 it, because if we can get a million and a
13 half dollar command post and we just put
14 gas and change the oil in it, I think
15 that would be a win-win. That's one of
16 my long term plans, but, as you know,
17 with government is a lot of red tape and
18 stuff like that. But we are designing our
19 own. It's actually going to mirror
20 Suffolk counties. This way, if there
21 ever is some sort of catastrophe, they
22 can jump into ours or we can jump into
23 theirs and know exactly where everything
24 and how everything works.

25 LEGISLATOR BYNOE: Well, thank you

1
2 for what you do. I'm a big fan of the
3 work you do and if there's anything you
4 can do, get some of that ARPA money and
5 see if it can help.

6 ACTING COMMISSIONER CORBETT: I know
7 you're a big fan of ours. Another thing
8 is a lot of our guys, especially the guys
9 in the warehouse. If anything breaks or
10 anything isn't working right, they fix it
11 themselves, they take out the manuals.
12 And one of the things they recently did
13 is with our light towers, we have light
14 towers that about eight or nine years
15 old. The bulbs are the regular
16 incandescent bulbs. They researched along
17 with Tom and one of our vendors to get
18 LED bulbs. One of the ideas was by new
19 light heads for them. That was about
20 \$1200 for four of them. Tom and the
21 logistics guys spoke to one of our
22 vendors and we found four bulbs that were
23 \$80 each and they give off just as much
24 light and they're holding up just fine.

25 So we do a lot of research and

1
2 development ourselves. We don't want
3 everybody in our office -- we like to
4 keep everything ready at the ready, but
5 let us do it the way it should be done,
6 type of people. The door is always open,
7 but our staff is very, very dedicated.

8 LEGISLATOR BYNOE: Do you have a
9 mechanic? Now that you said that, because
10 you have a lot of trucks and stuff.

11 ACTING COMMISSIONER CORBETT: No.

12 LEGISLATOR BYNOE: So you're doing
13 it all yourself?

14 ACTING COMMISSIONER CORBETT: Well,
15 the mechanical stuff is done by the
16 garages, but as far as the equipment, the
17 generators, they will check the
18 generators. We have service contracts
19 with the bigger generators, but our guys
20 try to keep everything in-house. They
21 take a lot of pride. They treat it like
22 it's their own.

23 LEGISLATOR BYNOE: Staff of 11.
24 Okay, all right. Thank you.

25 LEGISLATOR FORD: Thank you very

1
2 much for your presentation.

3 I have to agree with Legislator
4 Bynoe in that I think we need to consider
5 ARPA Funding and to see if there's
6 anything that can be done. Because I
7 think that all of the departments that
8 would be very deserving it would be the
9 Office of Emergency Management.

10 But that being said, and I'm going
11 to be very brief. The Homeland Security
12 Funds that come through New York state
13 still go through all the counties, right?
14 That you are responsible of funding and
15 distribution of anything through homeland
16 security within New York state? We used
17 to?

18 MR. DELANEY: Well, I mean the
19 funding that we have on the Homeland
20 Security side originates from DHS/FEMA,
21 pass-through New York State. One of the
22 grants, State Homeland Security Program,
23 is available to all counties. The Urban
24 Area Security Initiative Grant, however,
25 is only available in New York State to

1
2 New York City, and a few of the
3 contiguous counties and cities have
4 Yonkers, Westchester, us, and Suffolk got
5 brought in there.

6 LEGISLATOR FORD: They pushed their
7 way in right.

8 MR. DELANEY: Well, Rockland would
9 have liked to have right, but they
10 didn't.

11 LEGISLATOR FORD: We used to have in
12 in each legislative district there was a
13 trail that was filled with supplies,
14 emergency supplies. Do we still maintain
15 those trailers or are we looking like a
16 different way to respond to emergencies?

17 ACTING COMMISSIONER CORBETT: We
18 still have those trails deployed. I would
19 like to update certain things on them
20 because times have changed. Those were
21 pretty much deployed right after Sandy.
22 There was basically bedding and water and
23 cots put into those. So I'm sure that
24 whoever opens those is going to get a
25 face full.

