

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

February 11, 2013
10:20 a.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

HOWARD KOPEL (Not Present)
Vice Chairman

RICHARD NICOLELLO (Sitting in for Howard Kopel)

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

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2 CHAIRWOMAN GONSALVES: All legislators
3 on the Rules Committee please join us.

4 At this time -- and I hope you didn't
5 have too much difficulty getting here today
6 because of the terrible weather, but that was one
7 of the reasons we waited more than 15 minutes, to
8 see that everybody had an opportunity to get
9 here, in spite of the weather.

10 Without any further adieu. Will Mr.
11 Muller, our clerk, call the roll?

12 CLERK MULLER: Legislator Wink?

13 LEGISLATOR WINK: Here.

14 CLERK MULLER: Legislator Jacobs?

15 LEGISLATOR JACOBS: Here.

16 CLERK MULLER: Ranking Member, Minority
17 Leader Abrahams?

18 LEGISLATOR ABRAHAMS: Here.

19 CLERK MULLER: Legislator Walker?

20 LEGISLATOR WALKER: Here.

21 CLERK MULLER: Legislator Dunne?

22 LEGISLATOR DUNNE: Here.

23 CLERK MULLER: Deputy Presiding Officer
24 Nicoletto, substituting for Vice Chairman Kopel?

25 LEGISLATOR NICOLELLO: Here.

2 CLERK MULLER: Chairwoman Gonsalves?

3 CHAIRWOMAN GONSALVES: Present.

4 CLERK MULLER: We have a quorum.

5 CHAIRWOMAN GONSALVES: Will Legislator
6 Dunne lead us in the Pledge?

7 (Whereupon, the Pledge of Allegiance was
8 recited.)

9 CHAIRWOMAN GONSALVES: Thank you, Mr.
10 Dunne.

11 First of all, I would like to welcome
12 each and every one of you to today's meeting of
13 the Rules Committee. We have one item on the
14 agenda today, and that is Clerk Item 74-13, a
15 local law to amend Annex A of the County
16 Government Law of Nassau County, to describe the
17 19 legislative districts based upon the 2010
18 Federal Census Data.

19 May I have a motion?

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator Walker.

24 The item is now before us.

25 The legislature -- or the legislation we

2 are to consider today constitutes the final step
3 of a three-step process mandated by the Nassau
4 County Charter that will result in a change of
5 the legislative district lines of this
6 legislature, to incorporate the results of the
7 2010 Federal Decennial Census.

8 The first step of this process began in
9 2011, whereby pursuant to Section 112 of the
10 Charter this body adopted Local Law 3-2011,
11 subsequently amended by Local Law 7-2011, so as
12 to comply with the legal and constitutional
13 requirements for equal representation in this
14 legislature for the people of Nassau County.

15 This law was challenged by the democrat-
16 minority. And though its adoption was found by
17 the New York State Court of Appeals to be "in
18 accordance with Nassau County redistricting" --
19 I'm sorry -- "in accordance with Nassau County
20 Charter Section 112" and was thus valid, its
21 implementation for the 2011 election was
22 prohibited so that this legislature could
23 complete the final two stages of the
24 redistricting process outlined by Section 113 and
25 114 of the Charter.

2 Section 113 of the Charter provides for
3 the creation of a temporary districting advisory
4 commission; an 11 member bipartisan commission
5 consisting of five appointees of the presiding
6 officer, five appointees of a minority leader,
7 and a non-voting chairperson selected by the
8 county executive. The purpose of this commission
9 is to recommend the reapportionment plan to the
10 legislature for the 19 legislative districts.

11 Indeed, pursuant to Section 113, this
12 Commission, over the course of several months,
13 hired consultants, purchased the appropriate
14 software, analyzed the census data, and heard the
15 testimony of many of Nassau County's residents.
16 Though both the republican and democratic members
17 of the temporary districting advisory commission
18 completed their own redistricting proposal,
19 neither proposal was adopted by a majority vote
20 of the commission.

21 Accordingly, as was the case in 2003,
22 when then temporary districting advisory
23 commission failed to agree on a redistricting
24 proposal -- in the words of then-presiding
25 officer, Judy Jacobs, "the job of redistricting

2 is up to the county legislature."

3 Accordingly, the law before us today has
4 been advanced by the member majority -- majority
5 members of the legislature, drawn with the
6 assistance of the presiding officer's appointees
7 to the temporary districting advisory commission,
8 under the direction of majority staff. It is
9 important to note that the process to create this
10 legislation is identical to engage in by the
11 democratic majority in 2003.

12 Today's meeting of the Rules Committee
13 commences a final stage of the redistricting
14 process, pursuant to Section 114 of the Charter,
15 whereby the legislature is required to adopt, by
16 local law, a final plan for the reapportionment
17 of the 19 legislative districts. This proposal
18 law must protect the constitutional voting rights
19 of all Nassau County's residents.

20 And to present this item before us today,
21 we have with us Mr. Frank Moroney. As many of us
22 on the legislature know, Mr. Moroney -- and I can
23 attest to it because I was there in 1994 --
24 served as the executive director of the Nassau
25 County Commission of Government Revision in 1994,

2 as the co-executive director of the temporary
3 districting advisory commission in 2003, and,
4 most recently, as the chairperson of the
5 temporary districting advisory commission in
6 2013.

7 Frank brings a wealth of valuable,
8 valuable redistricting experience to the table,
9 and will be an important resource for this
10 legislature as it analyzes this proposal.

11 Before I turn the floor over to Mr.
12 Moroney, I understand that the minority leader,
13 Kevan Abrahams, has a statement to make, as well.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Presiding Officer Gonsalves. But, most
16 importantly, thank you to everyone that has been
17 able to show up today. And I agree; with this
18 horrible weather that we're having, I'm glad to
19 see such as great turnout. Obviously, this is
20 your process, as well as your committee meeting
21 because we want to hear your input.

22 That said, let me go into my prepared
23 statement.

24 Redistricting is one of the legislature's
25 most important responsibilities. We believe that

2 the purpose of the redistricting process is to
3 listen to the voices of the people and do what is
4 right for them, not for one political party; but
5 the republicans obviously do not believe this.

6 Led by County Executive Mangano, the
7 republicans have made clear to the people of
8 Nassau County that they're not interested in you
9 and do not want to listen to what you have to say
10 regarding redistricting. Their plan has one goal
11 and one goal only, to keep themselves in power no
12 matter what Nassau's voters may really want.
13 That goes against everything our legislature is
14 supposed to stand for.

15 The very reason our county legislature
16 was created was to let voters decide who makes
17 the decisions for the county; under the
18 democrats, that system worked extremely well. We
19 established fair fight districts, which gave the
20 people real choice. The proof is that over the
21 past ten years, the voters have elected both
22 democratic and republican majorities in the
23 legislature. That is what a healthy and
24 functioning democracy is supposed to do, and that
25 is what the people have the right to demand from

2 their government.

3 The republican map would destroy that
4 system. It is not hard to understand why there
5 are now more democrats than republicans in Nassau
6 County, and the democratic advantage increases
7 every year. So the republicans are afraid to
8 leave the real choice in the people's hands.
9 Instead, they are trying to rig the system to
10 guarantee an artificial republican majority for
11 the next ten years. That is a terrible abuse
12 that the redistricting process -- and an insult
13 to all the citizens of Nassau County.

14 In order to achieve their goal, the
15 republican map ruthlessly splits longstanding
16 communities of interest, especially communities
17 of color, depriving them of meaningful
18 representation in the legislature. Perhaps the
19 most astonishing example is what the republicans
20 are doing to the Village of Hempstead. A large
21 chunk of this community is joined not to their
22 neighbors and surrounding minority communities,
23 but to Bethpage, on the complete opposite side of
24 the county. Why would they do this?

25 Seventeen percent, or, better yet 7,640

2 residents that reside in the Village of Hempstead
3 and, more precisely, in the school district of
4 the Village of Hempstead, are now being split and
5 siphoned off into the 14th Legislative District
6 and away from LD 2 where they naturally have been
7 for the last ten years and before that.

8 Also, in the areas of Elmont, as well as
9 in Hicksville, especially in Hicksville where
10 we're seeing a growing population of the south
11 Pacific Asian population, we're seeing also a
12 split there that we feel is astonishing.

13 We do not even know where the republican
14 map came from or who created it. Apparently, it
15 is a product of a backroom, political insiders
16 with no input from the people whatsoever.
17 Incredibly, the republicans have not even had the
18 decency to put the democratic map on the agenda
19 today; that is completely unacceptable.

20 Give you, the people, the choices and let
21 you decide what's best for you.

22 Unlike the republican map, we heard and
23 respected the people's voice. Our map, which you
24 have introduced to the legislature, is responsive
25 to their concerns. It moves only 20,000-or-so

2 voters and respects our communities, most
3 significantly African American and Latino
4 communities are left intact.

5 What are they afraid of? The answer is
6 clear; the republicans are trying to hide our map
7 from you, precisely because it lets the voices of
8 the people be heard. In sharp contrast to the
9 republican map, our map is the product of a
10 process that listened to the people's voices.
11 Throughout the redistricting process, the people
12 made clear that they did not want radical changes
13 in the existing districts. They did not want us
14 to carve up minority communities, they did not
15 want to divide Jewish communities, and
16 traditionally neighborhoods like the Five Towns.
17 Why don't the republicans want to have an honest
18 up and down vote on our map?

19 We believe strongly in what our map
20 stands for. We want to hear from the people on
21 how to make it better. The republicans, on the
22 other hand, simply do not want to hear it. We
23 respect and demand the process of listening to
24 the people. Let this process unfold and it will
25 work. Let there be fair fight districts so that

2 people can choose and not have a faceless
3 political boss make the choices for them.

4 Once again, I'm asking the presiding
5 officer to allow public comment to extend so that
6 all of you that choose and wish to speak have an
7 opportunity to speak. We will respectfully hold
8 off on our questioning for Mr. Moroney until
9 after you have spoken so that you have an
10 opportunity to voice your concerns about this
11 map.

12 I thank you for the opportunity.

13 CHAIRWOMAN GONSALVES: At this point, we
14 will have the presentation by Mr. Moroney, and
15 after that we will have public comment and a few
16 other housekeeping matters that must be down
17 before we allow public participation. But bear
18 with me. Everyone who wishes to speak here
19 today, everyone, and I believe I have well over
20 30 slips, everyone who wishes to speak today will
21 be heard. And we have -- we have sat here for
22 hours so that everyone would have that
23 opportunity.

24 All I ask is that we give Mr. Moroney the
25 respect that he deserves, those of us who are

2 here on this platform, the respect that we
3 deserve, even though sometimes you don't like
4 what you hear. I've been down that road too,
5 many, many a time.

6 Just remember one thing; the guideline is
7 to be as respectful as possible. And I know this
8 is a very, very difficult decision on our part,
9 but it may not sit well with you, as well. Trust
10 me when I say you will have the opportunity to
11 speak, and every person who wishes to do so will
12 be heard.

13 Mr. Moroney, thank you for your
14 presentation.

15 MR. MORONEY: Thank you, Mrs.
16 Gonsalves. Presiding Officer, Minority Leader,
17 members of the Legislature, thank you for the
18 opportunity to be here to discuss the plan that
19 is in front of you, the plan that you'll be asked
20 to vote upon.

21 Let me first begin by talking about the
22 Temporary Districting Advisory Commission, which
23 I'll call the Commission for purposes of this
24 public hearing.

25 The Commission first met on May 31, 2012,

2 and it held two additional business meetings in
3 September. The Commission scheduled a series of
4 informational public hearings. The TDAC held its
5 first public hearing in Elmont on September 24,
6 2012, its second hearing in Glen Cove on 9-27-12,
7 its third hearing in Long Beach on 10-15-12, the
8 fourth hearing on 10-22-12, the fifth hearing in
9 Mineola on 11-19-12, and the sixth hearing in
10 Mineola on January 3, 2013. The last meeting was
11 a hearing devoted to public comment on two maps;
12 the maps proposed by the democratic commissioners
13 and the maps proposed by the republican
14 commissioners.

15 Other meetings were planned for October
16 3, 2012 and October 9, 2012, but these were
17 cancelled due to the sudden death of Presiding
18 Officer Peter Schmitt. A hearing was also
19 planned for Manhasset on 10-30-2012, but this was
20 canceled due to Hurricane Sandy.

21 After the hearings -- after the
22 informational hearings were closed on November
23 19, the respective commissioners set about to
24 perform their function of creating proposed maps.
25 Both sides, republican and democrat, created

2 maps. And the TDAC accepted a third map at the
3 January 3, 2013 hearing from the Nassau United
4 Redistricting Coalition. This was included in
5 the material which was handed over for your
6 consideration. Subsequently, however, the NURC
7 submitted a second proposal, which appears on
8 their website.

9 No map received the required number of
10 votes; therefore, no map was forwarded as
11 approved by the Commission. However, all the
12 plans, transcripts, written suggestions, and
13 other e-mails and such that came in after the
14 January 3, 2013 hearing were turned over to the
15 County Legislature.

16 Even without a recommendation, the job of
17 redistricting falls to this body. As described
18 by Presiding Officer Gonsalves, Matt Kiernan and
19 the consultants of the majority commissioners
20 worked closely with the majority counsel to make
21 adjustments to the republican proposal based upon
22 public testimony. Other than policy
23 considerations to develop the map, that is what
24 is before you today.

25 This map meets the requirements of the

2 Constitution of the United States to create
3 districts as close to optimal population known as
4 possible, known commonly as minimizing the
5 overall deviation, to achieve districts that meet
6 the one person, one vote standard. The optimal
7 number, by the way, is 70,573.

8 We were tasked with the obligation of
9 seeing if we could create true minority/majority
10 districts within the current population and
11 demography, and we were asked to adhere to
12 traditional districting principles - respect for
13 political subdivisions, communities of interest,
14 compactness and contiguousness.

15 In furtherance of this primary goal, an
16 effort was made to minimize the overall number of
17 splits to Census designated places, which include
18 unincorporated areas of the various towns,
19 incorporated villages, cities, and the like.
20 Hamlets and those sorts are CDPs, we refer to
21 them as.

22 The second primary goal was to
23 incorporate the suggestion gleaned from public
24 testimony, received during the public information
25 hearings, and final hearing of the commission.

2 The map before you today, as I indicated,
3 meets all Constitutional, Voting Rights Act, and
4 other legal standards of judicial districting.
5 It creates competitive districts with do not
6 abridge or deny voting rights on the basis of
7 race or language.

8 The plan before you does not dilute,
9 cancel, or minimize minority voting strength.
10 This map meets the requirement that the political
11 process leading to nomination or election is
12 equally open to participation of members of
13 racial or language minority groups, and that the
14 members of those groups have no less opportunity
15 than other members of the electorate to
16 participate in the political process and elect
17 representatives of their choice.

18 The map before you, as I indicated, meets
19 all legal standards and achieved after a fair and
20 open process that included extensive public
21 comment, unprecedented transparency, including
22 the use of all modern electronic media and
23 computer access.

24 The result of this map has 19 districts
25 that respect racial and language minorities,

2 community boundaries, and includes suggestions by
3 the public and maintained the lowest feasible
4 population deviation. Here are the details.

5 The map meets the one person, one vote
6 standard by achieving an overall deviation of
7 4.85 percent.

8 District 4 has a low population of -2.44
9 percent, and District 12 has a high population
10 deviation of +2.14 percent. This contrasts with
11 the Democratic Commission proposal and map which
12 was submitted with a deviation of 9.05 percent,
13 and the Coalition proposal which had a deviation
14 of 9.85 percent.

15 Minority Districts -- minority-majority
16 districts. The legislative plan before you
17 creates three minority/majority districts - LDs
18 1, 2, and 3. LDs 1 and 2 are minority/majority
19 districts, in that one recognized minority group
20 makes up more than 50 percent of the citizen
21 voting age population, which in Census parlance
22 is called non-Hispanic/Black CVAP -- non-
23 Hispanic/Black CVAP.

24 LD Number 1 has 62.3 percent Black CVAP
25 and 15 percent Hispanic CVAP. LD Number 2 has 56

2 percent Black CVAP and 16 percent Hispanic CVAP.
3 LD Number 3 is an aggregate or coalition
4 minority/majority district where two or more
5 recognized minority groups make up 50 percent of
6 the citizen voting age population. LD Number 3
7 has 38.9 percent non-Hispanic/Black CVAP, and
8 15.4 percent Hispanic CVAP, for a total aggregate
9 of 54.5 percent CVAP.

10 The democratic plan, the map that was
11 referenced earlier by Legislator Abrahams, has,
12 in District 1, 66 percent non-Hispanic CVAP, and
13 the Coalition has 65.3 percent CVAP. The
14 proposed plan in front of you has 62.3 percent.

15 Legislative District Number 2, this map
16 in front of you has 55.9 percent non-
17 Hispanic/Black CVAP versus 56 percent in the
18 democratic plan proposed by Legislator Abrahams.
19 The Coalition plan has 56.9 percent Black CVAP.

20 LD Number 3, the proposed legislation in
21 front of you has 38 percent Black CVAP, the
22 democratic plan has 35.6 percent Black CVAP, the
23 Coalition plan has 40 percent. The Hispanic CVAP
24 in the proposal before you is 15.4 percent, the
25 democratic plan has 14 percent, and the Coalition

2 plan has 15.4 percent. The aggregate number for
3 the proposed plan before you is 54.3 percent
4 versus 49.6 percent in the democratic plan,
5 versus 55.4 percent in the Coalition plan.

6 Other accomplishments of this map.

7 This map keeps 99 CDPs intact. There are
8 135 Census designating places in Nassau County;
9 this plan keeps 99 together. The democratic plan
10 has fewer, has 95 percent -- excuse me 95 Census
11 designated places kept together. And the
12 Coalition map, like the legislative map before
13 you, has 99 CDPs kept together.

14 Responding to the public.

15 At the January 3 hearing, witnesses from
16 Westbury, primarily, argued in favor of returning
17 a portion of the Village of Westbury to LD Number
18 2. This was accomplished, as stated, in putting
19 the Sherwood Gardens area back into Legislative
20 District Number 2 out of a different proposed
21 district.

22 Witnesses from the barrier island
23 testified at a hearing before the Commission on
24 October 15, 2012 that they wished to be kept
25 together. Additionally, they viewed Island Park

2 and Oceanside as part of the barrier island.
3 This proposal puts the Barrier Island, Island
4 Park and portions of Oceanside together into one
5 legislative district.

6 Additionally, just as a note, other areas
7 that were devastated by Hurricane Sandy were also
8 kept together -- Massapequa, in particular.

9 The Great Neck peninsula is another area
10 that voiced their wishes to keep intact -- to
11 keep the Great Neck peninsula intact, in one
12 single legislative district. Further, at the
13 September 27 hearing citizens from Glen Cove and
14 several witnesses noted that the shoreline of
15 Hempstead Harbor have common interests; indeed,
16 one witness noted that organizations that were
17 formed to prevent the shoreline in environmental
18 issues facing Hempstead Harbor. They are now all
19 represented by the same LD, LD 11. And by way of
20 Long Beach, you can see down here the entire
21 barrier island is kept together.

22 Plainview voiced their concerns to be
23 represented in a single LD at the hearing held on
24 October 22, 2012. Further, on the September 27
25 hearing, it was pointed out that Plainview,

2 Woodbury, Jericho, and Syosset be kept intact.
3 This proposal allows for most of those
4 communities to be kept in one district, that's LD
5 District Number 16.

6 At the January 3 hearing there was
7 testimony from the Levittown community that it be
8 kept together; that is done and accomplished in
9 LD 15.

10 Some things could not be accomplished
11 because of the need, the statutory need to pay
12 attention to the one person, one vote principle
13 and the Voting Rights Act. For example, the Five
14 Towns asked to be kept intact, but policy choices
15 prevented -- by competing interests of the
16 barrier island and LD Number 3, in creating a
17 minority/majority district, prevented that from
18 be incorporated into the plan.

19 Elmont wanted to be kept in a single
20 district. But the creation of an aggregate
21 minority district along the western border of
22 Nassau County prevented that from taking place.

23 At the outset, the Commission -- the
24 Commission advised the public and the fellow
25 commissioners that they could proceed with

2 creating a map in any way they deemed feasible,
3 including starting from scratch; and that is how
4 this map was created.

5 It was described ten years ago, of the
6 dramatic demographic changes that took place
7 between 1994 and 2003. Those dramatic changes
8 have continued to occur in Nassau County, and
9 that gave us the opportunity, this gave us the
10 opportunity to revisit the entire county and look
11 at it anew.

12 And that's the sum and substance of my
13 presentation.

14 CHAIRWOMAN GONSALVES: Thank you, Mr.
15 Moroney.

16 I'm going to hold back questions by the
17 legislators here until we have had an opportunity
18 for the public to speak. But you will be here to
19 answer any questions that we, as a body, may have
20 of you.

21 Now, I have to let you know that there
22 are well over 30 slips. And the rules of the
23 Rules Committee is that there will be only -- and
24 don't get excited, promise? -- that you are
25 allowed only 12 minutes of public participation.

2 If I have 30 slips or better, at three minutes
3 per person that comes to at least 90 minutes.

4 So at this point in time I'm going to ask
5 for a motion to suspend the rules so that
6 everyone that I said before would have an
7 opportunity to speak to this body. And so --

8 LEGISLATOR ABRAHAMS: Presiding Officer
9 Gonsalves? Before you take that motion and
10 before we move it to public comment, we respect
11 Mr. Moroney and the fact -- I don't know if he
12 was here in his role as Executive Director of the
13 Temporary Redistricting Commission or he was here
14 in his role of a staff member of the Republican
15 Majority. But we do have a democratic
16 commissioner that is here today that refutes some
17 of the things that I believe Mr. Moroney had
18 specified. I'm wondering if you would allow Mrs.
19 Bonnie Garone to be able to speak so that we can
20 have both sides be presented to the public today.

21 CHAIRWOMAN GONSALVES: I did say to you
22 that there are a number of people here who have
23 come to speak to the legislators. And before us
24 is this map that we have put on the floor. And I
25 also said to you that because of the number of

2 speakers here that we will not be able to abide
3 by the 12 minute rule. So I'm asking for Dennis
4 Dunne to please suspend the rules so that we can
5 continue with public comment until everyone is
6 heard.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR WALKER: Second.

9 CHAIRWOMAN GONSALVES: Motion by Mr.
10 Dunne, seconded by Legislator Walker.

11 Now, we need a vote to suspend the rules
12 so that everyone in this room has an opportunity
13 to speak.

14 All those in favor of suspending the
15 rules signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Motion carries unanimously.

20 LEGISLATOR ABRAHAMS: Again, we support
21 the motion and we want to hear everybody have an
22 opportunity to speak. But I think it would be
23 prudent that being there was republican
24 commissioners as well as democratic commissioners
25 that we get an opportunity to hear from the

2 democratic commissioner, if we're having a fair
3 process.

4 My challenge is not to try to give you a
5 difficult time. But it has come to my attention
6 that there were multiple accounts of information
7 that Mr. Moroney has specified that either left
8 out parts that Mrs. Garone remembers or left out
9 parts maybe -- I don't know what the issue was.
10 But I think Mrs. Bonnie Garone should have an
11 opportunity to speak.

12 CHAIRWOMAN GONSALVES: She will have an
13 opportunity when we hear from the public at
14 large. And at this point in time the only item
15 on the -- remember what I said before; it's with
16 respect. Okay? And we follow the rules.

17 She has a slip. She does have a slip in
18 and she will have an opportunity to speak.

19 I could call a ten minutes recess, if
20 you'd like.

21 LEGISLATOR ABRAHAMS: Presiding
22 Officer, you don't need to do that. Folks, let's
23 try to get through this. How about this? This
24 is a fair compromise, Presiding Officer.

25 I understand that Mrs. Garone has a slip.

2 If she can speak first so that people can connect
3 the commentary from Mr. Moroney to her, I think
4 that would be a fair, a fair way to proceed, and
5 in that way we cover all our angles. If that's
6 okay.

7 CHAIRWOMAN GONSALVES: Now the problem
8 is everyone in this room who has a slip in is
9 obligated to the three minute rule. What do we
10 say with Bonnie Garone?

11 He was designated by the majority to
12 present that map. That's the only map that's on
13 the floor at the present time, and that's the
14 only item that's being discussed today. And
15 that's the motion we took earlier.

16 If you would like, I believe Ms. Garone
17 is here. I will take her testimony. And she,
18 too, will have to adhere to the three minute
19 rule, unless someone wants to yield the floor to
20 her. How's that?

21 LEGISLATOR ABRAHAMS: That sounds fine.
22 Good. Fine. Now that gives her six minutes.
23 Thank you.

24 Bonnie Garone, please. You have the
25 floor. Please make your presentation. And

2 remember legislators, we will comment on Bonnie's
3 presentation, as well as Mr. Moroney's after the
4 public has had an opportunity to speak.

5 MS. GARONE: I'll be brief. My name is
6 Bonnie Garone. I sat as one of the commissioners
7 on the Redistricting Commission. And I came here
8 today to speak a little bit about how that
9 commission worked.

10 I think the Commission operated basically
11 as a charade, and I think that the Presiding
12 Officer should know that, I think the majority
13 members of this legislature should know that, and
14 I think the public should know that. Why do I
15 say that?

16 Well, first of all, what is a commission?
17 A commission is a group of people who are
18 appointed to work together on a project to answer
19 a question, solve a problem, come to some kind of
20 agreement, if it's possible. Well, we didn't do
21 that.

22 The democratic commissioners appointed by
23 the presiding officer attempted numerous,
24 numerous times to even have a conversation with
25 the commissioners who were appointed by the

2 presiding officer and the chairman, who was
3 appointed by the county executive. It should
4 astonish you to know that those commissioners
5 never even spoke to us about how we might put
6 together a map, whether there was any common
7 ground, whether there was any room for
8 compromise. They never even -- literally never
9 even spoke to us about any redistricting subject
10 whatsoever, and that is despite my seeking to
11 communicate with them, and meet with them, and
12 have working session, my communications towards
13 that goal with the Chairman, Mr. Moroney, with
14 the executive director, Mr. Kiernan. I e-mailed
15 the commissioners, themselves. I called and left
16 messages for the commissioners, themselves. None
17 of them would ever even speak to us about
18 redistricting. Now, that's not a commission.

19 The other proof that this commission did
20 not function as anything other than a sham is
21 that the public was virtually ignored. At the
22 first meeting that we had, when we sought to vote
23 on principles that would guide the operation of
24 this commission, the chair wouldn't even let the
25 public speak and have input before we voted, and

2 he told us that that was because public input was
3 gratuitous. I don't think he meant to say it,
4 but he said it and he meant it. And that
5 sentiment governed all of the future meetings.

6 Yes, he's correct, we did have a meeting
7 on January 3 and we did have two maps that were
8 put up for public comment. There were many --
9 people sat here for hours to speak. People were
10 eloquent. People spoke from their heart. People
11 really cared about this process. So we said you
12 know what? We should adjourn and we should talk
13 to each other and have a working session and we
14 should see if we can incorporate some of the
15 things the people told us. And the chairman
16 said, no, we're going to vote now. What is the
17 point of having public input if you're going to
18 vote the second the public is finished talking?
19 Clearly, we treated their comments as gratuitous.
20 They had no input whatsoever.

21 Now, one might ask why did we have the
22 commission at all? Well, it's a very simple
23 answer. Number one, it's required by the County
24 Charter. But, number two, the presiding officer
25 mentioned this in her statement -- in 2011 we

2 went to the highest court in this state, the
3 Court of Appeals, and that court told us that the
4 republicans' efforts to prematurely impose new
5 legislative lines couldn't happen, and the reason
6 it couldn't happen then was because we were
7 required to come back and have a commission. So
8 what did the majority appointees and the county
9 executive's chairman, Mr. Moroney, do? In my
10 view, they came back and they made believe they
11 were going through the commission process. Oh,
12 we can check that off and we can go ahead and
13 impose our own map. To me, that's not a
14 commission and that's certainly not fair to the
15 citizens and the voters of Nassau County.