1
2 LEGISLATOR FORD: All right, because
3 that's something, if we need to upgrade
4 and update them that, whether or not, if
5 there's funding within your budget, but
6 if not, maybe that's something that we
7 can consider to see if we look for
8 funding elsewhere, because I think that
9 to the benefit of all the residents here,
10 absolutely in Nassau County. But thank
11 you very much for your leadership, both
12 of you. Thank you.

13 ACTING COMMISSIONER CORBETT: Thank
14 you, Ms. Ford.

15 LEGISLATOR WALKER: I will be very,
16 very quick. Commissioner, you said that
17 you love your job, you love coming to
18 work every day, and I could tell you that
19 since you have been there, our employees
20 that are there too love their job and
21 love coming to work every day. So and
22 that makes a difference, you have a small
23 staff, but they work very, very hard.
24 OEM happens to be in my district. So I
25 saw you in action during Super Storm

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Sandy, which was totally, totally
unbelievable, and then even during COVID,
and since then. Like I said, anything we
can assist you with, please let us know
and just keep up the good work.

ACTING COMMISSIONER CORBETT: Thank
you, ma'am. And I am only as good as my
staff, so the credit goes to them. They
make me look good.

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LEGISLATOR KOPEL: Last. Parks.

And you can start as soon as you're ready.

COMMISSIONER BELYEA: Good afternoon, everyone. Thank you for inviting us to come and see you today. You saved the best for the last I'd like think.

With me is Parks Deputy Commissioner, Tim Messner; our accountant is out sick today and she couldn't join us.

So 2022 has been a very exciting time for the Department Parks, Recreation and Museums. We just completed a sunny summer, only a couple of rain outs that had over 80 free events for our residents at six of our beautiful parks. Our Summer Recreation Program was held at two locations, providing 700 kids with a fun activity field camp experience.

Attendance is up at all of our museums, parks, and at Nickerson Beach, field rentals and park permits are steady

1
2 and our five beautiful golf courses are
3 busy seven days a week.

4 Thanks to the support all of you,
5 and the support of the County Executive
6 and his administration team as well as
7 the Comptroller and her team, we now look
8 forward to 2023.

9 Thank you also to the team from OMB
10 for working with us to put together a
11 budget that we think will serve as a
12 solid plan as we move forward into next
13 year.

14 We are relatively adequately staffed
15 at the present time, although we
16 continually seek to hire and fill gaps to
17 ensure we have coverage and can maintain
18 all facilities. As you well know, we
19 operate seven days a week and typically
20 16 hours per day.

21 We are working with Civil Service to
22 fill areas of need and rehire through
23 attrition and also to ensure that our
24 employees are in the correct titles for
25 the work that they're doing. And we're

1
2 also working with OMB to get funding for
3 that staff that we need.

4 As you'll note on our budget there
5 is an increase in expenses this year.
6 This is primarily due to the increased
7 cost of the commodities we need to
8 purchase to upkeep our facilities, as
9 well as elevated costs of some of our
10 contracts which I presented to you in the
11 past, as well as labor rates as part of
12 those contracts. That includes credit
13 card processing, pool and rink
14 maintenance, golf carts and our cleaning
15 contract. All necessary expenses, though.

16 On the revenue side, our mid-year
17 productions are slightly down at the
18 moment. However, our focus in the new
19 year will be on tweaking and enhancing
20 many of the great things that we already
21 are doing and looking to bring new ideas
22 to fruition, with that will come new and
23 increased revenue opportunities.

24 As we spoke about at Rules last
25 week, LuminoCity will start on the ninth

1
2 of November and run into the new year and
3 they're already setting up in Eisenhower
4 Park. And we're looking forward to a
5 spectacular winter event.

6 The Grand Lanin (phonetic) will be
7 opening out some point next year in
8 Eisenhower Park replacing the Carlton.
9 Renovations are already underway and
10 we're thrilled to be working with our new
11 partners there to make it the place to be
12 in Nassau County.

13 The Summer Rec Program, as I
14 mentioned, we had 700 kids last year.,
15 were expanding to a third location on the
16 North shore next year and look to
17 increase enrollment to over a 1000
18 children.