16 We listened to the people. And the
17 overriding message was loud and clear, and it was
18 this: do not make major changes; we like what we
19 have. And part of the reason people like what
20 they have now is that it gives the voters the
21 choice. On this map, the current map, the voters
22 can elect a republican majority in the
23 legislature if they think the republicans will
24 best govern this county, or they can elect a
25 democratic majority if they feel that at that

2 point in time the democrats will do the best job
3 of running this county; that power is in the
4 hands of the people. So they said we like this,
5 don't change it. And we looked at the map and we
6 saw that to meet the requirements of the
7 Constitution and to meet all of the applicable
8 law we only had to make changes in ten election
9 districts.

10 Now, you might not know but there are
11 1,175 election districts in this County. We had
12 to move only ten of them to properly arrange the
13 districts so they were approximately the same
14 size and the map would meet all legal
15 requirements, and that is what the people want.
16 They told us that loud and clear.

17 Then we made one other change that
18 required moving an additional seven election
19 districts, and that was down in the barrier
20 island. The people in Island Park told us very
21 clearly they felt that they should be with Long
22 Beach. They went to the Long Beach schools.
23 They shopped in Long Beach. That's where they
24 went, you know, for social events and other
25 things. So we said you're right, and we put

2 Island Park with Long Beach. And then, to even
3 out the population, we had to make a change. So
4 we took the Atlantic Beach area and we moved it
5 with Lawrence, just to the north, because guess
6 what? They're in the same school district. And
7 people were very clear about the fact that their
8 communities of interest largely revolve around
9 school districts. But you know what else? We
10 were open to discussion about all of our changes,
11 because that's what a commission is supposed to
12 do. And we're open to discussion now. But no
13 discussion took place, the map was just imposed.

14 I hope that the public is treated better
15 by this Legislature than then majority appointees
16 treated them in the Commission. Because the
17 purpose of redistricting is to make sure that the
18 people are treated fairly and to make sure that
19 the people have the opportunity to elect the
20 legislators of their choice. The purpose of
21 redistricting is not what is happening here,
22 which is to draw a map so that the people have
23 really no alternative but to elect a republican
24 majority for the next ten years. The purpose of
25 redistricting is not so you all keep your seats,

2 it's so that the public has the right to elect
3 who they want. I hope this Legislature -- I hope
4 that this Legislature will keep that in mind and
5 treat the voters, who will remember, treat the
6 voters fairly in this process.

7 Thank you.

8 CHAIRWOMAN GONSALVES: The gentleman who
9 was willing to yield his time to Ms. Garone,
10 guess what? You don't have to do so. We allowed
11 her to speak as long as she wanted to.

12 Remember I said there are a number of
13 speakers? Every speaker is deserving of
14 respect, so listen intently and we will do the
15 same. If need be, we may have to take a recess
16 at one point because the slips are -- and I'm
17 very proud of you, primarily because of the fact
18 that you did come out in this terrible weather
19 for such an important issue.

20 Now, Dolores Malloy. Dolores. Welcome,
21 Dolores.

22 MS. MALLOY: Good morning. Pardon my
23 comment to the republican representatives, but
24 there is an elephant in the room. This is my
25 third visit to this chamber regarding this

2 redistricting process, and what has been so
3 apparent is the fact that the chief executive
4 officer of Nassau County has not been heard from
5 to tell us where he stands on this very important
6 matter. His silence is deafening.

7 I do not expect Mr. Mangano to be
8 physically present in this chamber because he has
9 an enormous job. I can understand that. But as
10 the county executive of Nassau, you were elected
11 to uphold the principles, standards, and moral
12 issues of all the residents of Nassau County, be
13 they republican or democrat.

14 You are up for re-election in November,
15 Mr. Mangano. And as residents of Nassau County
16 and residents who are going to be grossly
17 impacted by the travesty of this redistricting
18 process, we need to know where you stand on this
19 issue. You can no longer remain silent. You
20 need to tell us where you stand. Are you on the
21 side of what's right or are you going to be loyal
22 and tow the party line?

23 The GOP as you once knew it no longer
24 exists. The face and color of Long Island has
25 changed and the GOP needs to come to terms with

2 that. This whole process is really about money,
3 power, and control. Divide communities, split
4 the vote, dilute power, and even violate the
5 Voting Rights Act if you must, do whatever you
6 need to do. But we're calling you out and we
7 want you to know that we're on to the scam.

8 Thank you.

9 CHAIRWOMAN GONSALVES: Thank you,
10 Dolores.

11 The next speaker is Jane Thomas.

12 MS. THOMAS: Good morning.

13 CHAIRWOMAN GONSALVES: Good morning.

14 MS. THOMAS: My name is Jane Thomas. I
15 am the co-president of The League of Women Voters
16 of Nassau County. And Mr. Rosenthal is here; he
17 is a member, as well. Okay.

18 The League of Women Voters, as you know,
19 is a non-partisan organization encouraging
20 informed and active participation in government.
21 We have been involved with the redistricting
22 process in Nassau County since September 2012,
23 and have testified at each and every hearing
24 held. It is disturbing that the posting of this
25 meeting was again done as the last possible

2 moment. We again ask for timely hearing notices
3 that will demonstrate an interest in public
4 comment and input. We also ask that any map be
5 voted on today be placed on your website,
6 inviting public comment.

7 Fundamental to any redistricting is
8 having districts that are compact, contiguous,
9 and reflecting communities of interest.

10 Mr. Kopel, you represent the Five Towns
11 area. How can you, in good conscience, support a
12 map that splits the Five Towns community into
13 four separate legislative districts?

14 CHAIRWOMAN GONSALVES: Excuse me. But
15 Mr. Kopel is not a sitting member of the Rules
16 Committee at this time, and therefore he is not
17 to address you.

18 LEGISLATOR WINK: Point of order. Point
19 of order, if I may, Ms. Presiding Officer.

20 Mr. Kopel is, in fact, a member of this
21 Rules Committee. He is sitting in the chamber.
22 He is the subject of this. The fact that he has
23 chosen to step off the committee for this meeting
24 does in no way, shape, or form change the fact
25 that Ms. Thomas and anyone else in this room is

2 entitled to comment on what the proposed district
3 in Mr. Kopel's area will look like.

4 MS. THOMAS: Thank you. I'm saying all
5 of this for the record.

6 CHAIRWOMAN GONSALVES: Hold on.
7 Legislator Wink, it is my call at this particular
8 time that she is speaking in public comment. Mr.
9 Kopel -- Legislator Kopel has a family obligation
10 and he is unable to fulfill his role today as a
11 member of the Rules Committee, and that's why
12 Legislator Richard Nicoletto is sitting in for
13 him. And if you wish to comment, he will address
14 you privately, but he's not --

15 MS. THOMAS: Thank you. I would like to
16 continue --

17 CHAIRWOMAN GONSALVES: going to do it
18 during public comment.

19 MS. THOMAS: my statement.

20 CHAIRWOMAN GONSALVES: Guess what? In
21 two weeks time, Mr. Kopel will be sitting here
22 and you can ask him that same question and he
23 will be able to respond.

24 MS. THOMAS: Thank you. Thank you very
25 much.

2 LEGISLATOR WINK: And I suspect there
3 will be a lot of people who will have a lot of
4 answers and a lot of questions to be asked of
5 them in two weeks time.

6 CHAIRWOMAN GONSALVES: Mr. Wink --
7 Legislator Wink --

8 MS. THOMAS: I am merely saying --
9 excuse me. I am merely saying that this conveys
10 a total lack of concern and respect for the
11 constituents of that area and, in fact, that Mr.
12 Kopel held a previous position in which he said,
13 and I quote, "that the Five Towns shall never be
14 split apart."

15 Also, the February 6 republican map puts
16 District 14 into three different towns --
17 Hempstead, North Hempstead, and Oyster Bay --
18 spanning from Garden City to Bethpage. In
19 District 11, what does Port Washington, which is
20 the Town of North Hempstead, have in common with
21 the City of Glen Cove? The Village of Hempstead
22 itself will be split into three legislative
23 districts. Roslyn, which has historically been a
24 community of common interest, now will be reduced
25 to an insignificant portion of four districts,

2 mostly Oyster Bay districts, minimizing its
3 connection and influence in its own town, the
4 Town of North Hempstead.

5 Mr. Moroney, the chair of the Temporary
6 Districting Advisory Committee said that this
7 would be a fair and transparent process.

8 CLERK MULLER: Your time has expired.
9 You've had four minutes now.

10 CHAIRWOMAN GONSALVES: Please wrap it
11 up, please.

12 MS. THOMAS: I did not speak for four
13 minutes. Excuse me. I was interrupted.

14 CHAIRWOMAN GONSALVES: The time is three
15 minutes.

16 MS. THOMAS: I have very little more to
17 say.

18 CHAIRWOMAN GONSALVES: Please wrap it
19 up.

20 MS. THOMAS: Thank you. Okay.

21 You have three maps before you. You also
22 have the map from the Nassau United Redistricting
23 Coalition map. You can take from each of these
24 maps to create fair legislative districts for the
25 county residents, with competitive districts that

2 prioritize the voters and communities of
3 interest, rather than the interests of political
4 party. You can then proudly vote on a map that
5 lets the citizens of Nassau County choose their
6 elected representatives, rather than on a map
7 where elected officials decide who will vote for
8 them.

9 Thank you.

10 CHAIRWOMAN GONSALVES: Thank you, Ms.
11 Thomas.

12 Oswyn Montoute. I don't know if I said
13 the last name correctly.

14 MR. MONTOUTE: Oswyn Montoute.

15 CHAIRWOMAN GONSALVES: I guess I said it
16 right. Thank you.

17 MR. MONTOUTE: You're welcome.

18 I am here simply to say that the majority
19 of the people -- the majority of the people
20 against this gerrymandering of the districts.

21 It does not represent the people. If
22 every ten years or so we have districts redrawn,
23 what is going to happen that every new party that
24 comes in to power will be changing the districts
25 to satisfy their desire. So my position is that

2 the people should be treated fairly.

3 We should have the right to elect who we
4 want and not have the political parties decide
5 for us who should be in power. I would like to
6 really see that -- I should have the right to
7 vote for whoever I want and not have the party
8 decide for me who they want to be in power.

9 Thank you very much.

10 CHAIRWOMAN GONSALVES: Thank you very
11 much.

12 Our next speaker is Mary Closson.

13 MS. CLOSSON: Good morning.

14 CHAIRWOMAN GONSALVES: Good morning.

15 MS. CLOSSON: My name is Mary Closson.

16 I am vice president from Our Community for
17 Change, and also a resident of Hempstead.

18 Look at this redistricting. As much as I
19 have heard about it and read about it, we feel
20 like it's all political, for their gain, and we
21 are not pleased with it. Looking at the map that
22 you all proposed this morning, we feel like it's
23 unacceptable.

24 I listened to both sides as I sat here.

25 We'd like to see the map that the democrats put

2 together. When we make a conclusion, we'd like
3 to know what both sides are doing, not just one.
4 And the map that they showed this morning is, to
5 me, coming from one side. So it is totally
6 unacceptable that we are not pleased with it. We
7 would like you all to go back and reexamine the
8 maps that was introduced to you guys as a whole,
9 not just one sided.

10 I have a question. When would the final
11 meeting for this map be presented?

12 CHAIRWOMAN GONSALVES: At the February
13 25 meeting, we will have a meeting of the Full
14 Legislature when all of the legislators will have
15 an opportunity to address the public's concern.
16 February 25.

17 MS. CLOSSON: Thank you.

18 CHAIRWOMAN GONSALVES: Next speaker is
19 Joyce Stowe.

20 MS. STOWE: Good morning.

21 CHAIRWOMAN GONSALVES: Good morning.

22 MS. STOWE: I'm Joyce Stowe. I've been
23 here several times on the subject of
24 redistricting, as it refers to the Elmont
25 community.

2 According to the mandate, districts must
3 be compact and contiguous. It makes no sense to
4 create a district to elect a minority preferred
5 candidate in a district stretching from Elmont to
6 Inwood. I'm an Elmont resident, and I have
7 nothing in common with Inwood. As a civic
8 leader, I've never done any coordinated community
9 organizing in Inwood, unlike Valley Stream, South
10 Floral Park, North Valley Stream.

11 Elmont should not be divided from the
12 existing community it is. In doing so, you will
13 split us and affect our Chamber of Commerce and
14 our schools. I will not sit here and have you
15 divide us.

16 Thank you.

17 CHAIRWOMAN GONSALVES: The next speaker
18 is Phil Heckler.

19 MR. HECKLER: Good morning. Thanks for
20 the opportunity to speak. Phil Heckler. I'm a
21 40 year resident of Hicksville, and I'm a new
22 school board member; this is my first year. But
23 I am here representing myself.

24 As I've gotten very involved in local
25 civics, I've realized there were two very big

1 issues for our community, one was the downtown
2 redevelopment and need for revitalizing of
3 downtown Hicksville, and the other was the issue
4 of school taxes and the fact that much of our
5 wealth is being redistributed to upstate
6 communities. For example, Hicksville and
7 neighboring communities get about ten percent
8 aid, while upstate communities get as much as 70
9 percent aid. I believe for those reasons, to
10 both help with the revitalization of downtown and
11 to help get a fair amount of state tax aid, we
12 need unified representation for contiguous
13 communities.
14

15 Hicksville already has now three state
16 senators; we're split up and chopped up into
17 little pieces.

18 I was at the Woodbury meeting that was
19 mentioned earlier today, and what I heard from
20 most of the speakers is that they wanted to see
21 the school districts kept together. Apparently
22 that was acknowledged for, I guess,
23 Woodbury/Syosset. But Hicksville is broken up
24 into, in this proposal, three separate districts.
25 In effect, if this plan is approved, we'll

2 virtually become at-large members. The area that
3 we're represented by looks like it covers about -
4 - Hicksville is broken up into communities that
5 will now cover about half of Nassau County -- all
6 of this red, all of this blue, and a big part of
7 this green.

8 I implore our long-term resident of
9 Hicksville, Rose Walker, not to break up historic
10 downtown Hicksville -- I mean Hicksville, keep
11 the school district together, don't break us up
12 into three districts, and help us work to
13 redevelop downtown Hicksville.

14 Thank you.

15 CHAIRWOMAN GONSALVES: Thank you, Mr.
16 Heckler.

17 Next speaker is Jill Williams.

18 MS. WILLIAMS: Good morning.

19 CHAIRWOMAN GONSALVES: Good morning, Ms.
20 Williams.

21 MS. WILLIAMS: I would ask that you all
22 look at me while I'm speaking. Thank you. Just
23 out of respect, as you said Presiding Officer.
24 Thank you.

25 My comments are really directed to your

2 conscience. And that is that we have these
3 protocols and rituals here in the United States
4 and we all pledged allegiance to the flag before
5 we started this meeting. So what I'd like to
6 understand is when you all become elected
7 officials, who are you really representing?

8 So, I have a prepared statement because
9 I'm pretty emotional about this, as you can
10 imagine.

11 I've been voting since I turned 18. I
12 take, very seriously, my commitment to my
13 community and my country. Most importantly, I
14 believe in democracy, so much that I took the day
15 off from work, because you choose to have these
16 kinds of meetings -- you choose to have these
17 kinds of meetings when people like me can't be
18 here. Excuse me.

19 I believe that I have an obligation to be
20 a decent, caring human being who works to make my
21 life and the lives of others better. As elected
22 officials -- as I said, please look at me when
23 I'm reading my statement. As elected officials
24 your duty should be to represent your
25 constituents in doing the same, making their

2 lives better for their families and their
3 communities. What I don't understand is when you
4 do this, why do you have to discriminate against
5 other communities that have less power, that are
6 impacted by every disproportionate impact that
7 happens to everyone?

8 This act, which is this whole
9 redistricting crazy, madness that you all say is
10 -- what is it that the gentleman said, met every
11 constitutional guideline? This act of
12 redistricting is an act that is chipping away at
13 our democracy, our voice, my voice, my vote. It
14 is embarrassing. It is disgusting, and I day say
15 it is an act of institutionalized racism.

16 CHAIRWOMAN GONSALVES: Ah, excuse me.

17 MS. WILLIAMS: I'm almost finished.

18 What concerns me the most, which is
19 confusing, is that Nassau County is the most
20 segregated county in the country, or one of, so
21 you created this majority, which is interesting,
22 and now you want to take it back. It's confusing
23 to me.

24 I can't live in Old Bethpage if I wanted
25 to. If I went over there with my husband, I

2 probably would be profiled.

3 Nassau County residents, all of us, in
4 all towns and hamlets, continue to struggle from
5 the recovery from the economic crash. What are
6 you doing behind closed doors? While Nassau
7 County continues to fight to keep their homes, to
8 recover from Hurricane Sandy, where are you?
9 What are you doing?

10 What's confusing to me is that while
11 people are working two and three jobs to pay
12 taxes, to keep our budget, to help you keep your
13 jobs to represent us, you're now trying to take
14 away the one thing that I can proudly say I have,
15 that I always exercise, which is my right to
16 choose people that look like me, that understand
17 my community, that understand the struggles of my
18 community. And I didn't say that I'm a long-term
19 resident of the Village of Hempstead.

20 If my children were here, at age 15 and
21 17, I think that they would be -- you know, why
22 should I vote?

23 CLERK MULLER: Your time has expired,
24 ma'am.

25 MS. WILLIAMS: I'm closing.

2 This is a travesty. You should be
3 ashamed of yourselves. I hope when you go home
4 and you look at your grandchildren and your
5 children that you're proud of what you're doing.

6 LEGISLATOR JACOBS: Mr. Heckler, I think
7 you're still here; I'm not sure. You don't have
8 to come up. I just wanted to correct something.

9 I know that you were speaking to
10 Legislator Walker about Hicksville. Hicksville
11 does not stand alone. I know that's where you're
12 a school board member, correct? But it doesn't
13 stand alone under this map. You mentioned
14 Syosset and Woodbury, they are not together.
15 That school district has been split in half. I'm
16 mentioning that not as an argumentative thing.
17 But I think the record should be correct.

18 CHAIRWOMAN GONSALVES: Judy, you
19 corrected the record. Thank you.

20 LEGISLATOR JACOBS: Okay.

21 CHAIRWOMAN GONSALVES: The next speaker
22 is --

23 MR. HECKLER: I'm sorry. I'm Phil
24 Heckler. I'm sorry. I might have been reading
25 the map wrong.

2 CHAIRWOMAN GONSALVES: I'm sorry. I'm
3 sorry. Legislator Jacobs had an opportunity to
4 correct the record, and so she did. So thank
5 you, Mr. Heckler.

6 MR. HECKLER: Oh. Okay. Thank you.

7 CHAIRWOMAN GONSALVES: The next speaker
8 is Michael Turi.

9 MR. TURI: Presiding Officer and
10 Legislators, thank you very much. My name is
11 Michael Turi. I was born in the Five Towns. I
12 currently live in the Town of Woodmere. I come
13 here as a private resident to ask why are you
14 splitting my towns up? Why are you making three
15 different communities -- why are you making three
16 separate communities where one community
17 currently exists?

18 When I look at this map I see the Town of
19 Lawrence being put with Long Beach, I see the
20 Town of Woodmere being put with East Rockaway and
21 part of Rockville Centre, and, most egregiously,
22 I see the Town of Inwood being stripped from the
23 Five Towns and added to Elmont. These two
24 communities are not related. They do not
25 interact regularly. They have different

2 community interests.

3 What really worries me, though, is that
4 by joining these two minority communities of
5 Inwood and Elmont together, you are depriving
6 them their constitutional right of representing
7 their own communities. They have the right --
8 they have the right to expect to not have their
9 votes diluted and to represent leaders who
10 represent their interests.

11 Thank you very much.

12 CHAIRWOMAN GONSALVES: Thank you.

13 The next speaker --

14 LEGISLATOR WINK: Can I correct the
15 record? Madame Presiding Officer, can I correct
16 the record for one second?

17 By appearances, Mr. Turi --

18 CHAIRWOMAN GONSALVES: Excuse me.

19 LEGISLATOR WINK: four different
20 legislative districts will have the Five Towns.
21 Not just three, four.

22 CHAIRWOMAN GONSALVES: Excuse me. But I
23 did say before that, if need be, if we don't
24 continue in a respectful manner -- you all have a
25 right to speak here today, but you don't have a

2 right to disrespect any of us here by any kind of
3 outburst. So I'm asking you to please restrain
4 yourself. I don't want to call a recess. I will
5 call a recess if I have to. But in light of the
6 weather outside, I don't think you want to stay
7 here any longer than we do.

8 So, at this point in time, Claudia
9 Borecky.

10 MS. BORECKY: I would like to ask who
11 actually drew these maps? Can anybody answer
12 that question? Mr. Moroney?

13 CHAIRWOMAN GONSALVES: Excuse me. It is
14 on the record who drew the maps.

15 MS. BORECKY: Skyline Demographics, is
16 that the actual firm that did it?

17 CHAIRWOMAN GONSALVES: You will have --

18 MS. BORECKY: I'm asking a question.
19 This is a hearing. I would like to know how much
20 money was spent and who actually spent -- how
21 much money was spent and who actually drew the
22 maps? That's my taxpayer dollars that went to
23 draw these maps. I would like to know who did
24 it.

25 CHAIRWOMAN GONSALVES: Ms. Borecky --

MS. BORECKY: I don't care if it was in the budget. That's not my question. I just want -- I have issue with whoever drew these maps.

CHAIRWOMAN GONSALVES: As you should have known, Claudia, there was money allotted to the commission for both sides, all right, and that's the money that has been used to draw the map that you see here today.

MS. BORECKY: So you will not give me an amount?

CHAIRWOMAN GONSALVES: No. At this time I can't give you an amount.

MS. BORECKY: That's fine. I will try to FOIL it later on.

The point is that my tax dollars went to do this. As I was told at the last redistricting meeting by Mr. Moroney, they were told this firm to draw these maps lined to incumbency. I would like to know if that's in writing or how that agreement was made, how that was made to the company that drew this map. Who told -- and was it in writing, that they were asked to draw these maps being blind to incumbency. Is that in writing? If it's not in writing -- a

2 redistricting committee of republican,
3 redistricting committee of mostly attorneys can
4 give them hundreds of thousands of dollars --
5 because you're not telling me the amount -- to
6 draw a map without asking them to, in writing, to
7 draw according to -- blind to incumbencies. I
8 mean, if it's not in the contract, if it's not in
9 the agreement, then I have to take it to the
10 point that the republican legislators asked them
11 to draw these maps with blind to incumbency.

12 So, as the presiding officer for the
13 Republican Party, did you draw these maps blind
14 to incumbencies?

15 CHAIRWOMAN GONSALVES: Are you asking
16 me?

17 MS. BORECKY: Yes.

18 CHAIRWOMAN GONSALVES: Let me say this
19 to you, Ms. Borecky.

20 MS. BORECKY: Nobody else is taking
21 responsibility for it, so.

22 CHAIRWOMAN GONSALVES: You're asking me
23 if I drew the map. Absolutely not.

24 MS. BORECKY: You, not personally.

25 CHAIRWOMAN GONSALVES: No.

2 MS. BORECKY: These are the maps that --

3 CHAIRWOMAN GONSALVES: Ms. Borecky.

4 MS. BORECKY: you are presenting.

5 CHAIRWOMAN GONSALVES: You are going to
6 have to listen before you speak.

7 At the present time you can ask all your
8 questions. Mr. Moroney will be back, and at that
9 time he will address those questions. He's
10 making note of them.

11 MS. BORECKY: I'll come back and ask
12 those questions.

13 CHAIRWOMAN GONSALVES: After everyone
14 else has had a chance to speak.

15 MS. BORECKY: Now I'll deal with
16 Merrick.

17 Merrick is divided into three legislative
18 districts. We had dozens of people come here --

19 CLERK MULLER: Your three minutes have
20 expired, ma'am.

21 CHAIRWOMAN GONSALVES: Wrap it up,
22 Claudia.

23 MS. BORECKY: I am just going to put
24 this on the map to show where Dave Denenberg
25 lives. I'm turning it around so everybody can

2 see it.

3 CLERK MULLER: Ma'am, you can't touch
4 the map.

5 MS. BORECKY: They drew Dave Denenberg
6 out of this map because he's an incumbent, and
7 put him a primary with Scannell.

8 CHAIRWOMAN GONSALVES: Wrap it up,
9 Claudia. And we don't move the map. The map is
10 for our benefit.

11 MS. BORECKY: I'll come back later and
12 speak.

13 CHAIRWOMAN GONSALVES: When everyone
14 else has had an opportunity.

15 The next speaker is Regis Thomson
16 Lawrence.

17 MS. LAWRENCE: Legislators, I really
18 find it difficult for me to stand here today
19 since I'm a plaintiff in the redistricting case.

20 What's disturbing to me is that there's a
21 map here that I really don't understand. I'm a
22 long term member of the Village of Hempstead and
23 I don't think any children who live in the
24 Village of Hempstead would understand how, when
25 they turn 18, they will be looked at going over

2 to Bethpage. What is this? Glen Head, Old
3 Brookville, and especially when we have all the
4 red light cameras all over the village,
5 especially the Village of Hempstead, not to
6 mention Roosevelt and Uniondale.

7 My concern is was my legislator informed
8 when the maps were done? Were they called in a
9 timely manner when discussions took place? It's
10 my understanding that they were not. I'm
11 disturbed. I'm beginning to think I'm living in
12 1864 and 1865.

13 Now, I really, really know that all of
14 you have children, and I believe that you have a
15 conscience. I think today, after you leave here,
16 you will start thinking about the importance of
17 where your children will be in the next 20 years
18 and how this map will affect them in the next ten
19 years. I don't believe that you think that we
20 are so uneducated in the Village of Hempstead
21 that you will think that we will go home today
22 and not call some of my friends, who happen to
23 live in Glen Cove and Brookville, who may not
24 even know that this meeting is taking place
25 today.

2 Yes, I'm sad and I'm disturbed, because
3 some of you who call yourselves Christians don't
4 even know what that word means.

5 I just want to say to you again, it's
6 disturbing that I have to think that this is 2013
7 and I'm back to 1864 and 1865. Yes, this is what
8 we call -- February is what we call the African
9 American month. Every day is an African American
10 month for me.

11 I'm just saying, think about it, ponder
12 about it, and think about your children and their
13 grandchildren, how they will feel about this
14 decision that you are making here today. Whether
15 you agree with me or not, it's your conscience
16 that you will have to rest with for the rest of
17 your life.

18 CHAIRWOMAN GONSALVES: Thank you, Ms.
19 Lawrence.

20 The next speaker is Dennis Jones.

21 MR. JONES: Good afternoon, Legislators.

22 CHAIRWOMAN GONSALVES: Good morning, Mr.
23 Jones.

24 MR. JONES: Years ago, in a small but
25 prominent part of the world a great man rose to

2 the challenge of inequality. This man defied
3 odds, stood for change, and fought for the rights
4 of Black. This great man should be lauded.
5 Similar to the times that we celebrate all
6 through this, our Black History Month, similar to
7 the preceding month of January, our celebration
8 of another historical great, the Reverend Doctor
9 Martin Luther King, Jr.

10 This man, John Kearse, that great name
11 should remain on our lips throughout these
12 proceedings. It should resound as a roaring lion
13 from the lips of all who live in Legislative
14 Districts 1 and 2, and should be celebrated
15 continuously by the elected legislators in those
16 districts.

17 In 1993, United State District Court
18 Judge Arthur D. Spatt ruled the Board of
19 Supervisors' form of local government
20 unconstitutional, based on the fact that it did
21 not represent one person, one vote. One person,
22 one vote, equality. Judge Spatt directed the
23 Board of Supervisors to appoint a commission on
24 government revision. This 17 member commission
25 was formed to make recommendations to the board,

2 a new legislative body. The reorganization would
3 be the biggest change in the way Nassau County is
4 governed. The formation of the legislature
5 changed the system of government of Nassau County
6 for the first time in 100 years.