19 We're working to enhance Long Island
20 Fair and other events at Old Bethpage,
21 with the goal of boosting both attendance
22 and revenue.

23 Chelsea Mansion. I found it to be an
24 underused resource and we're working with
25 our contractor there to increase bookings

1
2 for events and also photo shoots.

3 And now that indoor events are
4 becoming more comfortable for the masses,
5 our museum directors are looking to
6 expand their programming.

7 We're working with public works, as
8 always for various facility improvements
9 in capital projects as well as our
10 continual golf course improvements, which
11 will improve our services and increase
12 our visitors.

13 We're looking to increase the number
14 of permits we issue at all of our parks,
15 which would result in both increased
16 permit fees, as well as additional
17 concessions in catering revenue.

18 We also look to increase rentals of
19 our show mobile, which is an untapped
20 resource. This can all be done simply by
21 increasing the scope of advertising,
22 which we've been doing, especially this
23 past summer for a free concerts and
24 increasing our social media presence.

25 We're also anticipating additional

1
2 revenue should be realized at Nickerson
3 this year coming up, cabanas and
4 cabanettes (sic) are already being
5 reserved for next year and beyond, and we
6 anticipate a waiting list for the first
7 time in many years. Campground
8 Reservations there and also at Battle
9 Row, we're also seeing a recent uptick.

10 We've been meeting all year with
11 several groups in an effort to create
12 exciting new public/private partnerships.
13 One that I can share details with is the
14 Atlantic Collegiate Baseball League, and
15 I was hoping that Steve Rhoads would be
16 here today. He'll be pleased to know that
17 they're making Nassau County their home
18 field starting next spring and they're
19 comparable to the Cape Cod League and the
20 Hamptons League for current college
21 players. And this league provides housing
22 and employment opportunities for their
23 players. We're actually going to partner
24 with them to gain some seasonal employees
25 as well.

1
2 We're also working to secure some
3 large events to be held here in the
4 county, some on an annual basis. I'll
5 share details with you as they evolve.
6 And were continuing to look to bring new
7 sponsorship opportunities to all of our
8 events as well as grant opportunities.

9 We were just granted yesterday an
10 \$80,000 grant to purchase new AEDs
11 (phonetic), so we're pleased with.

12 On the Gulf side, now that COVID is
13 beyond us and group outings are more
14 permissible, we're going to look to
15 increase golf outing bookings as well.

16 In summary, I have thoroughly
17 enjoyed my last nine and a half months
18 here working with a great team in the
19 Parks Department and with all of you as
20 well, and I welcome any questions you
21 have regarding our budget.

22 LEGISLATOR FORD: Good evening,
23 thanks for staying all day, and yes, the
24 best for last I guess.

25 According to this budget here,

1
2 you're looking to bring on 11 more
3 full-time, correct?

4 COMMISSIONER BELYEA: Correct.

5 LEGISLATOR FORD: And I see that you
6 want to increase the seasonal by three to
7 400 than you had over the previous years.

8 COMMISSIONER BELYEA: Correct.

9 LEGISLATOR FORD: And where would
10 they be working?

11 COMMISSIONER BELYEA: All spread out
12 throughout the whole system.

13 LEGISLATOR FORD: All right, and
14 then the cost of them -- it wouldn't have
15 been like maybe to reduce the seasonal
16 and maybe bring on more full-time people?

17 COMMISSIONER BELYEA: That is an
18 option that we that we're in
19 conversations with OMB about. That
20 option is open to us, yes.

21 LEGISLATOR FORD: Perfect. And then,
22 when I'm looking at your revenues and you
23 just testified, how, with the cabanas you
24 expect an increase, that you're going to
25 be renting more. But according to the

1
2 revenues on this chart here 2021 it was
3 \$1.4 million, 2022 was \$2.8, but for 2023
4 it's zero. So we're not going to see any
5 revenue from the cabanas.

6 COMMISSIONER BELYEA: We don't have
7 that revenue. That's part of our contract
8 with Dover. So we're going to see
9 revenue there, but only by that
10 percentage in the contract. I'm saying
11 it will help us overall, with Nickerson
12 flourishing, to up our income.

13 LEGISLATOR FORD: And what is the
14 percentage that we get?

15 COMMISSIONER BELYEA: 10%.

16 LEGISLATOR FORD: It's 10% on the
17 cabanas?

18 COMMISSIONER BELYEA: Yes.

19 LEGISLATOR FORD: Because I also
20 noticed that even with the camping fees,
21 we were reduced to from \$1 million to
22 \$700,000. Is that also because of the
23 camping?

24 COMMISSIONER BELYEA: Right. But we
25 also have Battle Row, which is fully

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ours.

LEGISLATOR FORD: Right, okay, and that's 10% as well at Nickerson.

COMMISSIONER BELYEA: Yes.

LEGISLATOR FORD: But you're keeping the Hotel/Motel proceeds the same at \$1,600,000?

COMMISSIONER BELYEA: That's not set by us, that's based on the percentage that we receive from those fees each year.

LEGISLATOR FORD: All right. So it's been pretty much flat all these years.

COMMISSIONER BELYEA: But who knows what's going to happen for '23, based on 2022?

LEGISLATOR FORD: Right, because I see that you left it flat, the Hotel/Motel room tax, and it went from '21, from \$1.1 million to \$975,000.

The batting cage fees, it was \$70,000 in 2022, but in '23 you're only anticipating \$15,000?

COMMISSIONER BELYEA: Because that's

1
2 a capital problem. The ones at
3 Eisenhower Park, those machines are not
4 operating right now, so we're only
5 operating with batting cages at
6 Cantiague. So we have to spend some
7 capital funds to replace those
8 batting/pitching machines.

9 LEGISLATOR FORD: We didn't realize
10 \$70,000 in revenue --

11 COMMISSIONER BELYEA: I'm not quite
12 sure where we are with that one this
13 year.

14 LEGISLATOR FORD: You don't know.

15 COMMISSIONER BELYEA: I'm not sure
16 how much I've taken in so far this year.
17 I'm sorry. I could get back to you on
18 that.

19 LEGISLATOR FORD: All right. And
20 then, even with the concessions, you have
21 an increase from it was \$866,000 and '21,
22 then in '22 it was increased to \$1.2
23 million, and then for '23 you're
24 anticipating \$1.7 million. Which
25 concessions are you talking about?

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COMMISSIONER BELYEA: The would be the entire Dover contract, and with them starting in early June, the way they did. They really had to focus on getting Nickerson up and running and couldn't fully capitalize on all the picnic bookings and catering opportunities that we had prior. So we're looking to really work with them and ramp up those permits and bring in more as a result.

LEGISLATOR FORD: So you anticipate that Dover, who's going to run all of the food concessions throughout all our parks, that we're going to realize \$1.7 million.

COMMISSIONER BELYEA: I hope so.

LEGISLATOR FORD: That's 10%. So he he anticipates to make \$17 million dollars?

COMMISSIONER BELYEA: Don't forget that they also cater all the picnics and events that we do. So every permit that we issue, if somebody wants to have an entertainment piece or a DJ or food, they

1
2 go through Dover, we get that percentage
3 back.

4 LEGISLATOR FORD: We anticipate, if
5 it's 10%, we're putting in the budget
6 that it's \$1.7 million we're going to
7 get. That means he makes \$17 million. Am
8 I missing something here?

9 COMMISSIONER BELYEA: That line is
10 more than just Dover. We have Old
11 Bethpage Village, which is Lessings, we
12 have Chelsea Mansion, which is Culinart ,
13 and we also in Twin Rinks and Morley
14 Tennis under that line. It isn't all
15 Dover.

16 LEGISLATOR FORD: Chelsea mansion
17 and Twin Rink, we provide the food so we
18 we realize a 100%? You want to speak to
19 that, Tim?

20 MR. MESSNER: We consider those
21 contracts our concessioners. They're not
22 just prototypical what you may think as
23 far as hot dogs and chicken nuggets.
24 Chelsea Mansion, which is operated
25 through Culinart, they do events, as far

1
2 as weddings or bar mitzvah or any type of
3 event. We consider them one of our
4 concessioners, so we get a percentage of
5 all their income. Same with Lessings at
6 OBVI. We don't provide any of their
7 services there.