7 The creation of two minority dominated
8 districts was at the heart of the plan. Nineteen
9 member Nassau County Legislature that was meant
10 to assure fair representation for Long Island's
11 growing numbers. John Kearse, the commission's
12 vice chairman, said two African Americans will
13 become part of the governance of the county.

14 The commission proposed a map consisting
15 of 19 legislative districts and adopted it on May
16 24, 1994. The historic first session began
17 January 1, 1996.

18 The other day I witnessed the emotional
19 cry for action from another great person, not
20 lauded enough in our community. In 1988, Dorothy
21 Goosby and others filed a class action suit
22 against the Town of Hempstead, charging that the
23 Town of Hempstead's at-large voting system for
24 the town board discriminated against minority
25 communities. Nine years later -- nine years

2 later, in 1997, a federal judge agreed and ruled
3 that the Town of Hempstead's method of voting at
4 large was discriminatory and violated the Voting
5 Rights Act.

6 *Goosby v. The Town of Hempstead* was a
7 case in which Hempstead -- New York's racially
8 discriminated at-large voting system was
9 contested. A transformation of the voting system
10 was forced on the Long Island town as a result.

11 CLERK MULLER: Your three minutes have
12 expired, sir.

13 MR. JONES: The original suit alleged
14 government was a violation of the Voting Rights
15 Act of 1965, as well as 15th, 14th, 13th, and 1st
16 Amendments. Hempstead has a historically of
17 racially polarized voting, leaving candidates of
18 color unable to obtain sufficient votes outside
19 their communities to win election.

20 CHAIRWOMAN GONSALVES: Will you please
21 wrap it up?

22 MR. JONES: I will. The Court of
23 Appeals echoed this sentiment in its decision.
24 Without access to the republican slated process,
25 Blacks simply are unable to have any preferred

2 candidate elected to the town board.

3 Because of these two heroes and more,
4 redistricting has become a part of our history,
5 along with civil rights, struggles for equality,
6 Abraham Lincoln, Martin Luther King, Jr., John
7 Kearse, and Dorothy Goosby.

8 Now each of you have the right to make
9 your own opinion and subsequent decision on this
10 topic. I, however, implore you to consider the
11 history that's been already written and the
12 history you attempt to write.

13 Abrahams Lincoln made his decision
14 despite the color of his skin. Additionally,
15 Martin Luther King, Jr. sought after an equality
16 that is for little children would one day live in
17 a nation where they would not be judged by the
18 color of their skin but by the content of their
19 character.

20 CHAIRWOMAN GONSALVES: Mr. Jones, would
21 you please wrap it up.

22 MR. JONES: History does not make
23 people; people make history.

24 John Kearse and Dorothy Goosby are
25 history makers. They will forever be listed as

2 such.

3 I would also ask that we plan these
4 meetings that we are having here to also include
5 everyone. The times that we meet are not set
6 correct. We have a mother in the audience whose
7 child has autism and had to sacrifice to be here
8 today.

9 CLERK MULLER: Sir, you're at six
10 minutes.

11 MR. JONES: You can make history that
12 years from now will make your families and many
13 other proud.

14 This redistricting process can be your
15 decision to make a greater impact of equality in
16 our county or it can seal your fate as political
17 and racial segregation is. Choose who you will
18 be, write your history.

19 Thank you.

20 CHAIRWOMAN GONSALVES: It would be
21 appreciated if each speaker would abide by the
22 three minute rule so that everybody has an
23 opportunity to speak. Some of you do have other
24 commitments; I know that. And you don't want to
25 spend the whole day here to wait to be heard. If

2 everyone of you respect each other and adhere to
3 the three minute rule, you will be out in ample
4 time.

5 Please, Mr. Jones, I think you should
6 know that you spoke more than six minutes. That
7 meant somebody else was deprived in your six
8 minutes.

9 Kathy Arecco. Kathy Arecco. Is Kathy
10 here?

11 MS. ARECCO: Hi. My name is Kathy
12 Arecco. I'm from the Oyster Bay/East Norwich
13 District. We used to be in the 16th LD, and now
14 it seems like we would be in the 18th, which
15 would be very lucky because either one of our
16 legislators is very good and very active. The
17 only problem is we have -- first of all, more of
18 a commitment from the legislator that we have
19 now. If we have issues in the community, we are
20 more geared towards Judy's district. We have
21 people who live in the community. They work in
22 Syosset. They use the Syosset train, etcetera.
23 So it makes more sense to keep them there.

24 Also, Woodbury and Syosset are split.
25 Let me be clear. As a north shore resident, it's

2 appalling of how your legislature is divided as
3 communities.

4 I hope I'm within the time. And like I
5 said, I appreciate your time. I appreciate both
6 legislators; we'd be lucky to have either one.

7 Thank you very much for your time.

8 CHAIRWOMAN GONSALVES: Thank you, Kathy.

9 LEGISLATOR ABRAHAMS: Kathy, hello.

10 Just to correct the record. You should know that
11 you would not have either legislators.

12 Legislator DeRiggi-Whitton is drawn into
13 I believe the Legislative District Number 11, and
14 District Number 18 has no incumbent, just so you
15 know.

16 CHAIRWOMAN GONSALVES: Thank you very
17 much.

18 The next speaker is Joan Walton. Joan
19 Walton.

20 MS. ARECCO: I didn't realize that. I'm
21 sorry. I must have looked at it wrong. So then
22 we have no commonality with our legislators,
23 either one that we're familiar with. You should
24 be ashamed.

25 CHAIRWOMAN GONSALVES: The next speaker

2 is Joan Walton.

3 The next speaker is Delvy Torres. Which
4 one of you is Delvy? Would you like to speak?

5 MS. TORRES: Yes.

6 CHAIRWOMAN GONSALVES: Okay. The mic is
7 yours.

8 MS. JOHNSON: Someone conceded their
9 time to me. Good morning. My name is Mimi
10 Pierre Johnson, and I am an Elmont resident. I
11 am here as a member of New York Communities for
12 Change and the Long Island Civic Engagement Table
13 representing the Nassau United Redistricting
14 Coalition. This is a shameful day for Nassau
15 County. But I am glad to be here.

16 MS. TORRES: Good morning. My name is
17 Delvy. I speak Spanish.

18 Buenos dias.

19 CHAIRWOMAN GONSALVES: Buenos dias.

20 MS. TORRES: (Testimony given in Spanish
21 and translated by Peter Rosenthal.)

22 MR. ROSENTHAL: My name is Delvy Torres.
23 I'm a resident of the Village of Freeport. And I
24 am here as a leader of La Fuente Long Island
25 Civic Participation Project.

2 CHAIRWOMAN GONSALVES: Sir, did you give
3 your name for the record, please?

4 MS. JOHNSON: He's translating for her.

5 CHAIRWOMAN GONSALVES: Oh, you're
6 translating. And your name is?

7 MR. ROSENTHAL: Peter Rosenthal.

8 CHAIRWOMAN GONSALVES: Okay. Some of us
9 did understand what she said. So, go ahead.

10 MR. ROSENTHAL: For those who do not
11 speak Spanish, my name is Delvy Torres. I'm a
12 resident of the Village of Freeport. And I am
13 here as a leader of LaFuente Long Island Civic
14 Participation Project, representing Nassau United
15 Redistricting Coalition.

16 While I am proud to be here, the
17 deception and disrespect that has been shown to
18 the residents is reprehensible.

19 My name is Peter Rosenthal. I am a
20 resident of Hewlett and the community of the Five
21 Towns. I'm here as a member of the Nassau United
22 Redistricting Coalition.

23 The map being proposed today is a
24 collidiscopes of colors with only one true
25 purpose; to rig the electoral process by packing

2 members of one party in Nassau County into a few
3 districts -- in as few districts as possible,
4 crush democracy under the power of one political
5 party for the next decade.

6 Remember, you are elected to represent
7 all the people of Nassau County.

8 MS. JOHNSON: Nonetheless, we are glad
9 to be here with sisters and brothers from
10 communities across Nassau because we will not be
11 crushed.

12 You can try to crack the Five Towns. You
13 can try to crack Port Washington and Glen Cove.
14 You can even try to tell me that my community of
15 Elmont should share a district with Inwood. But
16 we will not be moved.

17 We are glad to be here today so that we
18 can join with the whole room to make the record
19 clear; this map is a snow job, bigger than the
20 snow we had on Friday.

21 MS. TORRES: (Translated by Mr.
22 Rosenthal)

23 Today, the Nassau County Redistricting
24 Coalition is presenting an updated version of the
25 Coalition plan with documentation, including

2 block assignments. It is updated from the first
3 plan that we presented. And we are formally
4 submitted it for inclusion in the legislative
5 record. We know it is not perfect; however, we
6 have gone out to the communities around the
7 county to educate people about redistricting and
8 we have asked for community input, and we have
9 listened and made adjustments to our original
10 map.

11 CLERK MULLER: Your three minutes have
12 expired, and I gave you time for the
13 transcription. You're at five minutes.

14 MR. ROSENTHAL: Just to clarify, all
15 three of us are signed as speakers, so it should
16 not be an issue.

17 CHAIRWOMAN GONSALVES: You are right,
18 Mr. Rosenthal. They are three -- excuse me. I
19 have three slips for each of these. Take the
20 time allotted to you.

21 MR. ROSENTHAL: Thank you.

22 CHAIRWOMAN GONSALVES: But please,
23 please just stay to the time allotted.

24 MR. ROSENTHAL: We will.

25 We have followed the principles of fair

2 redistricting, uniting minority communities like
3 Elmont, and commonsense communities of interest,
4 like the Five Towns, Great Neck,
5 Merrick/Bellmore, and Hicksville. We prioritized
6 the voters, not the politicians.

7 Last year, the commissioner, Frances
8 Moroney, promised a fair and transparent process.
9 It has been anything but.

10 Our Coalition proves there is another
11 way. We have held and continue to hold community
12 forums, like the one tonight in the Five Towns
13 and the ones on Wednesday in Great Neck and Glen
14 Cove.

15 We look at the -- I'm sorry -- Nassau
16 Community Redistricting website to get news on
17 other forums. These will be held in the next two
18 weeks. We continue to adapt our maps in response
19 to the comments of the local residents.

20 I will be submitting a packet with our
21 current revision of the maps. These were
22 presented to the redistricting commission at the
23 meeting on the Third of January. And I would ask
24 the legislators to please look at the
25 presentation we have made. My understanding of

2 our map and Mr. Moroney's do not entirely
3 coincide. This does not include the voting
4 blocks themselves with the appropriate
5 information as to how to present that to you. We
6 will gladly do so. Again, the website does
7 contain all the information.

8 Thank you very much.

9 CHAIRWOMAN GONSALVES: Thank you, Mr.
10 Rosenthal.

11 MS. JOHNSON: I have one more thing to
12 say.

13 Despite an effort to -- as you can see,
14 we are here. There is no secret that this is a
15 sham, right?

16 I am standing here, a proud resident of
17 Elmont -- know that democracy and how these maps
18 are currently works. I am proud to say that my
19 legislator, Carrie A. Solages, is sitting right
20 there. He is -- he was raised in Elmont, he went
21 to school in Elmont, and now he is sitting there
22 as my representative. So what's wrong with the
23 map the way it is now?

24 Mr. Moroney, I respect your maps and
25 however you drew them and your intelligence and

2 whatever else your credentials. But one thing
3 you don't know is that you don't walk the streets
4 where we live. If you did, you would know that
5 Inwood and Elmont have no concerns that are the
6 same. So now you're telling me that Inwood and
7 Elmont School Districts are the same? It is not.
8 So you can look at your numbers all you want --
9 your CVAP, your RVAP, all your VAPs you want, it
10 does not work when you walk through the
11 districts.

12 I ask all of you -- and each time I'm
13 here it's a thing that I notice time in and time
14 out. The legislators sit here, they listen to
15 us, and one majority or the other do exactly what
16 you want to do. This time it's different. The
17 last time I was here I said if you don't listen
18 to the people, the Third District will be
19 different; you didn't listen, it's different.

20 I'm asking you today -- it's going to be
21 different, because we will not stand for this
22 anymore. And I'm asking you, Presiding Officer
23 Gonsalves, please allow the people to have a
24 meeting at night so that those of us who have
25 sick children -- my son has a fever right now,

2 but I had to come here. There are others who are
3 supposed to be at work so they can pay their
4 bills. We are struggling on Long Island. Don't
5 allow us to struggle even more by placing us in
6 other districts that does not have the same
7 concern that we now have to fight, fight for what
8 is owed to us. We elect you to represent us. We
9 do not want you to select those that you think
10 will keep your careers. It is not about your
11 career, it's about the people.

12 Thank you so much.

13 CHAIRWOMAN GONSALVES: Thank you. Thank
14 you very much.

15 The next speaker is Nick Thalasinis.
16 Welcome.

17 MR. THALASINOS: Thank you.

18 I wanted to talk a little bit about what
19 I think the County Legislature's role is here,
20 which is to get real public input and pass a map
21 that's fair to all county residents. And I don't
22 think that dividing up communities or school
23 districts makes any sense. Now let me talk a
24 little bit about Hempstead and District 14.

25 The new map divides Hempstead into three

2 parts. No one knows what Hempstead has in common
3 with Bethpage, because basically there is nothing
4 in common. And Hempstead is the most populated
5 village in the state, and chopping it up like
6 this makes no sense. It would make more sense to
7 combine Hempstead with districts that include
8 Westbury and Uniondale, not Hicksville or
9 Bethpage. Those communities have nothing in
10 common, including geography.

11 Hempstead is tired of having its voice
12 dissolved.

13 Thank you.

14 CHAIRWOMAN GONSALVES: Thank you, Mr.
15 Thalasinis.

16 The next speaker is Tammy Williams.

17 MS. HARDAL: Good morning.

18 CHAIRWOMAN GONSALVES: Are you both
19 speaking at the same time? Is that it? Do you
20 have a slip in?

21 MS. HARDAL: Yes. Tammy ceded her time
22 to me. I am Monique Hardal. I'm a resident of
23 Elmont.

24 CHAIRWOMAN GONSALVES: Okay. Do you
25 have a slip in?

2 MS. HARDAL: She ceded her time to me,
3 ma'am.

4 CHAIRWOMAN GONSALVES: Do you have a
5 slip?

6 MS. HARDAL: No, I don't.

7 CHAIRWOMAN GONSALVES: I think you
8 should put in a slip. And Tammy, are you willing
9 to cede your time?

10 MS. WILLIAMS: Yes.

11 CHAIRWOMAN GONSALVES: That means you
12 give up your three minutes.

13 MS. WILLIAMS: Yes.

14 CHAIRWOMAN GONSALVES: Okay. Monique,
15 you need to fill that out.

16 MS. HARDAL: Good morning. I am an
17 Elmont resident and one of many community leaders
18 in Elmont. I stand here before you to
19 respectfully request that you keep my community
20 together, to respect and preserve the communities
21 of interest traditional redistricting principle
22 recognized in court decisions.

23 As a trustee of the Elmont Public
24 Library, we recognize that our neighboring
25 communities of Valley Stream and Franklin Square

2 are so similarly situated in socioeconomic
3 characteristics - shopping patterns, education,
4 and family structure -- that we have contracted
5 with these districts of Valley Stream and
6 Franklin Square to join the Elmont Public Library
7 family, a place where neighboring moms come with
8 their toddlers for playtime, a place where teens
9 pack in after school to share ideas and their
10 experiences from school, a place where our
11 community members attend educational forums
12 hosted by our legislator to discuss issues facing
13 us. This, if anything, demonstrates and
14 reinforces the notion that Valley Stream, Elmont,
15 Franklin Square are communities of interest, not
16 communities like Inwood.

17 Respect my community and respect my
18 voice. Thank you.

19 CHAIRWOMAN GONSALVES: The next speaker
20 is Judith Epstein.

21 MS. EPSTEIN: I'm a resident of Port
22 Washington. I can tell you I have nothing
23 against the City of Glen Cove, but they have
24 their issues and we have ours. I don't feel I'm
25 a community of interest with them. But, more

1 importantly, I'm a citizen of Nassau County.

2 I hear over and over again from the
3 people sitting up at the front of the room that
4 an issue very important to you is respect. I
5 would like to say it's a two way street.
6

7 I would also like to point out that
8 taxpayers like me have paid for both of these
9 maps, and we've paid for this microphone, and
10 we've paid for your jobs. And we would like you
11 to respect our concerns.

12 I also feel qualified to comment on these
13 maps, by dint of a course I just finished in
14 standup comedy. It's laughable, or it would be
15 if it wasn't so deadly serious.

16 I don't see -- I think they will erase
17 the gerrymander from the history books and put
18 that pink thing in instead because it makes no
19 sense to anybody who actually lives on the
20 ground. And a lot of the other districts, the
21 way they've been sliced and diced or snaked
22 around, you know as well as I do there are two
23 districts up here where if you stand on a street
24 corner in one place, you're lucky if your spit
25 lands in the rest of the district across the --

2 caddy corner.

3 It's an insult to our intelligence; we
4 know better. I can't respect the thinking that
5 went into drawing this up when it doesn't respect
6 the reality of our lives on the ground.

7 Thank you.

8 CHAIRWOMAN GONSALVES: The next speaker
9 is Daniel Altschuler. Daniel.

10 MR. ALTSCHULER: Good morning everyone.
11 Or good afternoon; I'm not sure what time it is.
12 My name is Daniel Altschuler. I coordinate the
13 Long Island Civic Engagement Table. We're a non-
14 profit organization and nonpartisan organization,
15 as well, that works to increase civic
16 participation, particularly among working class
17 communities and communities of color on Long
18 Island.

19 I want to ask a very simple question to
20 begin, which is -- and this is a question for
21 you, Presiding Officer. When you look at this
22 map, which is another rendering of what is up
23 there on that screen, and when you look at
24 proposed districts like District 16, can you
25 actually, in good faith, tell us and tell the

2 members of this room, when we look at this
3 district, can you tell us that that is not simply
4 a gerrymander, that it is not a political
5 manipulation of districts for the political gain
6 of one party? If you'd be willing to answer that
7 question, I'd very much appreciate it. You're
8 not going to answer? Is that correct? Okay.

9 Well, I think for us, from the
10 perspective of our organizations, and I take it
11 from the perspective of the people in this room,
12 the failure to respond to that question and that
13 consideration indicates that similar to what we
14 observed and protested against last year when New
15 York State went through this very similar
16 process, that, frankly, this process is, as
17 others have said before me, a sham.

18 We are not taking into consideration the
19 fact that everyone who has spoken at this panel -
20 - at this hearing has resoundingly rejected the
21 proposed map on various grounds. And unless we
22 see a revision, it's very hard for us, from a
23 nonpartisan perspective, to see this as anything
24 but a sham.

25 Quite simply, what this reflects, from

2 the best of my perspective -- I come here as a
3 community organizer and a political scientist,
4 are politicians who are choosing their voters and
5 not voters who are being allowed to choose their
6 politicians. So from our perspective, this
7 amounts to a rigging of the electoral process,
8 which raises grave -- this raises grave concerns
9 for us. Because of that, I want to ask a couple
10 more questions, and hopefully someone from the
11 majority in the legislature will be able to
12 respond to these questions.

13 The first one is when scheduling this
14 meeting was any consideration given to making
15 this an evening meeting, such that other folks
16 would be able to participate? Presiding Officer,
17 would you be willing to answer that question?

18 CHAIRWOMAN GONSALVES: If you repeat it,
19 if I can.

20 MR. ALTSCHULER: Sure. Respectfully, the
21 question is simply when deciding to schedule this
22 meeting, if any consideration was given to
23 scheduling it in the evening to maximize public
24 participation and input.

25 CHAIRWOMAN GONSALVES: I think I said

2 that there are a number of speakers here today --
3 and this can go on to the wee hours of the
4 evening, and that's the reason why we schedule it
5 early enough so that people could get here not
6 only at the present time, but as time continues.

7 We will be having public comment for the
8 next two or three hours. And let me say
9 something to you regarding gerrymandering.

10 The Supreme Court has yet to define what
11 gerrymandering is, so don't ask me.

12 MR. ALTSCHULER: So what I would simply
13 say is that there are things called tests of
14 reasonableness and common sense. And when we
15 look at these maps it's very hard to think that
16 these would pass any common sense understanding
17 of how districts should be draw in compliance
18 with the Constitution of this country.

19 My second question is just related to the
20 public hearing. If you would be willing to hold
21 a separate evening public hearing in advance of
22 the February 25 vote, when you said the vote
23 would actually take place on this map.

24 CLERK MULLER: Your three minutes have
25 expired, sir.

2 MR. ALTSCHULER: Okay. Can we wait for
3 just an answer to that question?

4 CHAIRWOMAN GONSALVES: The meeting is
5 set for February 25.

6 MR. ALTSCHULER: So there will be no
7 evening public hearing before then, is that
8 correct?

9 CHAIRWOMAN GONSALVES: And this will --
10 as I said to you before, it will go on as long as
11 people come here to testify.

12 MR. ALTSCHULER: Do you honestly think
13 that this --

14 CHAIRWOMAN GONSALVES: You need to
15 understand something else. We have a deadline,
16 and that deadline is March 5 to submit the map.

17 MR. ALTSCHULER: So my understanding is
18 there are 13 days between now and February 25,
19 I'm sure all the good people in this room would
20 be willing to come to an evening public hearing
21 to voice their concerns.

22 CHAIRWOMAN GONSALVES: Thank you very
23 much. Thank you very much. And let me tell you,
24 we'll take it under advisement. Thank you very
25 much.

2 MR. ALTSCHULER: Thank you for your
3 time.

4 CHAIRWOMAN GONSALVES: Next speaker is
5 Barbara Jones.

6 MS. JONES: Good afternoon. My name is
7 Barbara Jones. Okay. I am about history. I
8 remember the Board of Supervisors and what they
9 looked like, and I thought about slavery and
10 discrimination. Then we get the legislators;
11 beautiful young people that look like me, but so
12 much smarter. I am so proud of them. And now
13 you are to go back to slavery by leaving them
14 out? It won't happen because these young people
15 are too smart for that.

16 And you talk about respect? What about
17 respecting us? You're not up to that. You are
18 up to your own power and greed, and it's not
19 going to happen because I'm here to work with the
20 young people and support them.

21 Thank you.

22 CHAIRWOMAN GONSALVES: Thank you, Ms.
23 Jones.

24 Our next speaker is Josie Green.

25 MS. GREEN: Good morning, Legislators.

2 CHAIRWOMAN GONSALVES: Good morning,
3 Josie.

4 MS. GREEN: My name is Josie Green. I'm
5 a resident of Hempstead, where I have been since
6 1961. I was born in the lower waters of
7 Mississippi. After I finished high school, I
8 came to New York running from the same thing that
9 I'm facing this morning.

10 I thought I would get some fair and
11 honest civil rights and treatment here in New
12 York State. I faced the legislators a few years
13 ago on the same issue. Apparently they don't
14 respect us or don't get it, because we went over
15 this several years ago, the same identical thing
16 with the same map. I don't know what you've done
17 differently because I have a problem reading this
18 map; I'm asking the people that are sitting
19 around me to help me and they can't help me. I
20 don't know if our legislators understand it.
21 When we had meetings, they weren't able to
22 explain this map to us. So I don't know what the
23 GOP is doing. I don't know what kind of tricks
24 they are pulling, but I will tell you this, it's
25 not going to work.

2 There are so many people that are going
3 to verbalize against it; many of them have to
4 work so they couldn't come today.

5 I'm telling you on behalf of people that
6 I have spoken to, they are against it, we are
7 against it.

8 My question to you, Acting Legislator, is
9 why would you want to crack up our village voting
10 blocks like this? Could you please answer that?
11 Why would you want to do that? What would be the
12 reason for it? Since I only have several
13 minutes, I'll let you answer it after I'm seated.

14 I want to know did our legislators, the
15 ones that represent us in Hempstead, have any
16 input in drawing up this -- I guess it's a new
17 map. I know they didn't in the old one but this
18 one looked similar to the one that we are
19 protesting against before. And you went to court
20 and you lost, and then you draw up another one.
21 We're baffled at why are you doing this. You are
22 wasting our money and our time for your own
23 greed. I'm going to wait for your answer
24 regarding if our legislators had any input in
25 drawing up this map, because they didn't explain

2 it to us. We don't think that they understand
3 it, just like we don't. Perhaps you know
4 something we don't.

5 Have a good day.

6 CHAIRWOMAN GONSALVES: Roger Clayman.
7 Roger Clayman.

8 MR. CLAYMAN: My name is Roger Clayman.
9 I'm the executive director of the Long Island
10 Federation of Labor. We've been here to speak
11 about redistricting at previous meetings, last
12 year, and before the commission. And I would say
13 at this point I don't see any appreciable change
14 in the map that we've been dealing with.

15 Now, we all know that we live in an age
16 of intense political partisanship, and it takes
17 some courage, conviction, and commitment to
18 overcome it; and I hope you'll find it. Suffolk
19 County can serve as maybe an example. They
20 established a commission, and when that
21 commission broken down, overcome by partisanship,
22 they brought it back to the legislature. They
23 dealt with the seats in a way that respected the
24 sitting legislators so that they could maintain
25 their seats. It would have been very easy,

2 really, for the democratic majority to overwhelm
3 the republican minority, given the numbers that
4 they had, but they made an effort not to do so,
5 and to speak to each other and to maintain
6 districts.

7 In your opening remarks, Madame Presiding
8 Officer, you said that this was a situation that
9 resembled the situation -- it was the same as the
10 situation in 2003. Now, my memory may not be so
11 good, but it seems to me that this was a
12 different approach then was taken in 2003, when
13 an effort was made to move as little as you could
14 in order to maintain the seats of those who were
15 already sitting in the legislature; I think
16 that's a good approach. The approach taken here
17 is one that is moving legislators into other
18 districts and simply getting rid of legislators
19 who are next to each other, mainly democratic
20 legislators. Now, is there something wrong with
21 that? Yeah, I think there is. Is there anything
22 wrong with keeping legislators in their seats?
23 No, that's not just pragmatic.

24 These are the people who were elected to
25 represent their communities, they are the ones

2 who have the relationships with their
3 constituents, they won elections, and they
4 deserve to be there. I think you should make a
5 commitment to keep them there.

6 Now, on the issue of minorities and
7 minority district, ethnic and racial minorities.
8 Our organization represents about 130,000 working
9 men and women and their families in Nassau
10 County. We are comprised of every single race
11 and ethnic group that you could imagine. When
12 members of ethnic and racial minorities are
13 disadvantaged, it weakens us as a labor movement
14 and it's unfair to them. We object to our
15 members being weakened within their own
16 communities. So I urge you to go back and look
17 at it.

18 I don't have the maps with me to prove
19 that there's the dilution of minority districts,
20 but I can assure you that those maps will surely
21 come and they will be explained. It will be a
22 lot better to do it here then to sit through the
23 explanation in a federal courthouse. So I urge
24 you to go back to the drawing table and get it
25 done right.

2 Thank you.

3 CHAIRWOMAN GONSALVES: Thank you, Mr.
4 Clayman.

5 Next speaker is Ronald Cato. Ronald
6 Cato.

7 MR. CATO: Good afternoon. My name is
8 Ronald Cato, a Uniondale resident, which the last
9 time I looked is part of Nassau County.
10 Therefore, everyone sitting up there are my
11 representatives. Looking at the map that has
12 been presented, I do not feel like you are doing
13 this adequately.

14 Legislator Gonsalves, you started out by
15 saying that the redistricting process was
16 designed to protect the voting rights of all
17 residents. When districts across the county are
18 being split and separated, it's not happening.

19 You have heard from residents of Nassau's
20 many diverse communities - Uniondale, Hempstead,
21 Hicksville, Elmont, Oyster Bay, Freeport, the
22 Five Towns area - and no one has spoken in favor
23 of the map presented. There's a difference
24 between hearing and listening. Are you listening
25 to what your constituents are saying to you?

2 We are no in favor of the map being
3 presented. We do not feel that it gives us
4 adequate representation.

5 Thank you.

6 CHAIRWOMAN GONSALVES: Thank you, Mr.
7 Cato.

8 Next speaker is Juan Vallejo.

9 MR. VALLEJO: Good afternoon.

10 CHAIRWOMAN GONSALVES: Good afternoon.

11 MR. VALLEJO: I'm Juan Vallejo. I'm a
12 naturalized American citizen. I served in the
13 military. I'm a resident of the Village of
14 Hempstead for over 30 years. And just to echo
15 the voices of my fellow citizens, you're not
16 listening; especially the GOP is not listening.

17 Naturally, the GOP did not get the
18 support of the Latino vote. And now you
19 republicans are trying to drown out the
20 representation of the Latinos in Nassau County.

21 We make up almost 20 percent of the
22 population. And now we're looking down the
23 barrel of zero percent representation in this
24 County. Shame on you.

25 You talk about respect. You were asked

2 questions, you refused to answer. Stop the
3 shenanigans. Get real. We are living citizens.
4 We are not numbers.

5 The opening remark was quoting
6 percentages and looking at the Census. Guess
7 what? Yes, you did your work. You looked at
8 the Census and you ripped it apart in your favor.
9 Cut it out. Get real.

10 Thank you.

11 CHAIRWOMAN GONSALVES: The next speaker
12 is Helene Manas. I don't see -- is that correct,
13 Helene?

14 MS. MANAS: Helene Manas.

15 CHAIRWOMAN GONSALVES: Yes. It looks
16 like Manas. Yes. Thank you.

17 MS. MANAS: Good afternoon.

18 CHAIRWOMAN GONSALVES: Good afternoon,
19 Helene.

20 MS. MANAS: I'm here today as a
21 concerned citizen of Merrick, who has had my
22 legislator, Dave Denenberg, moved out of my
23 district by drawing the new district around his
24 house, which Claudia put the little house on the
25 map, and you could see that it was actually drawn

2 around his house.

3 Dave Denenberg has been my legislators
4 since 1999, and he is fabulous. He is concerned
5 for his constituents, and you can always depend
6 on him for help. He also tries to do what is
7 best for the county. He doesn't look if you are
8 republican, if you're democrat, if you're
9 independent; he works for all his constituents.
10 He is very popular in my district and won by 73
11 percent in the last election.

12 It is so obvious that you realize that
13 the only way to have a chance to win my district,
14 the 19th District, which happens to have a lot of
15 republicans, was to get rid of Dave, because
16 there is no other democrat that could have won
17 there.

18 Elections are supposed to be fair. By
19 moving his house out of the district you have
20 rigged the election so you can win a republican
21 seat. How is that fair?

22 If you think that your ideas are the best
23 way to run the county, you shouldn't have to
24 cheat to win the election. There is no way you
25 can look at yourself in the mirror and say that

2 this was not drawn purposefully to get rid of
3 Dave Denenberg, in my district.

4 You also split up Merrick, which is
5 ridiculous. I have no idea why you would do
6 that. It's not that big. You might as well keep
7 it together. Out here the towns are so small,
8 it's ridiculous. To split up a town that's so
9 small, there's no reason for it.

10 I also find it a little suspicious that
11 your last map, the last time I was here you had
12 split up Great Neck. There were a lot of people
13 here from Great Neck complaining. I don't want
14 to say anything, but I know Great Neck has a lot
15 of money, and money means power. And I find it a
16 little funny that that's the one district that
17 you put back together.

18 Now please do the right thing and listen
19 to the people of this county and stop playing
20 games. This is not a game; this is our lives.

21 The people should have a choice. If you
22 don't like the democratic map, use the League of
23 Women Voter's Map; it's fair and unbiased. The
24 League of Women Voters are unbiased. They're not
25 republican, they're not democrat, they just do

2 fair. Fair is what elections should be about,
3 not rigging, not making it so that you could win,
4 or the democrats could win, it should be fair.

5 CLERK MULLER: Your three minutes have
6 expired, ma'am.

7 MS. MANAS: Thank you. And I also just
8 wanted to tell you, Presiding Officer, that I
9 appreciate your being so respectful and allowing
10 everybody to speak.

11 CHAIRWOMAN GONSALVES: You're welcome,
12 Helene.

13 Next speaker is Henry Bostel; is that
14 correct? Boitel. It's B-O-I-T-E-L.

15 MR. BOITEL: My name is Henry Boitel. I
16 am from Rockville Centre. Rockville Centre is
17 going to be divided into five parts by this
18 proposed redistricting plan that is on the table
19 at the moment. I vigorously protest.

20 I also note, interest to me enough, that
21 on this map the name Rockville Centre does not
22 appear. Maybe if Mr. Scannell were here, he
23 could have brought that to your attention
24 himself.

25 I attended a number of the "hearings" - I

2 put that in quotes - that were held by the
3 redistricting commission, and I spoke at a number
4 of them. What we see today was predictable from
5 the first hearing. What we see here is a
6 microcosm of what's sucking the life out of
7 Nassau County and out of the country. I wish I
8 had a mirror to put up to you. For this
9 legislature or this committee to suggest that
10 this map is fair and reasonable, for Mr. Moroney
11 to say that the production of these maps was
12 characterized by -- and I think I heard his
13 correctly -- unprecedented transparency - George
14 Orwell had a word for that, it was called
15 Newspeak. Call things the way you want them to
16 be seen but not the way they really are, and
17 change it when it suits your convenience. Do you
18 people realize what you are doing to our county
19 by pulling this sort of nonsense consistently?

20 I suggest to you that there has been no
21 commission process in this matter. This case
22 went to the New York Court of Appeals, that
23 unanimously, republicans and democrats, said that
24 the legislature had violated the law by not
25 having the commission process.

2 The commission process was devised in
3 order to get the courts to approve what Nassau
4 County was doing in the first place; the idea was
5 not just going to be a gerrymandering kind of
6 thing that was going to deprive people of
7 reasonable representation.

8 And so what do we have here? We have a
9 commission that spent close to nine months
10 hearing the community come and say, please, don't
11 break up our communities, please be fair and
12 reasonable; that was predictable from the outset.
13 There was no discussion by the commission. There
14 was not exchange of public views. There was no
15 indication of what the options were with regard
16 to what the redistricting could be. There was no
17 specification to the community, either on the
18 website or in the commission proceedings, of the
19 present map as compared to what the problems
20 were. Where were the problem areas? Never once
21 did they discuss that in public. There was no
22 commission here.

23 Under the law, the commission was
24 subjected to the Open Meetings Law and the FOIL
25 Law.

2 CLERK MULLER: Your three minutes have
3 expired, Mr. Boitel.

4 MR. BOITEL: Somehow before the
5 commission even started, they agreed they would
6 divide the money. Where was the vote on that?
7 Where was the motion on that? They agreed that
8 they were going to have separate staffs. Where
9 was the vote on that? Where was the motion on
10 that? They agreed that they were not even going
11 to consider the plan that the legislature had
12 adopted a year before to see if there were
13 positive or negative aspects to it that ought to
14 be corrected. Where was the vote on that? There
15 weren't any votes. Everything was done behind
16 closed doors.

17 They divided themselves into two sub-
18 commissions. I suggest to you that those two
19 sub-commissions, by virtue of the way that they
20 operated, were subject to the Open Meetings Law;
21 yet, we do not have any of the correspondence or
22 any of the reports that were generated with this
23 \$500,000 that was split between them.

24 I could go on and on --

25 CHAIRWOMAN GONSALVES: Mr. Boitel, would

2 you please --

3 MR. BOITEL: If I may --

4 CHAIRWOMAN GONSALVES: wrap it up.

5 MR. BOITEL: I would like to submit a
6 written submission on this. May I do that?

7 CHAIRWOMAN GONSALVES: You may do that.

8 MR. BOITEL: Okay. I will be -- not
9 today, but I will, after today, I will submit a
10 written submission, because I've been listening
11 to this Newspeak throughout these proceedings,
12 and it's about time that the whole purpose for
13 having a commission, the whole idea that we
14 should have people from the community who are
15 part of a process has been violated here. And,
16 therefore, I suggest to you that we are back to
17 square one.

18 When this goes to the courts, the lack of
19 a commission, a lack of a real commission is
20 going to require that the whole process be
21 started all over again.

22 CHAIRWOMAN GONSALVES: I don't know if
23 I'm pronouncing this name correctly -- Ilanye
24 Longjohn.

25 MS. LONGJOHN: Good afternoon.

2 CHAIRWOMAN GONSALVES: Good afternoon.

3 MS. LONGJOHN: Ilanye Longjohn. And I'm
4 a resident of Hempstead and a citizen of the
5 United States. Originally, I'm from Africa. And
6 I sat here, and as I sat listening and I was so -
7 I've been so impressed of the United States
8 Justice System and hearing both sides. I'm proud
9 to be a citizen. And I sit here in front of the
10 legislature and wonder am I in my country? Is it
11 not the country that prides themselves about
12 being fair? And I said to myself I have an
13 opportunity to make a difference.

14 Given the privilege of being an American
15 citizen, I work for the government in America. I
16 took time off to be here because I believe in my
17 community, I believe in my leaders, and I am
18 commissioning my leaders to make the right
19 decision for the benefit of this community.

20 I also sat here -- and some of the
21 questions are not answered. There's a lot of
22 lack of understanding of why this redistricting,
23 the reason why it's done and the rationale behind
24 it. I don't know whether it will be answered,
25 but here goes a question regarding the process

2 that I, personally, did not understand, but
3 perhaps somebody will let me know.

4 The traditional districting principle;
5 what does that term mean to anybody here?
6 Explain how dividing Five Towns and Hempstead is
7 consistent with the traditional districting
8 principles. Explain how Elmont and Inwood
9 represent a single community of interest. I
10 think that has been echoed over, and over, and
11 over. If anybody wishes to explain, I will
12 appreciate it.

13 We are in a community to learn, to
14 understand, to be fair to one another, and to
15 unite one another and be very proud United States
16 of America out in the open world. So could
17 somebody explain to me how it's a fairly done
18 process? If a fairly done process has been
19 executed in this place.

20 CHAIRWOMAN GONSALVES: Ms. Longjohn, I
21 have to say to you that the process is spelled
22 out in the Nassau County Charter. It has three
23 stages to it. The first is Section 112, which we
24 already mentioned, and then of course it had to
25 be followed by Section 113, which was the forming

1 of a temporary redistricting advisory commission,
2 and then Section 114 was to present that map to
3 the body.
4

5 The fact that the commission was unable
6 to present a map of its own, okay, there was not
7 a majority vote on either one of the maps. It
8 was the duty of this legislature to then proceed
9 with the process, and that's exactly what's
10 happening today.

11 I will say to you, I'm not going to say
12 that everything that's done is the best situation
13 that could possibly be. But, I will also say I
14 will not answer questions as to why a line is
15 drawn in a particular place, other than to say
16 that our obligation - our obligation is to ensure
17 the constitutional voting rights of Nassau
18 County. And why a specific line is drawn is a
19 policy decision. This has been the making of
20 this process for the previous redistricting
21 section, which was in 2003. Some people may
22 agree with that choice and others may not.

23 And as far as gerrymandering is
24 concerned, I don't believe that this map is a
25 gerrymander. I will say -- I was asked to answer

2 that question. I will say no. My opinion is
3 that this map creates, in the words of Mr.
4 Abrahams, fair fight districts. And that's where
5 I'm going to leave it.

6 MS. LONGJOHN: I thank you very much.
7 And I hope the opportunity is given for both
8 sides.

9 Since we talked about a commission coming
10 together, I hear repeatedly they did not come
11 together. So I hope whatever decision is coming
12 out of this panel, this legislature, you should
13 consider very strongly the importance of both
14 sides deciding a policy matter and not one sided.

15 CHAIRWOMAN GONSALVES: The next speakers
16 is Mary Mitchell.

17 MS. MITCHELL: Good afternoon.

18 CHAIRWOMAN GONSALVES: Good afternoon.

19 MS. MITCHELL: My name is Mary Mitchell.
20 I'm a member of the New Hempstead Democratic
21 Club.

22 My question today I think has been asked
23 over and over again, but I'm going to ask it
24 again to Legislator Gonsalves. When you decided
25 as a presiding officer to schedule the meeting to

2 schedule this committee vote, did you ever
3 consider making the hearing an evening meeting
4 and allowing more robust public comment and
5 input, if not why? I'm not sure if I heard that
6 was answered. Maybe it was. I know it was asked
7 a few times, but I don't know if there was an
8 answer as to why wasn't the meeting scheduled in
9 the afternoon.

10 CHAIRWOMAN GONSALVES: The meeting has
11 gone on almost two hours and it will continue to
12 go on until we have everyone here speak. As time
13 goes on, I'm watching the back door; people are
14 coming in and putting in slips. It's a
15 continuous meeting. And because of the nature of
16 the meeting it was suggested that we hold it
17 earlier than later, primarily so that everyone
18 could have an opportunity to come and speak.

19 MS. MITCHELL: Oh, okay. Thank you.

20 The next speaker is Audrey Mikell. I
21 don't know if I'm saying it correctly.

22 LEGISLATOR ABRAHAMS: Hey, everybody.
23 I just want everyone to understand -- obviously,
24 I just got pulled out and I know some of the
25 members get pulled out because there's constant

2 constituent business that occurs. Many times you
3 may see legislators get up and walk out.
4 Generally, if they walk out to the back room,
5 every legislator can still hear you in the back
6 room. There's a speaker. Obviously, we can hear
7 the testimony. So I don't want you to feel any
8 level of disrespect if you see anyone walk out
9 and go to the back room. Many of the legislators
10 are juggling 10, 20 different things today.
11 Obviously, the services they provide to the
12 constituents still need to be provided. You are
13 our constituents, and we're trying to do two
14 things at one but at the same time accommodate
15 some other folks, as well.

16 So I just want you to understand that
17 there may be some folks that get up and go to the
18 back on both sides. But I want you to feel that
19 we are still listening to you in the back.

20 CHAIRWOMAN GONSALVES: Thank you, Mr.
21 Abrahams.

22 MS. MIKELL: Good afternoon. My name is
23 Audrey Mikell. I'm a resident of Hempstead for
24 40 years. And my questions, most of them have
25 been answered.

2 On February 25 you are scheduling the
3 final vote. There is no evening hearing for
4 people who like to come later. If this map is
5 passed without changes, what should we conclude
6 from this about your respect for the public
7 input?

8 CHAIRWOMAN GONSALVES: Are you waiting
9 for an answer, Audrey?

10 MS. MIKELL: Yes.

11 CHAIRWOMAN GONSALVES: I believe from
12 the testimony of Mr. Moroney there were several,
13 several meetings within the communities. This
14 map, okay, and this is what we have tried to do
15 in formulating this map, was make sure that all
16 of the testimony from the commission was
17 reviewed, that it was listened to, and the other
18 thing was that all legal issues regarding
19 district were certainly met. That's exactly what
20 the legislature has been trying to do.

21 We did listen to all of the testimony.
22 We have the transcripts; we've had them for a
23 while. We've reviewed them and so have the
24 individuals responsible for drawing this map. It
25 is not something that we just disregarded, the

2 various meetings and hearings that were held in
3 several of the communities throughout Nassau
4 County. And we were obligated, legally obligated
5 to follow the law, and that's exactly what we
6 tried to do in doing this.

7 And I also said that since the commission
8 did not come up with a map of its own, it did not
9 have a majority vote. This is not new, it is not
10 new. This happened in 2003, as well. It was the
11 obligation, the obligation of the County
12 Legislature to continue in following the process.
13 And so that's where we are.

14 It may be a process that some may
15 disagree with, but we did follow. We did not
16 ignore the testimony of the communities that were
17 involved, and we certainly did not ignore the
18 legal ramifications that are involved with
19 redistricting.

20 Audrey, I don't know if there's ever a
21 good solution to everything. But at least I know
22 that the testimony given at the various hearings
23 and the legal issues that are involved in this
24 were followed. And like I said to you before, we
25 tried to do as fair a map as possible; I know you

2 may not agree. I had nothing to do with the
3 drawing of the lines.

4 Again, my district is split. I have a
5 school district that's split. But you know what?
6 I've heard several people come up to this mic and
7 said that we represented all of Nassau County;
8 very true. People call my office -- people call
9 my office, they're from Wantagh, from Uniondale,
10 they're from Hempstead, they're from my own
11 district. Guess what? We try to help. The
12 residents of Nassau County are important to all
13 of us. If there is any way we can address their
14 needs, we do.

15 It is a map that maybe unhappy for some
16 people. I can understand that because we've been
17 down this road before. But I will tell you as
18 Nassau County legislators, we do try to address
19 the concerns of our constituents.

20 Thank you, Audrey, for coming today.

21 MS. MIKELL: I thank you. But I don't
22 agree with the map.

23 CHAIRWOMAN GONSALVES: That's okay,
24 Audrey.

25 David Stonehill.

2 MR. STONEHILL: Good afternoon. My
3 name is David Stonehill. I am an attorney and
4 civic activist from Merrick.

5 The latest republican redistricting map
6 is as poorly drawn as its predecessor; it reveals
7 a continuing predisposition to split up
8 communities in the name of political expediency.
9 I will repeat what I've said in previously
10 testimony; why require the legislative partition
11 of previously unified communities, such as the
12 Five Towns and Merrick? Is it because they
13 contain large numbers of Jewish voters who are
14 presumed to vote democratic? Other communities
15 with large numbers of Jewish voters are also
16 targets for division. These would include
17 Roslyn, Syosset, Woodbury, Jericho, and West
18 Hempstead. Moreover, other communities, such as
19 Elmont, Rockville Centre, New Hyde Park, Garden
20 City Park, Hicksville, and East Meadow also have
21 their unity at risk due to the republican map.

22 The effect of this new map is the same as
23 the previous republican maps, an unfortunate
24 attempt by the republicans to seize and maintain
25 political power by eliminating democratic

2 incumbents, not through issues and talented
3 candidates but by the redistricting process
4 itself. Massive numbers of Nassau residents
5 would be displaced into new legislative
6 districts.

7 The republicans say that incumbency was
8 not a factor in their drawing legislative lines.
9 Strangely enough then, that four democratic
10 incumbents would have to primary each other as
11 four separate districts are combined into two.
12 The republicans have stated that there would be
13 two republican legislators fighting to represent
14 one district because of the map. However, I
15 again note that this would be a false conflict
16 and is well known that one of these legislators
17 is not expected to run for office again this
18 year.

19 So why the massive changes in legislative
20 lines this year? Why not utilize a conservative
21 approach which moves as few voters as possible
22 while providing for relatively equal population
23 in our districts? The republicans do not answer
24 this simple question. Their defense is that
25 their map is legal. No other reasons are

2 offered. Their rationale has been kept secret
3 and hidden.

4 What I do not understand is why the
5 republicans have essentially resorted to a
6 nuclear option in drawing lines. Are they that
7 afraid of a competitive democratic party and its
8 voters? Is it the changing demographics of
9 Nassau County and the fact that the Republican
10 Party is rapidly losing its power and influence
11 within New York State? What kind of precedence
12 are the republicans trying to establish with this
13 map? Should future democratic majorities try to
14 eliminate the republicans through redistricting?

15 Everyone knows that ultimately the
16 lawfulness of this map will be determined by the
17 judicial system. What a shame and waste that we
18 have to go through this process.

19 Thank you for giving me this opportunity
20 to speak today.

21 CHAIRWOMAN GONSALVES: Mr. Stonehill.
22 Mr. Stonehill, one moment. Mr. Nicoletto wants
23 to correct the record.

24 LEGISLATOR NICOLELLO: Just - in terms
25 of Garden City Park, you actually had it

2 completely backwards.

3 When the lines were originally drawn back
4 in 1993/94, Garden City Park was in one district,
5 my district, the 9th. In 2003, when the
6 democrats redrew the lines, they split Garden
7 City Park in half and they attached Garden City
8 Park to a district that runs all the way to Port
9 Washington. So this district, the map that
10 you're looking at right now, puts Garden City
11 Park back together in a single district. So you
12 are completely, 100 percent wrong.

13 The second point I want to make is New
14 Hyde Park, again, is split into several different
15 districts, but it has been from the beginning. I
16 would prefer to see the entire community in one
17 district. But the truth of the matter is it's
18 virtually impossible to draw lines in which every
19 community, every Census designated place is kept
20 intact.

21 This map, as Mr. Moroney testified
22 before, has 99 Census designated places kept
23 intact, better than the democrat map that was
24 proposed for the commission and better than the
25 lines in which are running right now.

2 MR. STONEHILL: My response to that is
3 simply that if I had a detailed map of the
4 districts, then maybe you could get a detailed
5 answer.

6 Thank you.

7 CHAIRWOMAN GONSALVES: Thank you, Mr.
8 Stonehill.

9 The next speaker is Gina Burnett.

10 MS. BURNETT: Good afternoon,
11 legislators. My name is Gina Burnett. I'm from
12 the Elmont community. I am very distraught at
13 the divide that is on this map. And as was
14 mentioned about the lines and this map not being
15 very detailed, it appears to me on this map that
16 Elmont, in and of itself, is also divided,
17 because where you have the line here, it looks
18 like it's cutting near the cemetery. It looks as
19 if part of Elmont is divided, which is the side
20 of where mostly the Italian residents live or
21 non-minority are residing. So I think the line
22 is divided also based on racial lines, as well as
23 political lines. That's the same issue that we
24 had even when we had to bring in our wonderful
25 Legislator Carrie A. Solages. Just the issues

2 that we had even just getting him in and the
3 republicans and how they resorted just the
4 underhanded and undermining that they did, even
5 at the polls, in trying to not get him elected.
6 It's very unfortunate.

7 Someone mentioned that you were very
8 pleasant. It seems that you seem to answer
9 questions that are appropriate to you and not
10 appropriate to the audience. I don't think you
11 are being very fair, personally.

12 I know that unfortunately republican,
13 they don't like when the minority is in the
14 majority. As you said, often times you guys
15 state -- you're supposed to be public servants,
16 but unfortunately you're not adhering to the
17 public. You are here to serve, but yet you are
18 trying to get us to be the servants. I think
19 that you need to take your positions, as was
20 stated before, being a public servant and hearing
21 the voices of the people. It doesn't seem that
22 that's really taking place here today, according
23 to the drawing of these lines here.

24 I want you to really -- I implore you to
25 hear the people and to make changes to this map.

2 As has been stated over and over again, the
3 people don't want this. What is it going to take
4 for you to understand this? Take us seriously;
5 otherwise you're going to be in court, okay.
6 We're in the situations -- we have the same
7 problem unfortunately today in our great United
8 States. We need to come together. You work
9 together as a unit. We have the same problem in
10 Congress. We don't need to have it down here on
11 the same local level. Okay. Be an example, as
12 was stated before. Let's work together. Serve
13 the people. Be for the people. We are the
14 people.

15 Thank you.

16 CHAIRWOMAN GONSALVES: Thank you, Gina.

17 The next speaker is Lisa Tyson.

18 MS. TYSON: Good afternoon.

19 CHAIRWOMAN GONSALVES: Good afternoon,
20 Lisa.

21 MS. TYSON: My name is Lisa Tyson,
22 director of the Long Island Progressive
23 Coalition. We are a 34 year old organization
24 dedicated towards social, economic, and racial
25 justice. Been here before, done it. These

2 redistricting hearings are getting more
3 depressing each time. I think the next one is
4 even going to be worse than today.

5 Two years ago, we had a very similar map.
6 There was so much opposition; luckily the court
7 stopped the map from going forward. But what we
8 saw with that map is it was basically the same
9 map that was submitted in New York State by the
10 Senate Republicans. And the idea of actually
11 making democrats have to compete with each other
12 and splitting up minority districts, that is the
13 exact plan that we have here today. Now, the
14 other piece of it that is really, really, really
15 hurtful and destructive is that you are using the
16 minority communities as the reasons for these
17 huge shifts in this map, and that is incorrect.

18 When you split the Village of Hempstead
19 and you split Elmont, you are splitting
20 communities, much worse than me, and Merrick, and
21 Bellmore. It is a much different situation
22 because we don't have to fight for good schools.
23 We don't have to fight for affordable housing
24 that is decent and we can live in. People in my
25 community are doing okay; there are other

2 communities that are not and they do not need to
3 be split as communities.

4 This is one of the worst atrocities in
5 such an area where we have such huge racism. We
6 are the third most segregated community in this
7 country and this map is going to further that
8 even more.

9 I said it two years ago and I'm going to
10 say it again, this is a Carl Rove strategy; it's
11 brilliant if that's what you want, but this is
12 not what the people in Nassau County want. This
13 is not about doing something so we can create
14 power for our own party and screw everyone else
15 up in the County, because that's what this map
16 does.

17 The reality of it is republicans are
18 being outnumbered in this state, in this county
19 by democrats. It's just what's happening, the
20 changing demographics of Nassau County, the
21 changing demographics of New York State. So what
22 are you doing to try to fight that? Create maps
23 that are gerrymandered, that split up communities
24 and make it so democrats cannot win seats. This
25 is wrong.

2 I know when you all -- and I wish there
3 was more people on this side of the room right
4 now, of the horseshoe. But I know when you all
5 got into office you didn't go in for bad reasons.
6 I don't think anyone really goes into office
7 because they want to do something bad to hurt
8 people. I know when you got into office it was
9 to help your community, whether you're a civic
10 leader -- right, Norma? I know you're back and
11 you're a civic leader. If you're not here, you'd
12 be fighting with us right now. You got in it for
13 the right reasons.

14 It's not too late to stop this process.
15 There is a way to fix it. There's a way to make
16 it less bad. Let's be honest, okay. You could
17 stop putting the dems against each other. There
18 is a way. If you want to make it a little
19 better, there's a way; keep Elmont together, keep
20 Hempstead together. There is a way to fix it
21 before you have to pass this thing. Time is not
22 over. You still have time.

23 What we do know also, the story of Nassau
24 County is for many years republicans were in
25 control, then democrats were in control. The

2 minute you're the ones in control, you want to
3 control the other ones, right?

4 CLERK MULLER: Your three minutes have
5 expired, ma'am.

6 MS. TYSON: This side might not be in
7 control forever and you will have to deal with
8 that side in control, and you want them to treat
9 you better than what's being treated in this map.

10 I beg of you, the people in this County
11 beg of you to fix the map now and do not pass
12 this map.

13 Thank you.

14 CHAIRWOMAN GONSALVES: The next speaker
15 is Fred Brewington.

16 MR. BREWINGTON: Good afternoon,
17 legislators

18 CHAIRWOMAN GONSALVES: Good afternoon.

19 MR. BREWINGTON: I've been told that
20 there were several people that were yielding
21 their time to me. If you want me to identify
22 them, or. Ms. Martin. Regina Wyatt.

23 CHAIRWOMAN GONSALVES: Wyatt was one.

24 MR. BREWINGTON: Yes, Andrea Wyatt.
25 Scottie Coades.

2 CHAIRWOMAN GONSALVES: Wait a minute.

3 MR. BREWINGTON: Scottie, you want to
4 speak.

5 CHAIRWOMAN GONSALVES: Scottie Coades,
6 correct?

7 MR. BREWINGTON: No, no. Scottie's
8 going to hold onto her time.

9 CHAIRWOMAN GONSALVES: She's holding
10 onto her time.

11 Who else did you have?

12 MR. BREWINGTON: Angela Martin.

13 CHAIRWOMAN GONSALVES: I only have, I
14 believe, one that has yielded her time. And who
15 was the other ones, Mr. Brewington?

16 MR. BREWINGTON: James Broach just
17 spoke, I think.

18 CHAIRWOMAN GONSALVES: Yes, it does
19 matter because there are people who have to
20 speak.

21 James Broach; I got it.

22 That's it?

23 MR. BREWINGTON: I think that should be
24 enough.

25 CHAIRWOMAN GONSALVES: That was four

2 people, I believe.