8 LEGISLATOR FORD: Is that thing like
9 Old Bethpage Golf Course, am I saying it
10 right?

11 MR. MESSNER: Old Bethpage Village.
12 It's the fairground building Lessings has
13 a contract. They are the sole caterer
14 within that fairground building.

15 LEGISLATOR FORD: What percentage do
16 we get from them.

17 MR. MESSNER: I don't recall. I
18 believe they are on the same percentage,
19 10, 15 and 20% somewhere around there.

20 LEGISLATOR FORD: I'm just confused.
21 Because then we're saying that we're
22 going to receive from all of this \$1.7
23 million, which would be 10% of what has
24 been realized. They bring in all of these
25 concessions, wherever they, whether it's

1
2 the Barn or Dover that they then realize
3 a total of \$17 million correct?

4 COMMISSIONER BELYEA: Could be.

5 MR. MESSNER: Well, yes. They
6 provide all expenses for those
7 operations. We don't pay any labor fee
8 and associated costs. So, yes, their net
9 revenue would be far less, but yes, their
10 income that they --

11 LEGISLATOR FORD: So then we get a
12 percentage on what they gros, not what
13 they net.

14 COMMISSIONER BELYEA: Correct.

15 LEGISLATOR FORD: I think that
16 there's one last thing. I noticed that
17 with ice skating, there's somethings that
18 all of a sudden we're not doing anymore.
19 Ice skate lessons. In '22, we put down
20 \$6,000, in '23 nothing; so we're not
21 giving skating lessons anymore?

22 COMMISSIONER BELYEA: We actually
23 don't have the ice time to be able to
24 give lessons. The hockey programs gotten
25 so big.

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LEGISLATOR FORD: It's rather sad. I know. I mean how do kids learn how to skate now? Thank you.

LEGISLATOR DERIGGI-WHITTON: Hi, Commissioner. Just the one thing I wanted focus on was the Hotel/Motel, and I understand that it's not your department, but I mean it is, but it's not your department that seems to be the holdup. Right now there's \$94,000 sitting in the line. I don't know what we can do to work with you and work with the administration just to get these grants moving.

COMMISSIONER BELYEA: I have two left. I have two left that we inherited. I actually just e-mailed both the presiding officer and the minority leader today with a proposed plan the process that I'd like to put it in place so that quarterly I'm getting your approvals so that we can bring them to you on a quarterly basis. It's more efficient.

LEGISLATOR DERIGGI-WHITTON: Is one

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Girls Rising?

COMMISSIONER BELYEA: I don't recall the second one, but one is Girls Rising. But those were all the carryovers that we've gotten through, but now we're a fresh slate, so get 'em in.

LEGISLATOR DERIGGI-WHITTON: All right when I run into them. I've known them for 50 years and I can't seem to avoid them.

COMMISSIONER BELYEA: I know I had a Zoom meeting with them about bringing an event here and I had the same uncomfortable feeling.

LEGISLATOR DERIGGI-WHITTON: Okay. That's really it. But at some point I'd like to just meet you. We have so many parks that when we have 78 parks?

COMMISSIONER BELYEA: Seventy four.

LEGISLATOR DERIGGI-WHITTON: Selia doesn't have any. I want to name a park for her.

COMMISSIONER BELYEA: I know. When I first met you you mentioned that. I

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said, did you want one if you remember.
Tim can work on that for you.

LEGISLATOR DERIGGI-WHITTON: Get
together with a good capital plan,
because many of our parks really need
some help. All right, thank you so much.

LEGISLATOR WALKER: Darcy, you're
doing a great job.

COMMISSIONER BELYEA: Thank you very
much.

LEGISLATOR KOPEL: We are done.

COMMISSIONER BELYEA: Thank you.

(Whereupon, meeting is
adjourned, 5:45 p.m.)

06:36:05PM
06:36:05PM

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C E R T I F I C A T E

06:36:06PM

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 12th day of October, 2022.

Karen Lorenzo
KAREN LORENZO

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