3 Go ahead, Mr. Brewington.

4 CLERK MULLER: So that's 12 minutes.

5 CHAIRWOMAN GONSALVES: Yes.

6 MR. BREWINGTON: Ms. Gonsalves, first of
7 all, as a courtesy, I have -- I have three to
8 start with, right?

9 CHAIRWOMAN GONSALVES: That's right.

10 MR. BREWINGTON: So that counts as how
11 much?

12 LEGISLATOR JACOBS: I think we've spent
13 more minutes fighting about the minutes.

14 CHAIRWOMAN GONSALVES: Just go.

15 MR. BREWINGTON: Judy, I'm not going to
16 fight about this.

17 CHAIRWOMAN GONSALVES: Just go, Mr.
18 Brewington.

19 LEGISLATOR JACOBS: Fred, I don't mean
20 you.

21 CHAIRWOMAN GONSALVES: You're using up
22 the time now. Let's go, Mr. Brewington.

23 MS. BREWINGTON: I haven't had a chance
24 to be courteous to you yet.

25 CHAIRWOMAN GONSALVES: Okay. I

1 appreciate that.

2
3 MR. BREWINGTON: My intent to be
4 courteous to you is that I took your map and blew
5 it up to a much larger size so you can look at it
6 a little bit more carefully and follow along. I
7 don't know, do you have this size in front of you
8 Mrs. Jacobs? Do you have their map that they
9 gave you?

10 CHAIRWOMAN GONSALVES: No, I don't.

11 MR. BREWINGTON: I made copies for you.
12 So let me hand this up.

13 What I did was I just made it larger on
14 11 1/2 by 17 so that we weren't squinting as we
15 looked at any maps or weren't looking a long
16 distance.

17 My first point that I ask the people that
18 are here to consider is that a crime has been
19 committed, and I'm not talking about what you
20 have done. But I am asking for hearings by the
21 legislature as well as this committee on an
22 understanding or an explanation as to why the
23 commissioners for the commission that was set up
24 to set lines for us refused to meet with their
25 components within that commission. Because if,

1 indeed, they failed to meet, and if, indeed, they
2 failed to speak with each other to try to come
3 up, to coalesce with one map, then \$500,000 was
4 stolen from the people of Nassau County. So I am
5 asking -- as a matter of fact, I am, as a
6 citizen, resident of Freeport, calling on this
7 august body to hold hearings as to who made the
8 decision from the republican side not to meet
9 with the democrats to try and coalesce in coming
10 up with a map for which they were given a budget
11 of \$500,000. If you don't decide to do that, we
12 will ask the district attorney's office to
13 investigate it.

14
15 With regard to the current map that is
16 before you -- I hope everyone got -- did you have
17 enough for everybody? And I don't know -- Ms.
18 Gonsalves, did you provide everybody out here or
19 folks a copy of your map, other than the one
20 that's up there?

21 CHAIRWOMAN GONSALVES: I believe.

22 MR. BREWINGTON: I would only ask that
23 that level of courtesy in the future be provided
24 so that members -- just so you know -- and thank
25 you so much, I'll wait.

2 CHAIRWOMAN GONSALVES: Mr. Brewington,
3 there are screens up there as well as the map on
4 the floor. And I believe it's also -- I believe
5 it's also outside for those who decided to stay
6 outside. The maps have been done electronically
7 --

8 MR. BREWINGTON: So the answer to my
9 question --

10 CHAIRWOMAN GONSALVES: The answer is no.

11 MR. BREWINGTON: Okay. Thank you for
12 answering that.

13 The first point I would like to make with
14 regard to the current map that is proposed, and
15 it is quite different from the map that was
16 proposed -- it is quite different -- I'm sorry.

17 CHAIRWOMAN GONSALVES: I'm looking for
18 the Clerk of the Legislature, who will -- I
19 believed that --

20 MR. BREWINGTON: Mr. Mueller is here.

21 CHAIRWOMAN GONSALVES: I believed that
22 the body here did receive -- Mr. Mueller, were
23 copies of the map made available to the people
24 sitting here?

25 CLERK MULLER: My staff has color

2 copies, yeah. I think they were on the table
3 outside, sir. I'll investigate it then. I had
4 about 150 made up.

5 MR. BREWINGTON: Moving forward. That
6 issue has gone past now.

7 With regard to the current map that is
8 proposed -- as I said, it is quite different from
9 the iteration that appeared coming from the
10 republican representation of the commission.
11 This current map has some very major concerns.
12 And I'd like to ask very pointed questions so
13 that the community can be educated.

14 One of the things that a public hearing
15 is supposed to do is not allow people just to
16 vent. It is supposed to, one, educate you as
17 member of the legislature so that you can report
18 out to the full legislature, agreed? And,
19 secondly, so that we, as member of the community,
20 have some input from you as to what your thinking
21 was, what your rationale was -- I'll wait, sir.

22 CHAIRWOMAN GONSALVES: Absolutely not
23 true.

24 MR. BREWINGTON: Excuse me?

25 CHAIRWOMAN GONSALVES: Absolutely not

2 true.

3 MR. BREWINGTON: I'm sorry? I didn't
4 finish my point. Are you just parodying what
5 that man just told you?

6 CHAIRWOMAN GONSALVES: Finish your
7 comment and then I'll answer you.

8 MR. BREWINGTON: My concern here is that
9 legislators, such as yourself -- you don't have
10 to necessarily explain yourself, but, indeed, if
11 you want to be responsive to the constituency,
12 you would be responsive by answering questions so
13 that we understand what your rationale is for
14 doing certain things. If you refuse to provide
15 us with that information, then you are basically
16 saying that these people that elect you are not
17 worth the while of understanding your thinking.
18 And if your thinking is not worth giving to them,
19 then perhaps their vote is not worth them giving
20 to you.

21 CHAIRWOMAN GONSALVES: Mr. Brewington,
22 that's your opinion.

23 MR. BREWINGTON: I can't hear you.

24 CHAIRWOMAN GONSALVES: I said that it is
25 your opinion. And that's not the intent.

2 MR. BREWINGTON: I understand that. And
3 as a citizen, as a member of the community, and
4 as a person that understands voting rights
5 probably best in this room, except for some of
6 the other folks from NAACP, and from La Fuente,
7 and from Latino Justice, and from the League of
8 Women Voters, who have gotten together to make
9 sure they understand it.

10 Part of the responsibility of you, as a
11 legislator, is not just to listen to someone who
12 tells you certain things, but that you understand
13 it and then question it critically.

14 One of the things I've got to ask you is
15 did anybody mention to you about *Reno v. Shaw* and
16 what a district is supposed to be with regard to
17 it being contiguous and handling what is commonly
18 understood as basic redistricting principles?
19 And I think Mr. Nicolello wants to speak to that.

20 LEGISLATOR NICOLELLO: Yes, I did want
21 to respond to that, Mr. Brewington.

22 We, as legislators, are not required to
23 know specific case law. What we did instruct the
24 map makers to do is to draw a map that was in
25 compliance with the Voting Rights Act, the United

2 States Constitution, and using traditional
3 redistricting principles to come up with a map
4 that satisfied those requirements. We had our
5 suggestions, we had our policy input, but in no
6 way, shape, or form are we able to draw line by
7 line or are we able to achieve certain ideal
8 goals, like having every census designated place
9 in the same district.

10 We did give input. Our policy is
11 involved in this map, but we did not get into
12 drawing which street is in which district.

13 MR. BREWINGTON: Sir, you perhaps
14 misunderstand my question, and I'll rephrase it
15 again.

16 LEGISLATOR NICOLELLO: I don't know what
17 *Reno v. Shaw* says.

18 MR. BREWINGTON: That's my point. No
19 one spoke to you about that, so you're only
20 hearing from one aspect of what your
21 responsibility is.

22 *Reno v. Shaw*, a Supreme Court case -- I'm
23 sure the gentleman in the back who keeps
24 whispering to you might understand that --
25 indicates that when, indeed, you have a concise,

2 contiguous African American community or
3 communities, that when you start to do -- and you
4 said gerrymandering has nothing to do with this,
5 it absolutely does. When you start to draw lines
6 like you did with regard to District 14 and
7 District 16, and even how you pieced together
8 District 2, that you violate *Reno v. Shaw* in a
9 number of ways.

10 District 14 is particularly is
11 problematic is because even though you left a
12 large part of Hempstead intact, what you did was
13 you splintered off members of Hempstead and put
14 them into three or four other different districts
15 so that their vote, even though it remains a
16 majority-minority district, is splintered off.
17 The people that you splintered off in 14 from
18 Hempstead, even if you gave them breadcrumbs,
19 wouldn't know how to get to Bethpage. And the
20 issue that you've done is the communities of
21 interest have been divided.

22 One of the things -- and I was not here.
23 I'm sorry. I was in court this morning on a
24 different case. One of the things I heard was
25 that there was a presentation done about the

2 numbers, Ms. Gonsalves. I did take a class in
3 college, which I didn't do very well in, was
4 called how to lie with statistics. The
5 responsibility here is why you can say we've done
6 this with the numbers or we've done certain
7 things with the numbers, you also have a
8 responsibility to live up to senate factors and
9 jingles factors, and I'm sure that was discussed
10 with you, Mr. Nicolello. No, sir?

11 LEGISLATOR NICOLELLO: No, we didn't not
12 discuss -- as I told you, we gave some general
13 parameters. We did not get into --

14 MR. BREWINGTON: But that's the problem.

15 LEGISLATOR NICOLELLO: case law. We did
16 not get into specifics. But we told them it has
17 to comply with the Constitution, the Voting
18 Rights Act, and traditional redistricting
19 principles.

20 MR. BREWINGTON: Mr. Nicolello, I thank
21 you so much for that. But I can't stand here as
22 a citizen of Nassau County and agree that my
23 legislators, every one of you are, and I reach
24 you and uplift you when you need to uplifted and
25 question you when you need to be questioned. You

2 are not allowed to abdicate your legislative
3 responsibility to someone else. And in this
4 situation -- in this situation -- I heard what
5 you said. Maybe you didn't mean it the way that
6 you said it, but I'm telling you how I took it.

7 LEGISLATOR NICOLELLO: You took it the
8 wrong way. As I said at the beginning, our
9 policy suggestions -- and these are policy
10 decisions -- went into this map. So if you took
11 it any other way, you took it wrong. So, I
12 apologize for being unclear.

13 MR. BREWINGTON: Disagreements happen.
14 Perhaps we can try to straighten some of them out
15 today.

16 CHAIRWOMAN GONSALVES: I have to say
17 something to you.

18 MR. BREWINGTON: Yes, ma'am.

19 CHAIRWOMAN GONSALVES: If you're trying
20 to embarrass us or downgrade us in any way, I
21 think you're -- listen and listen carefully. You
22 want answers, you want us to speak to you -- I
23 will call a recess.

24 MR. BREWINGTON: Recess is part of your
25 right, ma'am.

2 CHAIRWOMAN GONSALVES: That's right,
3 sir.

4 MR. BREWINGTON: So when you decide to
5 call it, you call it.

6 CHAIRWOMAN GONSALVES: You talked about
7 the case of the -- the Supreme Court case of
8 *Jingles v. Thornberg*. Are you correct?

9 MR. BREWINGTON: *Thornberg v. Jingles*.
10 There are six cases, ma'am. Make sure you read
11 from the right one.

12 CHAIRWOMAN GONSALVES: Whichever the
13 case may be --

14 MR. BREWINGTON: No. It can't be --

15 CHAIRWOMAN GONSALVES: but they --

16 MR. BREWINGTON: You can't do it that
17 way.

18 CHAIRWOMAN GONSALVES: Well, this is the
19 way --

20 MR. BREWINGTON: Tell me which one
21 you're reading from: Jingle 1, Jingles 2, or
22 Jingles 3?

23 LEGISLATOR NICOLELLO: Mr. Brewington,
24 she's not an attorney.

25 CHAIRWOMAN GONSALVES: I'm not an

2 attorney.

3 MR. BREWINGTON: My intent is to educate
4 you, ma'am. If you refuse to --

5 CHAIRWOMAN GONSALVES: Sir, we can --

6 MR. BREWINGTON: remain ignorant -- if
7 you refuse to remain ignorant and not be
8 educated, that is your choice.

9 CHAIRWOMAN GONSALVES: I beg your
10 pardon. I beg your pardon. None of us choose to
11 remain ignorant.

12 MR. BREWINGTON: Good. Let me educate
13 you then.

14 CHAIRWOMAN GONSALVES: We try to find as
15 much information as we can.

16 MR. BREWINGTON: All right.

17 CHAIRWOMAN GONSALVES: You can continue
18 to speak and we will not interrupt you again. So
19 don't ask us a question.

20 MR. BREWINGTON: No, no, no, no.

21 CHAIRWOMAN GONSALVES: Mr. Brewington,
22 go ahead. You don't want to listen. It has to
23 be your way or the highway.

24 MR. BREWINGTON: No, ma'am.

25 CHAIRWOMAN GONSALVES: I'm sorry. Yes,

2 sir. I know you a long time.

3 MR. BREWINGTON: You don't know me that
4 well.

5 Let me just tell you. I asked a very
6 specific question, and I thank Mr. Nicolello for
7 saying no, those things weren't considered by
8 him. I take it that with regard to -- may I
9 finish?

10 CHAIRWOMAN GONSALVES: Go ahead.

11 MR. BREWINGTON: With regard to the
12 instructions that you gave, that part of the
13 instructions did not include a discussion back
14 and forth to say that perhaps your instructions
15 in themselves may have some problems. So if that
16 discussion did not take place, how can you expect
17 us, when we come to you and ask you questions, to
18 expect that you're going to give us anything
19 worthwhile?

20 CHAIRWOMAN GONSALVES: Mr. Brewington,
21 now, I will tell you, the testimony that we
22 received from the redistricting commission did
23 include the case -- which case it was, I cannot
24 tell you -- the case of *Jingles v. Thornborg*. It
25 came up with three particular standards as to how

2 we would be guided. That testimony is in the
3 testimony of the Temporary Redistricting Advisory
4 Commission.

5 MR. BREWINGTON: And you read that,
6 right?

7 CHAIRWOMAN GONSALVES: Yes.

8 MR. BREWINGTON: Tell me what it means.

9 CHAIRWOMAN GONSALVES: Excuse me. I'm
10 not your student.

11 MR. BREWINGTON: That's absolutely
12 right, you're not.

13 CHAIRWOMAN GONSALVES: I'm not your
14 student, sir.

15 MR. BREWINGTON: And the fact that you
16 refuse to refuse --

17 CHAIRWOMAN GONSALVES: I am not
18 refusing. I am telling you --

19 MR. BREWINGTON: to tell me that you
20 understand it --

21 CHAIRWOMAN GONSALVES: point blank.

22 MR. BREWINGTON: Ma'am, do you
23 understand it or not?

24 CHAIRWOMAN GONSALVES: I am telling you
25 point blank that this was considered in the

2 Temporary Redistricting Commission. That's what
3 they were charged with, that's what --

4 MR. BREWINGTON: The Temporary
5 Redistricting Commission is not this committee.
6 That time has come and gone. I've asked you to
7 investigate them. Now I'm dealing with you. And
8 in this situation, with regard to *Thornburg v.*
9 *Jingles*, and the Jingles Factors, and the Senate
10 Factors, all 23 of them, plus the extra five that
11 we created in *Goosby*, as well as your
12 responsibility, if you say that you adhered to
13 that, please explain to me why District 3 was
14 created, all the legislators, how District 3 was
15 created to be consistent with *Shaw v. Reno* and
16 those other cases when you create a western
17 border patrol that goes down to Inwood and
18 dilutes the vote of Elmont.

19 CHAIRWOMAN GONSALVES: Mr. Brewington,
20 earlier I said that it was not -- it was not our
21 intent to get involved on why lines were drawn.
22 Why a line is drawn in a particular place, other
23 than to say our obligation is to ensure the
24 constitutional voting rights of the people of
25 Nassau County. Where a specific line is drawn is

2 a policy matter. Okay? A policy choice, as it
3 was in 2003.

4 MR. BREWINGTON: Can you tell me what
5 the policy is, please?

6 CHAIRWOMAN GONSALVES: As it was in
7 2003.

8 MR. BREWINGTON: Ma'am, I'm not in 2003.

9 CHAIRWOMAN GONSALVES: Some people may
10 agree with our choice, and some may not.

11 MR. BREWINGTON: I'm in 2013.

12 CHAIRWOMAN GONSALVES: Sorry. And
13 that's all I'm going to answer.

14 MR. BREWINGTON: Ms. Gonsalves, I thank
15 you so much for shutting your microphone off and
16 not finishing your point; I will try and finish
17 mine.

18 I am here in the year 2013. What
19 happened in 2003 at this particular point maybe
20 relevant with regard to discussions that happened
21 outside of here, but with regard to what you have
22 decided, what you put out into the public, what
23 you put out into the newspaper, what you put up
24 on these screens, I think that we have a right to
25 understand how you say that doing what you did in

2 District 3 conforms to the Voting Rights Act, the
3 14th Amendment, *Shaw v. Reno*, and the Jingles
4 Factors.

5 LEGISLATOR NICOLELLO: You have the
6 answer. We just ask you to move on. Obviously,
7 trying to have a non-attorney --

8 MR. BREWINGTON: I'm talking to you as a
9 resident of Freeport.

10 LEGISLATOR NICOLELLO: Trying to have a
11 non-attorney answer that question is impossible.
12 You are trying to create a record for the court,
13 which is fine. You can make those arguments for
14 the court. But it really is a little bit
15 underhanded to try to trick her into giving you
16 an answer on a Supreme Court case, on the fine
17 points of a supreme court case.

18 We told you the directions that we gave
19 to the people that drew the maps --

20 MR. BREWINGTON: Mr. Nicolello, sir --

21 LEGISLATOR NICOLELLO: We --

22 MR. BREWINGTON: I extended an olive
23 branch to you. I brought you copies. I tried to
24 be courteous with you. But if you want to get
25 into name calling --

2 LEGISLATOR NICOLELLO: I didn't call you
3 any names.

4 MR. BREWINGTON: Perhaps you should try
5 and avoid -- I'm not underhanded; never have
6 been, never will be.

7 LEGISLATOR NICOLELLO: I would suggest
8 that your question was.

9 MR. BREWINGTON: No. Let me finish.

10 LEGISLATOR NICOLELLO: Sure.

11 MR. BREWINGTON: And please, if you want
12 to be respectful, let me finish. I will be
13 respectful to you, but I require and demand the
14 same thing.

15 LEGISLATOR NICOLELLO: That's fair
16 enough.

17 MR. BREWINGTON: It is not underhanded
18 for me, who went to school based on the back of
19 some of these people in this room, to come to you
20 with the education that I got. You sent me to go
21 to law school so I could come back and make sure
22 that you don't step on people's rights. When you
23 step on people's rights your responsibility as
24 legislators and as a protector of the
25 Constitution of the United States becomes

2 suspect. And the suspect aspects of what you
3 have done thus far go to that.

4 Your whole attempt of having a meeting in
5 the middle of the day and not doing it so that
6 people who want to fill this chamber can come
7 here in the evening -- let me finish --

8 LEGISLATOR NICOLELLO: Sure.

9 MR. BREWINGTON: is problematic. And
10 you know it's problematic. Having a single
11 hearing -- and you're going to say it's all we're
12 bound for, all we're bound to do by whatever your
13 rules are - that's not the answer. The answer is
14 to get a robust, as a sister said before,
15 understanding from the community of what their
16 interests are and then to go, wherever you gotta
17 go, get down with the information that you have,
18 and come up with a good result. Not to go to
19 your individual, political or whatever needs you
20 have, and drawn lines that look like this, that
21 look like a racing strip from District 14 that
22 goes from east to west.

23 The concern that I have as I stand before
24 you here today is not as an attorney. I would
25 much prefer not to be before the federal

2 courthouse suing each and every one of you. You
3 know that I will do that, though.

4 CLERK MULLER: Mr. Brewington, your time
5 has expired. You're past 20 minutes.

6 MR. BREWINGTON: Thank you very much.

7 But the responsibility is a two-way door.
8 And that responsibility that I'm raising to you,
9 Ms. Gonsalves, you may not be happy, but that's
10 okay because the responsibility that you have is
11 not necessarily to be happy but to do what's
12 right. Not to take marching orders from somebody
13 else or whoever else you decide to do that, and
14 just pass a map and shove it down people's
15 throats.

16 You've heard from everyone in this body
17 who said there is a problem here, listen to me,
18 and all they get is yeah, let's move on. That is
19 not acceptable.

20 I will take my seat shortly. I just want
21 to raise two issues; you probably won't answer
22 them.

23 Could someone please explain to the body
24 here, because it's not my job to do that, what
25 happens if the lines that stay in place take

2 place, and they are put in place, elections take
3 place, and you end up with a super majority?
4 What is the importance of that with regard to
5 bonding?

6 LEGISLATOR NICOLELLO: You know the
7 answer. Obviously 13 votes is what it needs to
8 bond. So you know the answer to that question,
9 right?

10 MR. BREWINGTON: And with regard to
11 that, based on the lines that you've drawn, what
12 is -- I know this discussion took place. What do
13 you believe the outcome would probably be with
14 regard to utilizing these lines in the next
15 election?

16 LEGISLATOR NICOLELLO: I don't know
17 what's going to happen. Ultimately, the voters
18 will decide --

19 MR. BREWINGTON: That's not my question.

20 LEGISLATOR NICOLELLO: Look. You draw
21 lines --

22 MR. BREWINGTON: Not my question.

23 LEGISLATOR NICOLELLO: You draw lines
24 and the voters decide, not the legislators.

25 MR. BREWINGTON: Not my question. My

2 question was looking at the numbers, as anybody
3 that knows what to do, which I'm sure that you
4 did because you spoke to your experts. Did they
5 anticipate that there was a possibility of a
6 supermajority using the lines that you have - yes
7 or no?

8 LEGISLATOR NICOLELLO: I have no idea.
9 Did anyone anticipate that Denise Ford would win
10 in the Long Beach District? I doubt it, ten
11 years ago.

12 MR. BREWINGTON: Long Beach is here and
13 they can tell you yes.

14 LEGISLATOR NICOLELLO: Let me say this
15 in response to something you said before. You
16 criticize us because we had a rules committee at
17 10:00 a.m. on a Monday morning. Do you remember
18 in 2003 when the democrats had their rules
19 committee?

20 MR. BREWINGTON: Sir?

21 LEGISLATOR NICOLELLO: You were there,
22 sir. You asked me questions, and I've answered.
23 You're not going to answer?

24 MR. BREWINGTON: Sir, the good thing is
25 that I'm not elected; you are.

2 LEGISLATOR NICOLELLO: That's --

3 MR. BREWINGTON: And with regards to what
4 the democrats did, sir -- I'm not saying the
5 democrats did anything right or wrong. I don't
6 speak for the democrats.

7 LEGISLATOR NICOLELLO: But you were
8 here.

9 MR. BREWINGTON: I don't speak for the
10 republicans.

11 LEGISLATOR NICOLELLO: You didn't
12 criticize it.

13 MR. BREWINGTON: It doesn't make a
14 difference.

15 LEGISLATOR NICOLELLO: You supported
16 them.

17 MR. BREWINGTON: Sir, what you want to
18 do is obfuscate.

19 LEGISLATOR NICOLELLO: No, what I want
20 to do is respond.

21 MR. BREWINGTON: What you want to do is
22 cloud the issue. 2013 is where we are, sir.

23 LEGISLATOR NICOLELLO: You were here for
24 the meeting.

25 MR. BREWINGTON: Sir, if you would let

2 me finish.

3 LEGISLATOR NICOLELLO: You're
4 interrupting me.

5 MR. BREWINGTON: No, I didn't. Sir, you
6 asked me a question. If I was here in 2003, so
7 what?

8 LEGISLATOR NICOLELLO: You didn't
9 criticize them, that's what so what. You
10 criticize us for having it in the middle of the
11 day. They had it Saturday night at 8:30; you
12 didn't say a word.

13 MR. BREWINGTON: It was an evening
14 meeting, sir.

15 LEGISLATOR ABRAHAMS: One second, Mr.
16 Brewington.

17 CHAIRWOMAN GONSALVES: Mr. Brewington -

18 LEGISLATOR ABRAHAMS: The record needs
19 to be clarified.

20 On that issue, we were ordered by Judge
21 Spatt to have it on Saturday evening at 8:45, and
22 you remember that.

23 CHAIRWOMAN GONSALVES: Hold on. One
24 minute.

25 LEGISLATOR ABRAHAMS: I can provide the

2 record. Let's be clear on what we're saying.

3 CHAIRWOMAN GONSALVES: We're not going
4 to -- as he said, we're not going to go back to
5 the past. We're working on this one.

6 Mr. Brewington -

7 MR. BREWINGTON: Yes, ma'am.

8 CHAIRWOMAN GONSALVES: Your time is up.

9 MR. BREWINGTON: Very well. And I thank
10 you.

11 I have one further question since that
12 one wasn't answered.

13 Can you just tell us -- numbers were
14 given earlier. I just want to know what, under
15 the current map what is the percentage of Nassau
16 County voters that are being moved?

17 CHAIRWOMAN GONSALVES: This was not a
18 calculation that was made during the drawing of
19 this map.

20 LEGISLATOR JACOBS: 359,173.

21 MR. BREWINGTON: I'm sorry, Ms. Jacobs?

22 LEGISLATOR JACOBS: 359,173.

23 MR. BREWINGTON: 359,000? So 30 percent
24 of the voters.

25 Ms. Gonsalves, I thank you so much. I

2 hope that I won't see you again in another venue,
3 but probably we will.

4 CHAIRWOMAN GONSALVES: It is now 1:20.
5 And I'm going to take a half hour recess.

6 (Whereupon, a recess of the Rules
7 Committee was taken at 1:20 p.m.)

8 (Whereupon, the Rules Committee was
9 reconvened at 2:10 p.m.)

10 CHAIRWOMAN GONSALVES: I know that Mayor
11 Hall is in the room. Mayor Hall. Mayor Hall.

12 MAYOR HALL: Good afternoon.

13 CHAIRWOMAN GONSALVES: Good afternoon,
14 Mayor.

15 MAYOR HALL: I want to thank you for
16 giving me the opportunity to speak. As a member
17 of the temporary redistricting committee, I'm
18 here to protest this map.

19 Listening to the people as we went from
20 village into cities, to cities to village, most
21 of -- the majority of the people have said that
22 they do not like this map. The last hearing that
23 we had here, at the Leg Building, only one person
24 was in favor of this map, and that was the person
25 from Levittown. And we heard that he was a

2 republican committeeman.

3 I also hear that the county is broke. I
4 realize that by you passing this map that there's
5 going to be nothing but lawsuits. So why put the
6 county in the situation where they're going to
7 lose millions of dollars in a lawsuit.

8 I'm here to say you're taking 7,000 of my
9 residents from the Village of Hempstead, from
10 North Main Street to North Washington Street and
11 putting them in a district of Garden City, to
12 Hicksville, to Bethpage. I don't even know
13 what's the common thread of my people from the
14 Village of Hempstead, which is predominantly
15 African American and Hispanic, will have in
16 common with the people from Garden City,
17 Hicksville, and Bethpage. I don't understand.

18 You're going to have a new district, LD
19 14. I'm not even sure who is going to be the
20 legislator. But I know the legislator who is
21 going to be there has no idea how the hell my
22 residents -- that's going to need affordable
23 housing and other issues that we find in minority
24 communities.

25 While we are the most populated village

1 in the state, we are used to being represented by
2 more than only one -- we're going to have three
3 officials. You're going to divide my village up
4 in LD 1, LD 2, and LD 14. Kevan and Roger -- I'm
5 sorry, Roger Troiano -- Robert Troiano is our
6 legislators. They understand our district. It
7 makes no sense that you combine our districts
8 that include those other communities as I spoke
9 about. These communities don't have anything in
10 common with us. We are sick of being divided. I
11 think you should listen to what the people are
12 saying.

14 I understand that you're the majority.
15 You're telling my good buddy, Fred Brewington,
16 that he's undermining people. But I think that
17 you guys are undermining us because you're just
18 going through the act, and you're going to do
19 what you want to do anyway. And we can't have
20 that. You've got to listen to what the people
21 say. And the people say that they do not like
22 this map.

23 You had two other maps that were
24 proposed. I think that when we tried to get the
25 republican side to listen to us, they refused.

2 So, Fred said that the DA should investigate why
3 they didn't want to speak to us. I will be a
4 witness and attest to that.

5 You're trying to suppress our voice.
6 Start looking at the laws, like the Voting Rights
7 Act, to protect us.

8 7,000 of my people are being taken out of
9 the Village of Hempstead. I want you to
10 reconsider that. That's not going to help them.
11 We need them to be in a minority community. And
12 I think maybe what you should do, if you're going
13 to take 7,000 of my people, maybe you should make
14 another minority district instead of making this
15 14 that's going to include the Village of
16 Hempstead.

17 Can you please listen to what the people
18 are telling you today? I came in here late. But
19 I can guarantee that everybody that spoke had
20 said they do not want this map to go forward. So
21 please listen to what we have to say.

22 That's all I have to say. Thank you.

23 CHAIRWOMAN GONSALVES: Thank you, Mayor
24 Hall.

25 The next speaker is Brian Paul.

2 MR. PAUL: My name is Brian Paul. I'm
3 the research and policy coordinator for Common
4 Cause New York. I am not a Nassau resident, but
5 I am an expert in redistricting. Common Cause
6 drew maps, model reform maps for the entire State
7 of New York for Assembly, State Senate, and
8 Congress. So I'd like to take the opportunity to
9 say some things about the plan proposed here
10 today.

11 First, we already talked about the second
12 version of the coalition plan being presented
13 here. The purpose of this map is to prove that
14 there is nothing stopping you from drawing a fair
15 map that respects all communities, all
16 communities in the County. Mr. Nicoletto, I'd
17 like you to take a look. This is a plan that
18 keeps all of New Hyde Park together; that's
19 something you've been calling for, it's right
20 here.

21 We began with the current districts and
22 we adjusted them on fair criteria - the Voting
23 Rights Act, following town, village, and school
24 district borders, compactness, and keeping all
25 communities together. Even -- your plan is even

2 treating some key conservative areas very poorly.
3 We've heard from people and the press saying keep
4 Seaford together. This is a plan that keeps all
5 of Seaford together. This treats all the areas
6 of Nassau equally.

7 Now, moving on. I'd just like to ask the
8 clerk a question. Has this been -- we submitted
9 this plan, and I'd just like to make sure that
10 it's been formally time stamped into the record.

11 CLERK MULLER: I don't know when you
12 submitted a plan to me. There was one that was
13 done at the Full Leg, at the last redistricting
14 hearing that was submitted and clocked. As of
15 today, there's been nothing stamped by me or my
16 staff. If you want to submit something, I'll
17 time stamp it for you.

18 MR. PAUL: We'll make sure to work that
19 out.

20 CLERK MULLER: Okay.

21 MR. PAUL: Moving on to the plan that
22 will be voted on today.

23 Presiding Officer, you said that there is
24 no official definition of a gerrymander. The
25 dictionary definition of a gerrymander is to

1 manipulate the boundaries of electoral districts
2 so as to favor one party or class. And this plan
3 is a textbook example of a partisan gerrymander.
4 This plan clearly, if you look at the underlying
5 voter data, was intentionally drawn to pack
6 registered democrats into seven of the 19
7 districts. Although democrats actually slightly
8 outnumber republicans in Nassau County, this plan
9 would create seven super democratic districts,
10 where democrats would outnumber registered
11 republicans two to one. In the other 12
12 districts republicans would outnumber democrats
13 42 percent to 32 percent. Instead of nine
14 competitive districts, as exists in the current
15 plan and the Coalition's plan, the proposed map
16 would only have four competitive districts; I
17 think that's a pretty good illustrate of a
18 gerrymander. It's really -- you know, those
19 numbers don't lie.

21 This is an outrageous plan designed to
22 plan designed to rig this election and steal
23 democracy in the county. The world of voters
24 will be rendered irrelevant. This is not what
25 the founders intended. Elections should be

2 decided on the issues, not through tricks like
3 gerrymandering.

4 Once again, the Coalition plan proves
5 that there is no practical obstacle to drawing a
6 competitive map that treats all the communities
7 in the county equally. This legislature is
8 responsible to the citizens, and we should not be
9 dealing with these political schemes. This is a
10 political conspiracy.

11 CLERK MULLER: Your three minutes have
12 expired, sir.

13 MR. PAUL: I'm just closing right now.

14 I would just like to say that this
15 attempt to rig the election, citizens will hold
16 you accountable for it. It's clear in the data.
17 You will be held accountable.

18 Thank you.

19 CHAIRWOMAN GONSALVES: Thank you, Mr.
20 Paul.

21 LEGISLATOR ABRAHAMS: Presiding Officer
22 Gonsalves, I just wanted to make sure that the --
23 the Coalition has held up some maps. I think it
24 should be noted as part of the record that they
25 have been holding up maps. I know their

2 testimony will be a part of the record. We just
3 want to make sure -- I don't know if any of the
4 speakers from the Coalition have said it before,
5 but it should be part of the record that they
6 have been holding up maps, and somehow that
7 should be recorded in our testimony today, that
8 they do have documentation. I don't know if
9 there is something that you can submit that's
10 smaller in nature. But it should be a part of
11 the record today.

12 MR. PAUL: I'm being told it's been
13 submitted. I did not submit it personally. We
14 will make sure --

15 CHAIRWOMAN GONSALVES: Mr. Rosenthal
16 did.

17 LEGISLATOR ABRAHAMS: Okay. Mr.
18 Rosenthal did. I just wanted to make sure.

19 MR. PAUL: Everyone should know that the
20 official -- the block, the map explanation, it is
21 all available on our website --
22 nassaunitedredistricting.org.

23 Thank you.

24 LEGISLATOR JACOBS: Mr. Paul. Mr. Paul,
25 I'm over here. Judy.

2 I just wanted to say something to the
3 Coalition. I say it to you.

4 My hat goes off to all of you. I have to
5 admit, I haven't really studied your map. But
6 that's not the point. The point is some day, in
7 some way, the only way that all of this -- what I
8 see here, and I hate it, is the distrust, the
9 concern, the antagonism, and pitting people
10 against each other. The only thing that's going
11 to help is to have a Coalition formed that
12 probably doesn't live, in this case, in Nassau
13 County, or doesn't live in Suffolk County, or
14 doesn't live where the redistricting is going on,
15 so that this could be done -- I don't know what
16 you'd call it -- without any type of - of leaving
17 any type of feeling in anyone's mind that it was
18 done for any reason except for the best in
19 government.

20 And I give you credit. I don't know what
21 the end will be. I think it's great that you
22 people got together and presented something that
23 you worked on, and I assume for the right
24 reasons.

25 MR. PAUL: Thank you. It's not only

2 important to talk about an independent body with
3 the pen in the hand, I think another way to
4 reform redistricting is to put our criteria into
5 your Charter for next time so this does not
6 happen again in ten years.

7 LEGISLATOR JACOBS: That's an idea.
8 Maybe that's something we could all talk about.

9 CHAIRWOMAN GONSALVES: Thank you, Mr.
10 Paul.

11 Next speaker is Cynthia Koral.

12 MS. KORAL: Good afternoon.

13 CHAIRWOMAN GONSALVES: Good afternoon.

14 MS. KORAL: My name is Cynthia Koral. I
15 am the Long Island Regional Coordinator for New
16 York Democratic Lawyers Council, and I am also
17 the New York State National Committeewoman to the
18 DNC's National Lawyers Council.

19 Our mission statement is that anyone who
20 is eligible to vote and wishes to vote should be
21 able to vote and have their voted counted
22 accurately. It is that last criteria that brings
23 the issue of redistricting into our purview.

24 Today, coincidentally, and I was reminded
25 of this by a colleague in this room, is the 201st

2 anniversary of the day that Elridge Gerry first
3 drew a map for the Massachusetts State Senate
4 that included a district so manipulated it looked
5 like a salamander. It is the mash up of Gerry's
6 name, with the salamander that gives us the term
7 gerrymandering.

8 Ms. Gonsalves, you said that the next
9 event in this process will be a vote on February
10 25, and I'm a little confused by that and perhaps
11 you can enlighten me.

12 Today's meeting is a meeting of the Rules
13 Committee, not the entire legislature. Am I
14 correct?

15 CHAIRWOMAN GONSALVES: We have a hearing
16 on the 25th of February. There will be another
17 hearing.

18 MS. KORAL: So the hearing that will
19 happen on the 25th is a common period?

20 CHAIRWOMAN GONSALVES: Pardon? Yes. It
21 will be a common period.

22 MS. KORAL: Is the common period
23 required by Section 152 of the Charter?

24 CHAIRWOMAN GONSALVES: Yes.

25 MS. KORAL: All right. Then I'm still

2 confused. Because Section 105(1) of the Charter
3 requires that the final form of the local law to
4 be voted on has to be published to the clerk
5 seven days before and published in the newspaper
6 four days before. If you have already put it in
7 its final form a week before the 25th, then the
8 public comment period of the 25th is meaningless
9 and would essentially be void. So I'm very
10 confused about the process and whether or not the
11 process you are engaging in will even conform to
12 the Charter. And it may be that your law will be
13 overturned for that reason alone, aside from all
14 of the reasons that have been expressed by other
15 people.

16 Thank you.

17 CHAIRWOMAN GONSALVES: Lisa Oldendorf.

18 MS. OLDENDORF: My name is Lisa
19 Oldendorf. I live in Massapequa. I represent
20 the Long Island Council of Moveon.Org. We are
21 extremely concerned about fair representation on
22 all levels, from local to the state to federal
23 levels.

24 The original GOP map moved over 600,000
25 voters out of their original districts. The

2 original map, the 2003 map that's currently in
3 use, is pretty close to what the temporary
4 democratic commission came up with. That map
5 moved only 20,000 voters. The United Coalition
6 map, I'm not sure how many voters were moved for
7 that, but it's similar to the democratic map,
8 except that they went more by school districts,
9 they closely followed school district lines.

10 I just learned tonight that your current
11 map, which was only made known to us Wednesday
12 night, you said now that moves 359,000 voters.
13 Is that correct? Okay. So I guess my question
14 is, if people were fairly happy about the current
15 map and Districts, 1, 2, 3, and 5 were
16 overpopulated, wouldn't it make sense to move as
17 few people as possible if people were currently
18 pretty happy with the way things were?

19 Furthermore, I would like to know if you
20 will be considering the temporary commission
21 democratic map at all or will you be considering
22 the Coalition map that was presented here
23 tonight?

24 CHAIRWOMAN GONSALVES: Right now we are
25 considering this map, and this is the item on the

2 floor at present time. And the testimony here
3 today will be taken under advisement, and we will
4 move forward accordingly.

5 MS. OLDENDORF: What about the
6 democratic map, will you be looking at that at
7 all in the future?

8 CHAIRWOMAN GONSALVES: On the 25th of
9 February, this is the map that we will be having
10 another hearing on.

11 MS. OLDENDORF: Okay. I believe I speak
12 for our counsel of Moveon.Org that we absolutely
13 oppose this map.

14 CHAIRWOMAN GONSALVES: Emily Moore.

15 FEMALE VOICE: She had to leave.

16 CHAIRWOMAN GONSALVES: Okay. Thank you
17 very much.

18 Scotti Goods. Is it Coades? I'm sorry.

19 MS. COADES: Good afternoon.

20 CHAIRWOMAN GONSALVES: Good afternoon,
21 Scottie.

22 MS. COADES: The name is Scotti Coades,
23 and I am civic engagement chair for New York
24 State NAACP.

25 I stand before you today -- I don't have

1 a prepared statement. I've done this maybe five
2 or six times already, and it's the same, same
3 message; you're paying no attention to what
4 anyone had to say over the various times, from
5 two years ago. It's a disgrace. And I agree
6 with Mr. Brewington, it actually is criminal
7 because there is a federal law called the Voting
8 Rights Act of 1965. I must ask you, all of you,
9 but I direct this question to you, Ms. Gonsalves,
10 what does the Voting Rights Act mean to you?
11 Does it hold any meaning for you?
12

13 CHAIRWOMAN GONSALVES: I think it holds
14 a great deal of meaning to me, as it does to the
15 rest of this body. And that's the only answer
16 you're going to get.

17 MS. COADES: That's fine. I'm going to
18 remind you and the audience here that in 1965 it
19 was signed and it is a federal law, and that's
20 why it's criminal when you try to disenfranchise
21 minorities out of votes at the polls. And when
22 you try to take us into areas where we do not
23 have common interests and -- I cannot understand,
24 you being a minority, don't understand what it
25 means. If you did you would have answered the

2 question.

3 The NAACP is this year celebrating 104
4 years in existence. We are not going to roll
5 over, play dead, or be dead. We're not. We're
6 going to do what we have to do to make sure that
7 we get the proper representation for our people.
8 Unfortunately you don't understand what the
9 Voting Rights Act means, but you benefit from it
10 too.

11 CHAIRWOMAN GONSALVES: I beg your
12 pardon. I'm not here to --

13 MS. COADES: I believe you got elected
14 in your office, even though it's not about party
15 --

16 CHAIRWOMAN GONSALVES: Excuse me.

17 MS. COADES: I couldn't care less about
18 the parties.

19 CHAIRWOMAN GONSALVES: Excuse me.

20 MS. COADES: I have some time given to
21 me --

22 CHAIRWOMAN GONSALVES: No, you asked me
23 about the Voting Rights Act of 1965 --

24 MS. COADES: What does it mean to you?

25 CHAIRWOMAN GONSALVES: It means to me

2 that there is equal representation under the law,
3 and one, person, one vote is imperative.

4 MS. COADES: Why is it not being
5 practiced in Nassau County?

6 CHAIRWOMAN GONSALVES: I think we've
7 done it for a number of years, and that's why the
8 legislature as formed in 1994.

9 MS. COADES: I'm here to tell you we're
10 going to fight you all the way. We're not taking
11 this sitting down. We're in the process of
12 educating our community to understand all of what
13 they need to know about redistricting,
14 gerrymandering, cracking, packing, all of what
15 you did.

16 CLERK MULLER: Ms. Coades, your three
17 minutes have expired.

18 MS. COADES: I was given time by Douglas
19 Mayers, another member of the NAACP. He had to
20 leave. So can I have his time?

21 I spoke more than I intended to. I
22 didn't intend to ask you questions. There's one
23 thing to say, the same thing over, and over, and
24 over.

25 You're having a hearing a vote on the

2 same day. This was said already, was asked
3 already, but I need to hear it again. On the
4 25th, please tell me how can you consider the
5 comment of public, the public comments the same
6 day -- I'll wait until your whispering stops --
7 the same day as the vote. Can you vote a
8 different day? Can we vote a different day? Why
9 would you schedule the vote the hearing the same
10 day, on the 25th? If you are so concerned about
11 public comment, public hearing, and care about
12 what the public thinks, you then would use the
13 seven days that the law says you must have and
14 must give before you make a vote. Why would you
15 do it on the same day?

16 LEGISLATOR NICOLELLO: We are following
17 the same procedure that was followed ten years
18 ago, number one.

19 MS. COADES: We're not in ten years,
20 we're in 2013.

21 LEGISLATOR NICOLELLO: Number two, we
22 have a March 5 deadline.

23 Number three, if we hear anything in the
24 testimony on the 25th, we are permitted to recess
25 the hearing if we so choose.

MS. COADES: Let me remind you that we are in 2013.

LEGISLATOR NICOLELLO: Yes, we are.

MS. COADES: 2006 the Voting Rights Act was reauthorized, and it was the conservatives that tried to stop it. It didn't stop. The NAACP mobilized people. We had more than 2,000 to march in Washington, D.C. Since you could not do that, you could not stop that. You have found ways to circumvent our existence, our voting, and you could not care less about what's going to happen to the minorities, and not just minorities. Community people are being chopped and diced like you wouldn't believe.

CLERK MULLER: Your six minutes have expired, Ms. Coades.

MS. COADES: Who else wants to give me three more minutes?

There's an area in Freeport that -- I think it's Freeport northeast, that you cut out completely from where it was. What was the purpose of that? Make sure you're keeping a record that you don't answer questions, either.

Thank you very much.

2 CHAIRWOMAN GONSALVES: The next speaker
3 is Daniel Lamparter. Is that correct?

4 MR. LAMPARTER: Yes.

5 MS. COADES: Cecile Ward just gave me
6 three minutes. Do you plan to answer the
7 northeast question about Freeport?

8 CHAIRWOMAN GONSALVES: I didn't see
9 anyone give you additional minutes.

10 The name, please.

11 MS. WARD: Cecile Ward.

12 CHAIRWOMAN GONSALVES: Did you put a
13 slip in?

14 MS. WARD: Yes, I did.

15 MS. COADES: You don't believe her, huh?

16 CHAIRWOMAN GONSALVES: That's not the
17 question. I'm looking to see if she has a slip.
18 And if she does -- I have it, thank you. And you
19 yielded it to Ms. Coades.

20 MS. COADES: I asked a question about
21 northeast Freeport. Why was it chopped out of
22 the district that it was in and put in this -- I
23 don't even know what to call this map. I know a
24 previous legislator -- previous elected official
25 came before this body, before the full body at

2 the last meeting and said that your map just
3 needed red and blue lines, it didn't need
4 anything else, and that is the truth. So why was
5 Freeport northeast chopped out of the district?
6 For what reason?

7 CHAIRWOMAN GONSALVES: Excuse me. I
8 cannot and will not answer questions as to why a
9 line is drawn in a particular place, other than
10 to say that our obligation is to ensure the
11 constitutional voting rights of the people of
12 Nassau County. Where a specific line is drawn is
13 a policy choice; some people may agree with that
14 choice, others may not.

15 MS. COADES: We'll see you at the polls.

16 CHAIRWOMAN GONSALVES: Thank you very
17 much.

18 MS. COADES: Thank you.

19 CHAIRWOMAN GONSALVES: Daniel.

20 MR. LAMPARTER: Good afternoon. Boris
21 Yagadive (phonetic) would like to yield his time
22 to me if that's okay with you.

23 CHAIRWOMAN GONSALVES: Pardon me?

24 MR. LAMPARTER: Boris Yagadive
25 (phonetic) would like to yield his time to me, as

2 well.

3 CHAIRWOMAN GONSALVES: Sure.

4 MR. LAMPARTER: Thank you.

5 I have been asked to read this letter
6 into the record, and it's directed to Mr. Kopel.

7 Dear Mr. Kopel - As concerned community
8 activists in the Five Towns Jewish community, we
9 are writing to convey our concerns regarding the
10 proposed legislative boundary changes due to be
11 considered by the Nassau County Legislature.

12 As I'm sure you will recall, just
13 recently a very similar map was proposed and you
14 were the deciding vote in favor of its adoption.
15 Had it not been for the Appellate Division's
16 decision in a lawsuit challenging the adopted
17 map, the Five Town community would have been
18 included in various different districts, thereby
19 eliminating our cohesive voting block.

20 Once again, a map has been proposed that
21 would divide the community into multiple
22 legislative districts. As you well know, these
23 lines, if adopted, will remain in place for a
24 decade and would have a profound effect on our
25 community's voice in Mineola until 2022. The

2 proposal to sever portions of Cedarhurst and
3 Woodmere from the 7th Legislative District is
4 therefore very troubling.

5 While we may live in different villages
6 or unincorporated areas, the Orthodox Jewish
7 community of the Five Towns is united on many
8 issues of local and national importance, whether
9 they are religious or not. By nature of our
10 homogeneity, our community also represents a
11 variety of unique needs to our elected officials
12 and local government.

13 Whether one lives in Lawrence, Hewlett,
14 or in between, the Five Towns community shares a
15 common local rabbinical board and a united social
16 and cultural identity. It is not surprise that
17 in the aftermath of Hurricane Sandy the community
18 banded together, and through community-based
19 organization, such as Achiezer and others, were
20 able to assist those residents in need and, in
21 particular, address our community's specific
22 challenges, interests, and issues.

23 By dividing the community across an
24 arbitrary line, the proposed changes would create
25 division within the community as it interacts

2 with its elected officials. It would be most
3 unfortunate for the entire Five Towns community
4 if your actions, together with the legislature,
5 would dilute our community's electoral strength.

6 We collectively urge you to show
7 sensitivity to the needs of your community and
8 ensure that the necessary changes are made to the
9 redistricting plan before it is passed by the
10 Nassau County Legislature in the next few weeks,
11 so that Cedarhurst, Woodmere, Lawrence will
12 remain in the 7th Legislative District, together
13 with the rest of the Five Towns.

14 Very truly yours, Tobal Plaught
15 (phonetic), Daniel Plaught (phonetic), Alolf
16 Felthimer (phonetic), Mira Kringle (phonetic),
17 Israel Washer (phonetic), Jeffrey Leib
18 (phonetic), and Chumi Diamond (phonetic).

19 CHAIRWOMAN GONSALVES: Thank you,
20 Daniel.

21 MR. LAMPARTER: I have two more
22 questions. This question's for Legislator Ford.
23 I know she's not here but I just wanted this in
24 the record. In 2011 you voted against the
25 previous redistricting plan. In your conscience,

2 can you honestly vote for a map that
3 disenfranchises minority voters and breaks up
4 communities of interest?

5 And my last question is how can you claim
6 to be considering what the public wants if you
7 are scheduling the vote for immediately after the
8 public speaks on February 25? You have plenty of
9 time for a work session, plenty of time for
10 multiple meetings. So why is the vote happening
11 then? You have until March 5; that's the
12 deadline, correct? Is that correct, Mrs.
13 Gonsalves?

14 CHAIRWOMAN GONSALVES: Correct.

15 MR. LAMPARTER: March 5. Why is there
16 not a work session in between? Why can't the
17 legislators discuss this map in a work session?

18 Thank you.

19 CHAIRWOMAN GONSALVES: Daniel, hello.
20 Daniel, would you submit a copy of your
21 statement?

22 MR. LAMPARTER: Yes. I will. Yes.
23 Thank you.

24 CHAIRWOMAN GONSALVES: You're welcome.
25 Our next speaker is Ariel Flajnik. Is

2 that correct? Pronounce your name correctly for
3 me, please.

4 MS. FLAJNIK: It's Flajnik.

5 I wasn't hoping to speak today, but I'm
6 speaking on behalf of the Greater Uniondale Area
7 Action Coalition and Hofstra Center for Civic
8 Engagement.

9 The Great Uniondale Area Action Coalition
10 has been campaigning against the implementation
11 of East Garden City for about a year now. They
12 actually -- they had a campaign last year during
13 which the signs for East Garden City were
14 removed.

15 I don't feel as educated about the issue
16 to speak on it too much. But my question to you
17 is when was East Garden City -- when did this
18 entity come into existence and why, first of all?

19 LEGISLATOR ABRAHAMS: How are you,
20 Ariel?

21 MS. FLAJNIK: I'm good. How are you?

22 LEGISLATOR ABRAHAMS: I could probably
23 talk to that issue a little bit more.

24 This has been something that's been
25 ongoing for quite some time. The East Garden

2 City name has been filtering down from, what I
3 call Westbury and Uniondale. But it's been
4 filtering down through the Nassau Coliseum and
5 the HUB, as well as down to the RexCorp building.
6 I truly believe based on the research that I have
7 done as well as the research that many have done,
8 there is no significance to the name of East
9 Garden City other than it's being plotted, I
10 truly believe, by those that either reside there
11 or those that have businesses there that do not
12 want to be associated with Uniondale or Westbury.
13 That's the only connection that I can see.

14 But it has filtered into the point where
15 if you look at a map from a Yellow Book, for
16 example, that map reflects East Garden City
17 because the businesses and the entities in that
18 area are calling themselves East Garden City.
19 But East Garden City doesn't have a zip code. If
20 you talk to the folks that so-called live in East
21 Garden City, that live at the Archstone as well
22 as Meadowbrook Point, they all carry zip codes of
23 11590, which is Westbury. So from that
24 standpoint, I truly believe it's some type of
25 ploy that some are using to maybe drive

2 businesses as well as real estate in that area,
3 and that's where it's coming from.

4 But based on, I believe, the Town of
5 Hempstead, and I'll give them credit, they sent a
6 pretty strong message when GUAC, as you mentioned
7 before, the Greater Uniondale Association, when
8 they sent a pretty strong message in taking down
9 those signs. I think that really reigned well
10 that that area's going to be recognized as
11 Uniondale.

12 Uniondale, as most people may or may not
13 know - and I know we're getting off of the topic
14 of talking about redistricting. But Uniondale
15 goes all the way up -- if you know the MTA - I'm
16 sorry -- the NICE bus facility towards the back
17 end, Uniondale comes all the way up to there,
18 almost practically to Stewart Avenue. Parts of
19 the College reside technically in Uniondale. The
20 Museum, the Cradle of Aviation, the Children's
21 Museum, that's all Uniondale, and for some reason
22 it's being shifted into becoming East Garden
23 City. The folks there, I know, I spoke to many
24 of the folks in Uniondale and a lot of them are
25 raging mad because they feel that their community

2 is being taken away from them, and I agree with
3 them. And we're going to continue to fight that
4 because I think we need to see these corrections.

5 This map today -- I'll take it as no ill
6 will by my colleagues to the right. But this map
7 today reflects East Garden City. Again and
8 again, even though I don't believe it was done
9 intentionally, again and again it perpetuates a
10 lie that this area should be called that. So I
11 think from that standpoint -- I don't know of the
12 Presiding Officer would agree, but I think as
13 part of the record we should basically call this
14 area what it is, which is Westbury, as well as,
15 some parts adjacent, Uniondale.

16 MS. FLAJNIK: And my other question -- I
17 mean, GUAC believes that this is a plot to
18 essentially genderfy the area, but that's beside
19 the point. The question is if this is driven by
20 business owners and people living in the area,
21 how did it get onto a redistricting map submitted
22 by the legislature? Is that being driven by
23 these business owners as well? If it's not a
24 legal entity.

25 CHAIRWOMAN GONSALVES: I've been told

2 just now that the federal government has designed
3 this as a census designated district.

4 MS. FLAJNIK: Okay.

5 CHAIRWOMAN GONSALVES: That's what my
6 counsel has just said.

7 MS. FLAJNIK: Okay. Thank you.

8 CHAIRWOMAN GONSALVES: You're welcome.

9 Next speaker is Scotti - I can't see the
10 last name. This is Scotti - S-O-A-D-E-S.

11 MS. COADES: I'll speak again, if you'd
12 like.

13 CHAIRWOMAN GONSALVES: No, no. That's
14 okay. Thank you. That's okay. Thank you.

15 Lawrence -- now, Lawrence, I will not
16 dare say your last name because I know it's very
17 important to you that it be pronounced corrected.
18 Lawrence from Elm Street in West Hempstead. Do
19 we have a Lawrence here?

20 (No verbal response.)

21 The next speaker is Angela Martin.

22 MS. MARTIN: I gave my time to Fred
23 Brewington already.

24 CHAIRWOMAN GONSALVES: Thank you very
25 much.

2 I have Brian -- and I believe it's Y-O-N-
3 S. Is that correct? Brian from Fulton Street in
4 Westbury.

5 (No verbal response.)

6 The last speaker is Jason Starr.

7 VOICE: He had to leave.

8 CHAIRWOMAN GONSALVES: He had to leave.

9 Now, I have to, first of all, commend all
10 of you who have remained for the rest of the
11 public comment session, and you probably will
12 remain to listen to the questioning of Mr.
13 Moroney by the legislators. You are welcome to
14 stay and listen and hear what the legislators
15 have to ask of Mr. Moroney, on both sides of the
16 aisle. Hopefully some of the concerns that you
17 have will be addressed by the legislators. And I
18 want you to know that your comments today did not
19 fall on deaf ears, that we do listen and that we
20 are looking to do the best that we can for all of
21 the constituents in Nassau County.

22 And without any further adieu, Mr.
23 Moroney, are you ready --

24 MS. BORECKY: Excuse me.

25 CHAIRWOMAN GONSALVES: come to the --

2 MS. BORECKY: Excuse me. Presiding
3 Officer, you said that I could speak after
4 everyone spoke. I put in another slip, and I was
5 advised that I could speak.

6 CHAIRWOMAN GONSALVES: Speak. And three
7 minutes is it.

8 MS. BORECKY: Okay. A couple of things
9 that were mentioned during this hearing.

10 First of all, it's not the same as it was
11 ten years ago. Ten years ago they had a
12 legislative majority of ten to nine before they
13 drew the maps, and they had a ten to nine
14 majority afterwards. They didn't create
15 districts to take out republicans, as you're
16 doing here to take out democrats.

17 Also, I just want to make this clear.
18 What we're speaking out today, you are going to
19 vote on today, correct, on whether to put this
20 vote on this map, on whether to send it to Full
21 Leg?

22 CHAIRWOMAN GONSALVES: It has to go
23 through committee, and then from committee it's
24 moved on to the Full Leg. That's procedure.

25 MS. BORECKY: So you're going to take

2 the vote at the end of this session --

3 CHAIRWOMAN GONSALVES: To move it on to
4 the Full Leg.

5 MS. BORECKY: So there will be no other
6 map and no other consideration by the public that
7 we made today to affect those maps, correct?

8 CHAIRWOMAN GONSALVES: Did we comment on
9 the 25th of February.

10 MS. BORECKY: And voted on in the same
11 day?

12 CHAIRWOMAN GONSALVES: Possibly. Unless
13 something new has developed.

14 MS. BORECKY: Now I'm just going to tell
15 a little bit of history of how we got to where we
16 are today.

17 Three years ago, Ed Mangano hired
18 Ciampoli as a county attorney. Ciampoli was an
19 election attorney in Albany with a reputation for
20 disenfranchising voters. He had no county
21 attorney experience. So now, when any lawsuit
22 comes up that a county attorney is supposed to
23 defend, he hires law firms that give money to the
24 republican party. Yet, Mr. Mangano continues to
25 claim that he is somehow saving the county money.

2 Mangano math, again and again.

3 Mangano then brags that he cut county
4 attorney jobs, who normally work for very low
5 salaries, and gives million dollar contracts to
6 his cronies. All the while, Ciampoli is busy
7 drawing maps two years before they were allowed
8 to. Again, fodder for the lawyers who are paid
9 with our tax dollars.

10 It should be noted that the county
11 attorney was supposed to represent the county,
12 which includes democratic legislators as well as
13 republican legislators. And yet Mangano claims
14 that he's saving the county money.

15 Hundreds of thousands of dollars later,
16 he loses in court. And now you set up a bogus
17 republican redistricting committee, who refused
18 to work with the democratic counterparts. They
19 again spent hundreds of thousands of dollars, to
20 accompany, to draw the most outrageous maps
21 possible. They made no effort to work with the
22 democrats, made no effort to work with the
23 people.

24 And at the hearing, the chairman, who was
25 picked by Mangano to chair the committee and is

2 not supposed to take sides, spoke on behalf of
3 the republican committee, who refused to speak on
4 their own behalf, just as you are doing here
5 today.

6 As for Chairman Mr. Moroney, he was
7 awarded a salary of over \$140,000, of our tax
8 dollars, to be the spokesperson for the
9 republican majority. So instead of giving your
10 staff raises as soon as you came into office,
11 like your predecessor Peter Schmitt did, you gave
12 -- you made up a job for Mr. Moroney, rewarding
13 him for keeping Mangano's and your names out of
14 the whole process.

15 CLERK MULLER: Ma'am, your three minutes
16 have expired.

17 MS. BORECKY: Again, I fail to see how
18 Mangano and the republican legislators are saving
19 us money.

20 LEGISLATOR NICOLELLO: You can tell Dave
21 Denenberg thank you for those remarks. We
22 appreciate him speaking through you.

23 MS. BORECKY: Excuse me? I'm sorry.
24 You don't know me. So, please, you don't know
25 how I speak.

2 LEGISLATOR NICOLELLO: I know you well
3 enough, Ms. Borecky.

4 MS. BORECKY: I write myself. I've been
5 a writer for many years.

6 CHAIRWOMAN GONSALVES: Claudia, your
7 time is up.

8 LEGISLATOR NICOLELLO: That's a good
9 point. I don't really know that for a fact. But
10 it sounds a lot like Dave Denenberg.

11 CHAIRWOMAN GONSALVES: Claudia, your
12 three minutes are up. Thank you.

13 MS. BORECKY: You know what? I'm not
14 even going to go into the fact that you took
15 Denenberg out of this.

16 He did not write this. I bet my life on
17 it. Anybody in this room knows me as being a
18 writer with a mind of my own. I have been
19 writing on these issues since before this whole
20 legislature came into power, and I will continue
21 to criticize that you're spending my tax dollars,
22 millions of dollars of my tax dollars, planned
23 from day one of Mangano's administration, to
24 three years later where we're at the exact spot
25 where you wanted us to be and on my tax dollars.

1 CHAIRWOMAN GONSALVES: Claudia --

2 MS. BORECKY: And I oppose it.

3 CHAIRWOMAN GONSALVES: your time us up.

4 Thank you.

5 MS. BORECKY: Okay. Thank you.

6 CHAIRWOMAN GONSALVES: Mr. Moroney, I

7 don't know where -- do you want to present it

8 from the podium?

9 MR. MORONEY: This is fine.

10 CHAIRWOMAN GONSALVES: Do you have

11 anything to add?

12 MR. MORONEY: I have a couple of -- a

13 couple of points to make; I think they're non-

14 controversial. I don't know if others will agree

15 with that, but. First things first.

16 There were some questions given to the

17 chair relative to certain lawsuits dealing with

18 Voting Rights Act, dealing with redistricting.

19 At the June 28, 2012 meeting of the Temporary

20 Commission on districting, we had invited a

21 speaker to go over, with the commission, its

22 obligations in drawing districts. That attorney

23 went over them. He gave that testimony on

24 districting obligations, and that as included in

1 the record. The record was delivered to this
2 Legislature. I'd ask Matt Kiernan, who has the
3 791 pages containing the testimony of 131
4 residents that -- 135 residents at our
5 information hearings, 21 members who spoke at the
6 work sessions, I'd ask that that be included in
7 this record here.
8

9 That expert gave that testimony. The
10 testimony in that record was reviewed by the
11 demographers, who are likewise versed in their
12 obligations, vis-à-vis, the U.S. Constitution and
13 the Voting Rights Act, and that was again
14 reviewed subsequent to this matter being brought
15 before this body. It makes clear as to what
16 those obligations are. And as indicated by the
17 Presiding Officer, it does include a discussion
18 of *Gingles v. Thornburg*, the one which is the
19 prevailing law of the land.

20 Number two. I referenced 21 people who
21 spoke at the work sessions. There was a
22 statement earlier by the democrat spokesperson
23 for the commission that somehow or other implied
24 that those speakers who came to that hearing were
25 not able to speak. Every speaker at every

1 hearing who wanted to speak got their time to
2 speak. We asked them all to please keep their
3 remarks on point all the time. Nobody, not one
4 witness, not one member of the public was denied
5 an opportunity to speak at any one of those
6 meetings, and any impression to the contrary that
7 was -- in this record should be rejected because
8 it is untrue.

10 Now, there is -- I've heard it referenced
11 any number of times, there's a couple of ways of
12 describing it and the one that I hear all the
13 time is drawing districts is like a bowl of Jell-
14 O. I've also heard it described as a balloon;
15 when you push something in, push something out,
16 something's got to give. These are where the
17 policy choices that you made come in. You have
18 to make choices. And if you make choices that
19 are legitimate, you're well within the bounds of
20 what your redistricting obligations are.

21 If I would -- there was a reference to a
22 resolution that was offered by the democratic
23 members of the commission, and that resolution
24 had a series of standards that had asked the
25 entire commission to look at during the course of

2 districting. We did. And we made an analysis of
3 it. The analysis was made at the request of this
4 board, this committee, to see if we met the
5 standards that the minority party, on that
6 temporary commission, wanted us to look at, and
7 we did. And we either met or beat every single
8 one of those standards. They are already in the
9 record. We can go over them against if you want
10 to. But I know that Mr. Nicolello has some
11 questions he might want to ask, and I'm happy to
12 respond to those.

13 CHAIRWOMAN GONSALVES: Before you do,
14 Mr. Moroney.

15 MR. MORONEY: Sure.

16 CHAIRWOMAN GONSALVES: The document that
17 was presented to us, the 700 pages, be made part
18 of the record, please.

19 MR. MORONEY: By the way, the record
20 also includes the resolution because that was
21 included in the record that was handed out. It's
22 not in the testimony. But I'm asking that the
23 record be included, this 791 pages of testimony
24 be made part of that record.

25 CHAIRWOMAN GONSALVES: So be it.

2 MR. MORONEY: Okay.

3 LEGISLATOR NICOLELLO: Mr. Moroney,
4 going back to the Commission's activities, how
5 many different forums did the commission hold?

6 MR. MORONEY: There were a series of
7 eight hearings. There were two business meetings
8 -- pardon me -- three business meetings and five
9 meetings in the communities at various places
10 around the county.

11 LEGISLATOR NICOLELLO: So they were
12 scheduled not just locally in Mineola but all
13 throughout the County?

14 MR. MORONEY: Correct. We held them in
15 Long Beach. We held them in Glen Cove. We held
16 them in Mineola. We held them in Plainview and
17 Elmont.

18 LEGISLATOR NICOLELLO: You were on the
19 commission ten years ago?

20 MR. MORONEY: I'm sorry?

21 LEGISLATOR NICOLELLO: You were on the
22 commission ten years ago?

23 MR. MORONEY: Yes, I was.

24 LEGISLATOR NICOLELLO: How many hearings
25 did they hold ten years ago?

2 MR. MORONEY: The only hearing -- the
3 only hearing that was held was held in the
4 Village of Westbury by the republican
5 commissioners.

6 LEGISLATOR NICOLELLO: Ten years ago?

7 MR. MORONEY: Ten years ago. A public
8 hearing.

9 LEGISLATOR NICOLELLO: Just in terms of
10 -- I think we lost sight of some of that sense of
11 items of your testimony earlier on, and I wanted
12 to touch base on that also.

13 MR. MORONEY: Sure.

14 LEGISLATOR NICOLELLO: There was even a
15 suggestion of why are we going through this?
16 Obviously, the Charter requires us to do it.

17 Is it also required by the U.S.
18 Constitution that we redistrict at this time?

19 MR. MORONEY: Yes, it is.

20 LEGISLATOR NICOLELLO: Why is that?

21 MR. MORONEY: The U.S. Constitution
22 requires that the principal of one man, one vote
23 be implemented. And the standard against one
24 man, one vote being implemented is embodied in
25 case law. What it says is that these districts

2 must be of equal population. For districting in
3 state and local level, the courts have
4 interpreted one person, one vote -- in order to
5 comply with it the municipality must have
6 districts that maintain populations of plus or
7 minus five percent of the optimal number, the
8 optimal number being 70,573. So a district could
9 be as large as 74,102 or as small as 70,044.
10 This map in front of you has a deviation of 4.85
11 percent.

12 LEGISLATOR NICOLELLO: And what's the
13 maximum? You said plus or minus five. Is ten
14 percent the maximum deviation?

15 MR. MORONEY: Correct.

16 LEGISLATOR NICOLELLO: The current map,
17 the one we've been running under, what's the
18 deviation of that map?

19 MR. MORONEY: One of the reasons why
20 you need to go through redistricting is because
21 the deviation under that map was 14.5 percent,
22 beyond the constitutional standard.

23 LEGISLATOR NICOLELLO: 14.5 percent
24 beyond the constitutional standard?

25 MR. MORONEY: Which is 4.5 percent

2 beyond the constitutional standard.

3 LEGISLATOR NICOLELLO: We're talking
4 currently.

5 MR. MORONEY: Correct.

6 LEGISLATOR NICOLELLO: If a court were
7 to look at the deviation now, you have a
8 violation of one man, one vote, unless it's
9 changed.

10 MR. MORONEY: That's correct.

11 LEGISLATOR NICOLELLO: In fact, people -
12 - more people -- people with more voters in their
13 district, their votes are diluted because there's
14 more than in other districts.

15 MR. MORONEY: That's correct.

16 LEGISLATOR NICOLELLO: Now, you said the
17 proposed map has a deviation of 4.85 percent?

18 MR. MORONEY: Correct.

19 LEGISLATOR NICOLELLO: And you covered
20 this before. What was the deviation of the
21 democratic commissioner's map?

22 MR. MORONEY: I'm going to correct
23 myself. Let me backup a little bit. The
24 deviation in this map is 22.7.

25 LEGISLATOR NICOLELLO: The current one.

2 MR. MORONEY: Currently. Between the
3 largest and the smallest. And that is as a
4 result of Legislative District Number 2, which
5 was overpopulated, and Legislative District
6 Number 12, which was under populated. That
7 totaled 22.7.

8 LEGISLATOR NICOLELLO: Let's go ahead.
9 The democratic commissioner's map, what's the
10 deviation?

11 MR. MORONEY: 9.05 percent.

12 LEGISLATOR NICOLELLO: And the Coalition
13 map, what's the deviation there?

14 MR. MORONEY: 9.85 percent.

15 LEGISLATOR NICOLELLO: Now, these
16 numbers will change as the population changes,
17 right?

18 MR. MORONEY: That's correct.

19 LEGISLATOR NICOLELLO: So it's not a
20 static number. If we were to adopt, for example,
21 the Coalition map, it's at 9.85 percent, how long
22 before it's over 10 percent? Are we talking
23 months?

24 MR. MORONEY: You have a fudge factor
25 of .15 percent, which could change for any number

2 of reasons in a very short period of time.

3 LEGISLATOR NICOLELLO: But in terms of
4 the --

5 MR. MORONEY: Which, by the way, could
6 also change for the under populated areas too.
7 In either end of the spectrum you have the
8 deviation being thrown out of whack and people
9 being under represented.

10 The smaller the deviation, the less
11 opportunity there is for it to go out of whack
12 during the ten year time.

13 LEGISLATOR NICOLELLO: But in terms of
14 the overall deviation, the proposed map does
15 better than the other maps that have been
16 suggested?

17 MR. MORONEY: Yes, it does.

18 LEGISLATOR NICOLELLO: Just to move on
19 to the Voting Rights Act.

20 MR. MORONEY: Yes.

21 LEGISLATOR NICOLELLO: What's the goal
22 then?

23 MR. MORONEY: The goal, beyond equal
24 population, Section 2 of the Voting Rights Act is
25 the section of the law that needs to be looked

2 at, for municipalities that is. And the goal of
3 it is to ensure that people of certain racial or
4 language status can elect somebody if they choose
5 to run, somebody from their own population.

6 LEGISLATOR NICOLELLO: Is it to create a
7 true minority/majority district in the current
8 population or demography?

9 MR. MORONEY: Yes, it is.

10 LEGISLATOR NICOLELLO: You mentioned
11 something called CVAP before. What is that
12 again?

13 MR. MORONEY: Citizen, voting age,
14 population, which is, again, a Census created
15 designation.

16 LEGISLATOR NICOLELLO: District 1, give
17 me the CVAP numbers.

18 MR. MORONEY: I have those directly
19 here. Just bear with me a second.

20 The CVAP numbers as they currently exist
21 before districting or after?

22 LEGISLATOR NICOLELLO: You could do
23 both.

24 MR. MORONEY: Okay. These are the
25 proposed minority districts. Legislative

2 Districts 1, 2, and 3.

3 Legislative District Number 1 has a non-
4 Hispanic-Black CVAP, under this map, of 62.3
5 percent, the democratic map has non-Hispanic-
6 Black CVAP of 66 percent, and the Coalition map
7 has non-Hispanic-Black CVAP of 65.3 percent.

8 LEGISLATOR NICOLELLO: LD 2?

9 MR. MORONEY: LD 2 has non-Hispanic
10 CVAP of 55.9 percent, the democratic plan has 56
11 percent, and the Coalition plan has 56.9 percent.

12 LEGISLATOR NICOLELLO: And LD 3?

13 MR. MORONEY: LD 3 is an aggregate
14 district that has non-Hispanic Black CVAP of 38.9
15 percent, Hispanic CVAP of 15.4 percent, and total
16 minority CVAP of 54.3 percent; the democratic
17 plan has a Black CVAP of 35.6, Hispanic CVAP of
18 14, for a total of 49.6; the Coalition map has 40
19 percent non-Hispanic Black, 15.4 percent of
20 Hispanic, for a total of 55.4 percent CVAP.

21 LEGISLATOR NICOLELLO: So the numbers
22 you're talking about are all within the same
23 range.

24 MR. MORONEY: That's correct.

25 LEGISLATOR NICOLELLO: It's not as if

2 there's a large difference between any of the
3 particular maps, in terms of CVAP.

4 MR. MORONEY: That's correct.

5 LEGISLATOR NICOLELLO: And for the first
6 time in the history of the county there is a
7 third minority-majority district being created.

8 MR. MORONEY: That's correct. In fact,
9 if I may point out --

10 LEGISLATOR NICOLELLO: Sure.

11 MR. MORONEY: And I know people don't
12 want to hear about ten years ago. But to quote
13 Vice President Biden's Past is Prologue, ten
14 years ago the Legislative District Number 2 was
15 not a majority minority district, it was an
16 aggregate majority-minority district. So that
17 has improved that situation as well.

18 And you also talked about some of the
19 other traditional districting priorities - Census
20 designated places -

21 MR. MORONEY: Right.

22 LEGISLATOR NICOLELLO: Again, I want you
23 to tell us how this proposed map does as composed
24 to the other maps.

25 MR. MORONEY: There are 135 Census

2 designated places. These are created by the
3 Bureau of the Census. They make a determination
4 about geography based upon communities. Those
5 communities, for example villages - most villages
6 are kept in a single Census designated place.
7 All of them are kept in single designated places.
8 Unincorporated areas of the various towns are
9 also census designated places - hamlets, each
10 city - the City of Long Beach, the City of Glen
11 Cove are their own census designated place -- of
12 those, this map keeps 99 of those CDPs together,
13 which is the same as the Coalition map, which is
14 better, in both instances, than the democratic
15 plan.

16 LEGISLATOR NICOLELLO: Okay.

17 MR. MORONEY: Moreover, in 2003 that
18 number was down to 87 that were kept in place.
19 So the improvements are not only temporal, in
20 other words, better than ten years ago, but the
21 improvements are also, within the contents of
22 this map, improvements that do the best to keep
23 the communities together.

24 LEGISLATOR NICOLELLO: Moving on. How
25 many town lines to the LDs cross in the proposed

2 map?

3 MR. MORONEY: This plan up here crosses
4 six times. The democratic plan crosses seven
5 times. The Coalition plan crosses five times.
6 And, by the way, again, 2003, they cross town
7 lines in seven different districts.

8 LEGISLATOR NICOLELLO: So the proposed
9 map performs better than the 2003 map or the
10 democratic commissioner's map in relation to
11 keeping communities viable based on the census
12 designated places.

13 MR. MORONEY: That's correct.

14 LEGISLATOR NICOLELLO: Now, you
15 mentioned before there were certain proposed
16 rules --

17 MR. MORONEY: Yes.

18 LEGISLATOR NICOLELLO: were put forward
19 by the democratic commissioners.

20 MR. MORONEY: Yes.

21 LEGISLATOR NICOLELLO: Do you want to go
22 through those?

23 MR. MORONEY: Sure. The first goal --
24 the first goal was to maintain core existing
25 districts and move as few residents as possible

2 into new districts. If you look at Districts 1,
3 2, 4, 5, 6, 9, 12, 13, 15, and 19, the core
4 districts remain the same. In other instances we
5 couldn't do it. But in keep in mind what we
6 changed this time, was a successful effort to
7 draw a third minority-majority district. When
8 you change the geography -- because you are
9 limited in districting by geography and by
10 population density -- when you are limited that
11 way and you have another piece of population and
12 geography, that changes the landscape and forces
13 you to do certain things, and that's where the
14 policy decision come in and that's where the
15 decisions were made.

16 LEGISLATOR NICOLELLO: Recognize and
17 define the communities of interest shall be
18 considered in the creation of districts.

19 MR. MORONEY: Well, in addition to the
20 -- in addition to the 99 designated -- census
21 designated places being kept together, this map
22 includes most of the suggestions made by the
23 public. Now keep in mind, in doing that you
24 likewise force other changes that you may not
25 want to see. But you have to make those choices.

2 Because the effort was to incorporated as many of
3 those public suggestions as possible and keep as
4 many census designated places together as
5 possible, certain things could happen and certain
6 things couldn't happen. Again, it's Jell-O and
7 it's the balloon. And the fact of the matter is,
8 when you make one person happy, you make another
9 unhappy. And those are the policy choices that
10 this body made each time it has gone through
11 redistricting.

12 LEGISLATOR NICOLELLO: The third goal.
13 Village and community splits shall be minimized
14 to the extent practicable.

15 MR. MORONEY: I would just reiterate 99
16 of 135 census designated places were kept intact.

17 LEGISLATOR NICOLELLO: Then the next
18 one. District shall contain, as nearly as
19 possible, an equal number of inhabitants; you
20 already addressed that.

21 MR. MORONEY: 4.85 percent is the
22 deviation.

23 LEGISLATOR NICOLELLO: Districts shall
24 be compact and contiguous and no district shall
25 be drawn to include land not connected by a

2 bridge.

3 MR. MORONEY: That's absolutely the
4 case.

5 LEGISLATOR NICOLELLO: Districts shall
6 not be drawn to provide racial or language
7 minority groups with less opportunity to
8 participate in the political process.

9 MR. MORONEY: That was District Number
10 3. Had we not drawn District Number 3 -- had we
11 not drawn District Number 3, then we would have
12 violated that principle.

13 LEGISLATOR NICOLELLO: Districts shall
14 not be drawn to discourage competition.

15 MR. MORONEY: The next is districts
16 shall not be drawn to discourage competition or
17 for the purpose of favoring or disfavoring
18 incumbents or other particular candidates or
19 parties.

20 When this map was drawn, the demographic
21 people were told to ignore who was an incumbent,
22 and that is something that Common Cause wants,
23 that is something that a lot of the good
24 government groups want. They want to this
25 process to be open and competitive at all times,

2 and that's how the initial map was drawn. When
3 these changes were made, that was taken into
4 account, as well.

5 LEGISLATOR NICOLELLO: Commission shall
6 use the official 2010 Census.

7 MR. MORONEY: Could you repeat the
8 question, Mr. Nicoletto?

9 LEGISLATOR NICOLELLO: Yeah. I will.
10 The last goal was the commission shall use the
11 official 2010 Census, federal Census data
12 provided by the New York State Legislative Task
13 Force.

14 MR. MORONEY: Which we did. And the
15 reason we did that was so that the state prison
16 population, people who live or whose residence is
17 in Nassau County but are in state prison are
18 counted in the districts in which they live in
19 Nassau County. And that was done as well.

20 LEGISLATOR NICOLELLO: Just to sum up.
21 There have been substantial changes in the
22 demographics in this County in the last ten
23 years?

24 MR. MORONEY: Dramatic.

25 LEGISLATOR NICOLELLO: And since many of

2 the districts are basically the same, for close
3 to 20 years -- so you're talking over 20 years,
4 there's been a tremendous amount of change.

5 MR. MORONEY: That's correct. And
6 again, I'm going to note it, the demographic
7 changes between 1994 and 2003 were noted in 2003.
8 It would be -- it would be malfeasance not to
9 note them again, particularly when they were so
10 dramatic. The increase in the Hispanic
11 population in Nassau County, the increase in
12 Asian population in Nassau County, the increase
13 in the density in Nassau County, in certain areas
14 of the County, you have to take that into
15 account. Not everybody is happy with the result.

16 The law is not about keeping incumbents.
17 The law is about making sure that your vote, my
18 vote, and every vote of the people in this room
19 counts the same.

20 LEGISLATOR NICOLELLO: It was mentioned
21 about traditional districting priorities. Is
22 there any reason that we should forever be bound
23 to districts, many of which have been unchanged
24 for 20 years?

25 MR. MORONEY: No.

2 LEGISLATOR NICOLELLO: Does the proposed
3 map create districts that comply with the United
4 States Constitution, Voting Rights Act, and
5 better represent community lines that are not
6 bound by incumbency and outdated district lines?

7 MR. MORONEY: That's correct.

8 LEGISLATOR NICOLELLO: Thank you, sir.

9 I have one other item. I'd like to
10 incorporate by reference -- you don't have to
11 physically put this in the record, but
12 incorporate, by reference, the testimony from the
13 Rules Committee and the Full Legislature in 2003.

14 CHAIRWOMAN GONSALVES: Thank you, Mr.
15 Nicolello.

16 Minority Leader Abrahams.

17 LEGISLATOR ABRAHAMS: Thank you,
18 Presiding Officer Gonsalves. Mr. Moroney
19 disappeared. I have questions, Mr. Moroney.
20 Thank you. If you don't mind.

21 MR. MORONEY: I'm sorry.

22 CHAIRWOMAN GONSALVES: Do you need five
23 minutes, Mr. Moroney?

24 MR. MORONEY: No, I don't. I'll tell
25 you when I need a five minute break.

2 LEGISLATOR ABRAHAMS: I understand.

3 Before I get into my line of questioning,
4 I just have some clarifications in regards to --
5 just to make sure I understand exactly what your
6 comments had meant.

7 In 2003, leading up to that process, I
8 just want to make sure that the record is clear.
9 I thought you had noted that the redistricting
10 process yielded one hearing. But according to my
11 records as well as the public records, there are
12 actually ten hearings, including the two
13 republican hearings that you referenced, that
14 were held in Westbury. I can give you the dates,
15 if you'd like. But the redistricting commission,
16 at that time, held meetings on -- I'll give you
17 the dates -- October 8, October 10, October 17,
18 November 7, November 14, December 5, December 12,
19 December 19, December 24, December 27, December
20 30, and December 31. The 30th and 31st were held
21 by the republican commission.

22 MR. MORONEY: The others were work
23 sessions, I believe.

24 LEGISLATOR ABRAHAMS: I'm sorry?

25 MR. MORONEY: The others were work

2 sessions, I believe.

3 LEGISLATOR ABRAHAMS: Some were work
4 sessions, but some were public hearings.

5 MR. MORONEY: If you have those
6 corrections, then I will defer to your records.

7 LEGISLATOR ABRAHAMS: Okay. I just
8 want to make sure we're clear.

9 MR. MORONEY: I want to make sure you
10 have this clearly. There are no records, as far
11 as I know, in the County Legislature of the 2003
12 Commission.

13 LEGISLATOR ABRAHAMS: Our attorneys
14 will provide you with the log of information that
15 we have -

16 MR. MORONEY: Please.

17 LEGISLATOR ABRAHAMS: so you can see
18 it. If you wanted more clarification: There
19 were two hearings on the 8th and the 10th of
20 October; a work session, as you mentioned, on
21 October 17; another hearing on the 7th; a work
22 session on the 14th of November; a work session
23 on the 5th; a work session on the 12th; then a
24 work session on the 19th; then a hearing a
25 release of the map on December 24; and then

2 another hearing on December 27.

3 MR. MORONEY: I believe --

4 LEGISLATOR ABRAHAMS: Just for
5 clarification of the record.

6 The other part that you made -- and I
7 thought maybe it was just slip of the tongue.
8 You had mentioned the point of creating minority-
9 majority districts is so they can elect
10 individuals from their community. Did I hear you
11 right? If you could clarify what you had said
12 before.

13 MR. MORONEY: The language of ART is
14 the purpose behind creating minority-majority
15 districts is to permit the minority in that -- to
16 protect the minorities in those communities to
17 compete in the process, to make sure that their
18 vote isn't diluted, and for purposes of allowing
19 a competitive participation in the political
20 process.

21 LEGISLATOR ABRAHAMS: That sounds a lot
22 better. What I thought I heard was that you -- I
23 thought I was hearing you reference that the
24 point of creating minority-majority districts is
25 so they can elect a candidate that looks like

2 them from their community, when that's the
3 furthest thing from the truth.

4 MR. MORONEY: I don't believe I said
5 that.

6 LEGISLATOR ABRAHAMS: That's what I
7 thought. That's what I had inferred by what you
8 had said earlier. What you just said now was a
9 little bit different.

10 MR. MORONEY: What I had said earlier
11 is that the plan before you does not dilute,
12 cancel, or minimize minority voting strength.
13 The map meets the requirement that the political
14 process leading to nomination of election is
15 equally open to participation of members of
16 racial and language minority group, and that the
17 members of those groups have no less opportunity
18 than other members of the electorate to
19 participate in the political process and elect
20 representatives of their own choice.

21 LEGISLATOR ABRAHAMS: Okay.

22 MR. MORONEY: That's what I had said
23 earlier, and that's what I'm referencing now.

24 LEGISLATOR ABRAHAMS: That's actually
25 fine.

2 If we can get into the map. Can you
3 explain to me -- your role today, your role today
4 is as the non-partisan -- non-voting member of
5 the Redistricting Commission or is your role
6 today as a republican staffer for the majority?

7 MR. MORONEY: I am both.

8 LEGISLATOR ABRAHAMS: I know you wore
9 two hats. I'm not trying to give you a hard
10 time.

11 MR. MORONEY: I am both, so I don't
12 know how to separate that. But in answer to your
13 question, let me just say this. When this record
14 was sent over to the presiding officer, the
15 presiding officer contacted the Commission to
16 make sure that its' staff, its' records, and
17 transcripts were available to them. And when the
18 time came to come and look at the map and analyze
19 it, it seemed the course of least resistance to
20 have somebody who had participated in the process
21 --

22 LEGISLATOR ABRAHAMS: I understand.
23 Mr. Moroney, but you do understand your
24 appointment to the Commission was by the county
25 executive, correct?

2 MR. MORONEY: I do understand that.

3 LEGISLATOR ABRAHAMS: By the county
4 executive, yes?

5 MR. MORONEY: Yes.

6 LEGISLATOR ABRAHAMS: You are now
7 working for the republican majority.

8 MR. MORONEY: That's also correct.

9 LEGISLATOR ABRAHAMS: By you standing
10 there today with this map, are you saying, as
11 representation as the county executive -- is the
12 county executive accepting this map?

13 MR. MORONEY: The work of the
14 Commission ended on January 5, 2013.

15 LEGISLATOR ABRAHAMS: Yes. But you
16 just told me you were wearing two hats today.
17 You just said that you were doing both.

18 MR. MORONEY: No. You asked me if I
19 was here as one or the other and --

20 LEGISLATOR ABRAHAMS: And you said
21 both.

22 MR. MORONEY: I said I am both.

23 LEGISLATOR ABRAHAMS: That's correct.
24 So that means you're still representing the
25 county executive.

2 MR. MORONEY: And then I explained --
3 did I not explain myself clearly?

4 LEGISLATOR ABRAHAMS: Maybe not.

5 MR. MORONEY: Okay.

6 LEGISLATOR ABRAHAMS: Try again.

7 MR. MORONEY: I'll do it again. What I
8 said was that after the work of the commission
9 ended, the presiding officer communicated with
10 commission staff to have them assist in
11 implementing certain policies that they had
12 determined to be the things they wanted to see
13 implemented in the plan. It was requested of me
14 to explain the map, since I had the background
15 and knowledge as to how the initial map was
16 developed. That was my answer to your question.

17 LEGISLATOR ABRAHAMS: Okay. But I
18 understand -- so, basically, you're presenting
19 the map today as both.

20 MR. MORONEY: I'm presenting this map
21 today as me.

22 LEGISLATOR ABRAHAMS: Mr. Moroney,
23 you're presenting this map also as the head of
24 the Temporary Redistricting Commission, which was
25 appointed by the county executive.

2 MR. MORONEY: I'm not representing the
3 county executive here today at all, if that
4 answers the question.

5 LEGISLATOR ABRAHAMS: You're not?

6 MR. MORONEY: No, I'm not. I have not
7 been asked by him to participate in this
8 proceeding --

9 LEGISLATOR ABRAHAMS: When you said
10 both, who is both? One entity is the republican-
11 majority -- excuse me, the presiding officer, and
12 what's the other entity? Who is both?

13 MR. MORONEY: I was the chairman of
14 the Temporary Districting Commission --

15 LEGISLATOR ABRAHAMS: Mr. Moroney, when
16 you -- you said both, not me. You said that you
17 are here in your capacity -- you referenced both.

18 MR. MORONEY: No. I said I am both.

19 LEGISLATOR ABRAHAMS: You are both.

20 MR. MORONEY: That's right.

21 LEGISLATOR ABRAHAMS: Are you both
22 today?

23 MR. MORONEY: No.

24 LEGISLATOR ABRAHAMS: Not anymore?

25 MR. MORONEY: No. Thank God I'm only

2 one person today.

3 LEGISLATOR ABRAHAMS: Only one today.
4 I understand.

5 Explain to me -- because this wasn't the
6 map that was presented on January 3, correct?

7 MR. MORONEY: This was not the map that
8 was presented on January 3. It has elements of
9 that map --

10 LEGISLATOR ABRAHAMS: Your role ended
11 once the commission couldn't come to a conclusion
12 on the map that was presented on the Third,
13 correct?

14 MR. MORONEY: That's correct.

15 LEGISLATOR ABRAHAMS: Now, how did --
16 were you a part of this map, in how this map was
17 generated?

18 MR. MORONEY: No.

19 LEGISLATOR ABRAHAMS: No? Mr. Moroney,
20 I'm confused.

21 MR. MORONEY: No --

22 LEGISLATOR ABRAHAMS: Mr. Moroney, let
23 me finish, please. How can you speak to this map
24 if you weren't a part of the process?

25 MR. MORONEY: Because the map from

2 which it was developed, I was a part of.

3 LEGISLATOR ABRAHAMS: Yes.

4 MR. MORONEY: And the changes that were
5 made were changes that I understood. Three
6 things in this map changed immediately, and those
7 three things were Great Neck, Legislative
8 District Number 2, and Legislative District
9 Number 11, and those were -- and that was a
10 matter of the testimony that was taken by the
11 Commission, most of which occurred on January 3,
12 particularly with respect to Legislative District
13 Number 2.

14 LEGISLATOR ABRAHAMS: I see.

15 MR. MORONEY: And Great Neck. So I was
16 aware of what the information was, I could verify
17 that the direction by the presiding officer to
18 the commission to implement as many as possible
19 could have been verified when this map was
20 finally produced and sent for analysis.

21 LEGISLATOR ABRAHAMS: Okay. So, Mr.
22 Moroney, explain to me -- and maybe you can't --
23 how did it get from what was presented at the
24 commission during the hearing in this chamber
25 about a month ago to that? Who made those

2 changes? Who changed the lines?

3 MR. MORONEY: The demographers and
4 staff going over --

5 LEGISLATOR ABRAHAMS: Who are the
6 demographers?

7 MR. MORONEY: Skyline Demographics.

8 LEGISLATOR ABRAHAMS: Skyline
9 Demographics. And where are they based?

10 MR. MORONEY: They're based in -- I
11 think it's Saratoga.

12 LEGISLATOR ABRAHAMS: Saratoga. I
13 won't hold you to that. If it changes, it's
14 okay.

15 MR. MORONEY: It's in the contract.

16 LEGISLATOR ABRAHAMS: Okay.

17 Basically, Skyline was directed, I'm
18 guessing by my colleagues to the right, to come
19 up with this based on the commentary that you had
20 provided to them based off of the hearings and
21 everything else. Am I summarizing that
22 correctly?

23 MR. MORONEY: The meetings that were
24 held after my meetings were held between counsel
25 for the majority and the staff for the

2 districting commission.

3 LEGISLATOR ABRAHAMS: Okay. And at
4 that time the direction was given to Skyline to
5 make the changes?

6 MR. MORONEY: Yes.

7 LEGISLATOR ABRAHAMS: Okay. Thank you.
8 Now, you had mentioned before that
9 Skyline, I guess, when they developed, I guess,
10 this as well as the previous map, it was blind to
11 incumbency.

12 MR. MORONEY: That's correct.

13 LEGISLATOR ABRAHAMS: However, I just
14 want to note, your commentary during the January
15 3 meeting had indicated or gave reference to the
16 public, when referencing Legislative District
17 Number 1, you referenced the fact that you had my
18 wrong address when you were putting together the
19 map.

20 MR. MORONEY: I believe --

21 LEGISLATOR ABRAHAMS: I'm just curious
22 -- I'm just curious -- let me finish and then you
23 can add.

24 MR. MORONEY: Sure.

25 LEGISLATOR ABRAHAMS: I'm just curious

2 if it was blind to incumbency, why would my
3 address matter when you made that reference on
4 the record? I could pull up the commentary, if
5 you'd like.

6 MR. MORONEY: You don't need to.

7 LEGISLATOR ABRAHAMS: Oh, okay.

8 MR. MORONEY: I'm just waiting for the
9 applause to ease.

10 If I recall correctly, it was pointed out
11 to us that you were -- there were three people in
12 District Number 1 or 5 -- I think it was 5 --

13 LEGISLATOR ABRAHAMS: Five.

14 MR. MORONEY: and one of them was you -
15 -

16 LEGISLATOR ABRAHAMS: Yes.

17 MR. MORONEY: And I said I was unaware
18 of that. I guess Legislative Abrahams moved and
19 didn't tell us or something to those effect -- or
20 words to that effect.

21 LEGISLATOR ABRAHAMS: I think -- I
22 think -- we'll pull the commentary. But I think
23 it was to the effect that you had the wrong
24 address. I mean, we could pull it and take a
25 look.

1 MR. MORONEY: I might have said that.

2 LEGISLATOR ABRAHAMS: But why would the
3 address matter, Mr. Moroney, if you were blind to
4 incumbency?
5

6 MR. MORONEY: Because after it was
7 drawn, after the map was drawn the questions
8 arose as to who was in what districts, and at
9 that point the overlay of incumbents were laid
10 in. Because it's an important question to you,
11 it's an important question to the public.

12 LEGISLATOR ABRAHAMS: No, no. Mr.
13 Moroney, we're --

14 MR. MORONEY: No, no. It is important.

15 LEGISLATOR ABRAHAMS: No, no, no. I
16 know it's important. We're spinning, though.
17 Let me see if I can say this a little bit
18 clearer.

19 It shouldn't matter -- you shouldn't even
20 need -- if you're doing a map blind to
21 incumbency, you shouldn't even need addresses.
22 The fact that you said on the record you had the
23 wrong address reflects that you weren't doing
24 things blind to incumbency. We're going to pull
25 the record, and we'll present it on February 25

2 to go through it.

3 MR. MORONEY: That maybe your
4 conclusion but it's incorrect.

5 LEGISLATOR ABRAHAMS: Can we pull the
6 record? We'll pull the record, that's not a
7 problem. If I can go into a few more questions.

8 I want to have more clarification on
9 what's actually being done with Legislative
10 Districts Number 14, 2, and 1 in regards to the
11 Village of Hempstead, and I want to make sure I
12 understand the rationale. From what I
13 understand, and based on the testimony that the
14 mayor had given, the Village of Hempstead is
15 being split into three districts, of which a
16 little over 7,000 people are being put into
17 District Number 14. Can you explain to me --
18 maybe you can't because, like I said, this is
19 after, post your responsibilities on the
20 redistricting commission. But how does something
21 like that happen in that particular area? And
22 can you explain to me the commonalities and the
23 common interests that the area that you took from
24 Hempstead into the 14th have with the other parts
25 of the district?

2 MR. MORONEY: District 1 and District 2
3 are essentially the same as they have been since
4 they were created 20 years ago.

5 LEGISLATOR ABRAHAMS: I agree.

6 MR. MORONEY: And that remains pretty
7 much intact.

8 LEGISLATOR ABRAHAMS: Yes.

9 MR. MORONEY: The map that was
10 developed by the demographers for the Commission
11 had made certain changes to the north end of
12 District 2. Those changes were, part and parcel,
13 subject to the hearing that was held on January
14 3. That was changed back to make it more
15 reflective of the district that it was and has
16 been since the date it was created.

17 The other areas around that are -- if
18 you're limited by geography -- can I move this?
19 It's easier for me if I point to it.

20 LEGISLATOR ABRAHAMS: Sure.

21 MR. MORONEY: First off, let me just
22 point something out, because this was the subject
23 of a conversation I had earlier.

24 This area here that's green is Salisbury
25 Park, Eisenhower Park, and it has a very limited

2 amount of population down here in this end. It's
3 a single census block, a single census place.
4 There are census blocks down in this end. In
5 order to split this, you have to split the block
6 or split the place. This is connected.

7 What happens is as you draw districts --
8 in Plainview, the southern half of it was
9 excluded under the original map that the
10 redistricting commission had put together. When
11 you push that down, certain things have to
12 happen. It's that bowl of Jell-O again. When
13 you push, something comes squirting out
14 somewhere. A lot of these areas are single
15 family homes, a lot of them are middle class
16 homes. There was some talk earlier, for example,
17 about school districts. It's almost impossible
18 to keep school districts together. For example,
19 in District 10 -- better example.

20 Earlier today somebody indicated
21 something about Hempstead, a portion of New Hyde
22 Park being kept out. But a portion of North New
23 Hyde Park was kept out in the Coalition map.

24 When you push, something else has got to
25 give in some other place, and that's pretty much

2 what happened around here. District 14, which
3 under the original plan was District 19 -- the
4 numbers were very different than they were here.
5 Not only did they ignore incumbents, they ignored
6 the existing district lines. They started from a
7 blank slate, as it were. It brings in pieces of
8 Old Westbury, Garden City, Carle Place, and some
9 Westbury.

10 A census designated place, by the way,
11 Westbury has always been split in two. It brings
12 in a portion of Bethpage, Hicksville, and the
13 like.

14 Now, Garden City, this area, a portion of
15 it is certainly in the Village of Hempstead; to
16 bring it back to the question that you had
17 originally asked.

18 LEGISLATOR ABRAHAMS: Wait. You said a
19 part of Garden City is?

20 MR. MORONEY: This area beneath Garden
21 City.

22 LEGISLATOR ABRAHAMS: Oh. Beneath
23 Garden City. Yes.

24 MR. MORONEY: Okay. And to the east of
25 Garden City. I said to this part of Hempstead

2 that is east of Garden City, in this part of
3 Hempstead is -- there was too much population in
4 District 2. District 2 was overpopulated by 14-
5 some-odd percent. It was 22-point-some-odd
6 percent over what was legitimate. So we had to
7 downsize District 2. And in order to downsize
8 District 2 and not over populate District 1, the
9 population had to go somewhere. Most of this
10 population here from District 2 to District 1 is
11 limited by the border of District 1. This
12 population up here in District 2 is limited by an
13 area that has no population in it.

14 LEGISLATOR ABRAHAMS: I see.

15 MR. MORONEY: So in order to bring the
16 population numbers down to comply with the one
17 person, one vote and keep the deviation below
18 five percent, we had to make some policy choices,
19 and those policy choices had to be followed.

20 The original map that the republicans
21 proposed had four -- had four breaks in the
22 Village of Hempstead; this has three breaks in
23 the Village of Hempstead. It's not ideal. It's
24 not the best. You only have certain population
25 and certain geography, and you have to work --

2 LEGISLATOR ABRAHAMS: Mr. Moroney --

3 MR. MORONEY: with both.

4 LEGISLATOR ABRAHAMS: I'm sorry. Are
5 you done?

6 MR. MORONEY: Yes.

7 LEGISLATOR ABRAHAMS: Mr. Moroney, as
8 it currently is constituted on this map, LD 2's
9 population is what?

10 MR. MORONEY: LD 2's population.

11 LEGISLATOR ABRAHAMS: Uhm, hum.

12 MR. MORONEY: LD 2's population is
13 69,355 people, with a deviation of -1.7.

14 LEGISLATOR ABRAHAMS: Minus 1.7?

15 MR. MORONEY: That's correct.

16 LEGISLATOR ABRAHAMS: LD 14's
17 population?

18 MR. MORONEY: LD 4's population is
19 72,094.

20 LEGISLATOR ABRAHAMS: Higher than LD 1
21 -- LD 2.

22 MR. MORONEY: That's correct.

23 LEGISLATOR ABRAHAMS: 72 -- I'm sorry.
24 Say that number again.

25 MR. MORONEY: 72,094. 7-2-0-9-4.

2 LEGISLATOR ABRAHAMS: With a standard
3 deviation of what, again?

4 MR. MORONEY: That's a deviation of 2.2
5 percent.

6 LEGISLATOR ABRAHAMS: 2.2 over.

7 MR. MORONEY: Right.

8 LEGISLATOR ABRAHAMS: Finally, LD 1's
9 population.

10 MR. MORONEY: LD 1's population is
11 71,086.

12 LEGISLATOR ABRAHAMS: 71,086. With a
13 standard deviation of?

14 MR. MORONEY: Point seventh-tenths of a
15 percent.

16 LEGISLATOR ABRAHAMS: Okay. And the
17 population that we're talking about in the
18 Village of Hempstead is 7,000 people, correct?

19 MR. MORONEY: I don't know, but I'll
20 take your word for it.

21 LEGISLATOR ABRAHAMS: If we play with
22 that number for a second --

23 MR. MORONEY: That's roughly ten
24 percent of the -- 7,000 is roughly ten percent of
25 the 70,000.

2 LEGISLATOR ABRAHAMS: So, in essence,
3 based on the numbers that you just presented to
4 me just now, there is a possibility that LD 1 and
5 LD 2 could absorb a percentage of those people
6 without violating the constitutionality of one
7 man, one vote. Am I correct by saying that?

8 MR. MORONEY: I'm not sure what taking
9 7,000 people out of District 14 would do, but I
10 think that would put that well below the low end
11 of the deviation.

12 LEGISLATOR ABRAHAMS: Not the whole
13 7,000. As much as they can go up -- they have
14 approximately 2.7 percent they could go up to.
15 They could go up to negative 4.9.

16 MR. MORONEY: If the policy --

17 LEGISLATOR ABRAHAMS: Actually, they're
18 2.2 over. 7,000 people, roughly, they can go a
19 long way, actually.

20 MR. MORONEY: Two percent is 700.

21 LEGISLATOR ABRAHAMS: Yeah.

22 MR. MORONEY: Ten percent is 7,000.

23 LEGISLATOR ABRAHAMS: So they could go
24 almost approximately 6,000 people. Fifteen
25 hundred short, right?

2 MR. MORONEY: Mathematically it
3 certainly can be done.

4 LEGISLATOR ABRAHAMS: I'm just trying
5 to think of a way, because I'm hearing what the
6 public is saying today. I don't want this to get
7 lost in gobbly guck translation, to quote my good
8 friend Peter Schmitt, I know said that phrase. I
9 don't want it to get caught up in that. I want
10 to make sure it's noted that there's a
11 possibility that the folks here who have voiced a
12 concern about the Village of Hempstead being
13 split and, just by doing some rough math, it's
14 very easy to put the Village of Hempstead, in its
15 entirety, back into District Number 2.

16 Can you explain to me -- I hate for the
17 fact that it comes off as self-serving. But I
18 have a question about LD 1 and the annexing of
19 East Meadow to that district. Can you explain to
20 me the rationale? I don't believe that was in
21 your map or the map that was presented by the
22 commission. Could you explain to me how that
23 particularly happened?

24 MR. MORONEY: No. No. Policy choices
25 by the County Legislature, all of these lines, by

2 the way. You do the best you can with what
3 you've got.

4 LEGISLATOR ABRAHAMS: And I --

5 MR. MORONEY: Let me finish. You make
6 a policy choice and you put them forth. You go
7 out and you do the best you can. I think this is
8 a pretty good job.

9 LEGISLATOR ABRAHAMS: The only reason I
10 ask -- I don't know if Mrs. Coades is still here.
11 She had made a reference to the northeast portion
12 of Freeport being moved into a particular LD, LD
13 5. But what she didn't mention and she probably
14 didn't realize is the fact that it seems like
15 it's picked up East Meadow but it lost the
16 northeast portion of Freeport. I think that's
17 the reference that she was making. Nonetheless,
18 we can move on.

19 I want to move into splits, and then I'm
20 going to pass it on to my colleagues, I believe
21 have questions as well.

22 You had referenced the amount of splits
23 that occurred. For school districts -- according
24 to our numbers, and I don't know how this
25 compares with your numbers -- we have a total

2 number of splits of 142 school districts have
3 been -- 142 splits among school districts. What
4 was the number I believe you had represented?

5 MR. MORONEY: I didn't make any
6 representation.

7 LEGISLATOR ABRAHAMS: So how many
8 splits do you have?

9 MR. MORONEY: Didn't analyze it.
10 Didn't look at it.

11 LEGISLATOR ABRAHAMS: You analyzed
12 splits as per the towns and the census --

13 MR. MORONEY: Designated places, right.

14 LEGISLATOR ABRAHAMS: Did you look at
15 it as per communities of interest?

16 MR. MORONEY: The communities of
17 interest that we looked at were communities of
18 interest that were defined by the communities
19 that came and spoke at these hearings. Keeping
20 in mind, the other map, there were ten or eleven
21 of the districts kept their core shape, if you
22 will, going into this. I'm looking for the
23 number.

24 LEGISLATOR ABRAHAMS: While you look
25 for that number. According to our records, when

2 we look at communities of interest, we tally
3 about 100 splits.

4 MR. MORONEY: Defining community of
5 interest as what?

6 LEGISLATOR ABRAHAMS: I'll give you a
7 rundown of them, if you want.

8 Albertson. Baldwin Harbor. Baldwin.
9 Bethpage. Cedarhurst. East Massapequa. East
10 Meadow. Elmont. Floral Park. Flower Hill.
11 Franklin Square. Freeport. Garden City Park.
12 Great Neck. Hempstead. Hewlett. Hicksville.

13 Maybe it might be easier if I just make
14 this a part of the record. I could continue and
15 go down the list.

16 Hicksville. Jericho. Lawrence.
17 Manhasset. Massapequa. Merrick. New Hyde Park.
18 North New Hyde Park. North Valley Stream. North
19 Wantagh. Oceanside. Old Bethpage. Old
20 Westbury. Rockville Centre. Roslyn Heights.
21 Roslyn. Seaford. Searingtown. Syosset.
22 Thomaston. Valley Stream. Wantagh. West
23 Hempstead. Westbury. Woodbury. Woodmere.
24 That's what we define as communities of interest.

25 MR. MORONEY: Are those CDPs that you

2 were citing?

3 LEGISLATOR ABRAHAMS: No, not CDPs.

4 MR. MORONEY: Then I can't -- unless
5 you define each one of them, I couldn't tell you
6 a reason.

7 But I will tell you this much. The
8 overall and overriding goal was to keep as many
9 villages as possible and hamlets as possible. We
10 had --

11 LEGISLATOR ABRAHAMS: I understand
12 that.

13 MR. MORONEY: specific testimony about
14 hamlets being excluded and being divided, and
15 that's always been a problem.

16 LEGISLATOR ABRAHAMS: But there's been
17 a lot of commentary on splits, and I just want to
18 make sure that the record is clear. On those
19 areas that have been noted by the list I just
20 provided, there's 100 of them.

21 MR. MORONEY: Mr. Abrahams, if I was
22 given the liberty of defining every community of
23 interest in the County of Nassau, you could be
24 guaranteed that there would be far more than 100
25 and whatever you cite.

2 As I said on the record, a community of
3 interest is like beauty, it's in the eyes of the
4 beholder. And not everybody has the same thing.

5 In Carle Place, our school district and
6 our fire district are very, very important to us.
7 In other communities it doesn't even rise to a
8 community of interest. We had, for example,
9 Steve Markowitz, one of the democratic members of
10 the commission, got up and argued in favor of
11 putting the Great Neck Peninsula in place not
12 because of the villages but because of the school
13 district. But I did point out to him that in
14 order to that he's going to have the split the
15 Manhasset School District. So once you pick your
16 straw man, you're going to hurt somebody else's
17 straw man. And my --

18 LEGISLATOR ABRAHAMS: But wouldn't you
19 agree --

20 MR. MORONEY: point is you can't please
21 everybody. And policy -

22 LEGISLATOR ABRAHAMS: But wouldn't you
23 agree --

24 MR. MORONEY: choices have to be made.

25 LEGISLATOR ABRAHAMS: But one

2 commonality, Mr. Moroney, I think everybody at
3 this dais can agree; one commonality is one
4 school district. If I live in the Baldwin School
5 District or the Freeport School District, that is
6 a very binding common interest that I have with
7 someone else that lives in that district.
8 However, the map that's before us today, by our
9 account there are 142 splits among school
10 districts. I would think that's something that's
11 pretty common, pretty easy to follow. If I live
12 in the Uniondale School District or the Plainview
13 School District chances are I probably have one
14 big thing in common with them, which is how the
15 school is run and how much taxes I'm paying. Why
16 would that split even occur?

17 MR. MORONEY: And yet, Mr. Abrahams, if
18 you look --

19 LEGISLATOR ABRAHAMS: 142 times, by the
20 way.

21 MR. MORONEY: at the record -- if you
22 look at the record you will not see 142 school
23 districts coming in and testifying at any of
24 these hearings. There's virtually none. Other
25 than Great Neck, you didn't have a lot of school

2 districts coming in trying to ask that they be
3 kept in a single legislative district.

4 LEGISLATOR ABRAHAMS: I agree.

5 MR. MORONEY: They make policy choices
6 too.

7 LEGISLATOR ABRAHAMS: I agree that we
8 won't see school districts come down, but we've
9 had, literally -- and the Presiding Officer can
10 correct me -- we've had at least 75 to 100 people
11 speak today and talk about their communities
12 being split. For me, as well as I'm sure
13 everyone would agree up here, something as a
14 common denominator as school districts can be, I
15 truly believe that people would like to know that
16 their neighbors and the folks that are in their -
17 - within the same school districts as themselves
18 can appeal to their legislator or make a plea to
19 their legislator to ensure that they're trying to
20 get something done. But, be that as it may. I
21 guess we'll agree to disagree.

22 I just want to note for the record that
23 among the school districts there are 142 splits.

24 But thank you, Mr. Moroney, for your
25 time.

2 MR. MORONEY: Thank you.

3 CHAIRWOMAN GONSALVES: Are you finished?

4 LEGISLATOR ABRAHAMS: Yes.

5 CHAIRWOMAN GONSALVES: Okay. Legislator
6 Jacobs.

7 LEGISLATOR JACOBS: Mr. Moroney, hi.
8 It's Judy.

9 MR. MORONEY: Good afternoon. Pretty
10 soon it will be good evening.

11 LEGISLATOR JACOBS: Almost good evening.
12 There's been a lot of questions asked
13 already, but I do have just a few.

14 First place, with all due respect, and I
15 know how hard you've worked. I realize you were
16 on the original commission and now you are here
17 testifying.

18 The important to us, to have somebody
19 that's testifying before us that could actually
20 speak to us regarding the why of the districts as
21 they look today; I believe that's what Kevan was
22 betting at. So considering the fact that we all
23 know Skyline was the demographer -- correct me
24 where I'm going wrong here. My first request --
25 and I guess this would be to the presiding

2 officer, as well as a suggestion to you -- is
3 that we have someone from Skyline here on the
4 25th to enable us to actually question their
5 decision making that went into the drawing of the
6 map. That's something that I think we, on both
7 sides of the aisle, that would be a good thing.
8 It's silly to put you on that spot, because you
9 admitted you were not the one who used the
10 philosophy that was going into this to actually
11 draw the lines here.

12 MR. MORONEY: That's correct.

13 LEGISLATOR JACOBS: Okay. So let me ask
14 you this. You said that there were demographers,
15 which obviously is Skyline, and staff. Who are
16 the staff?

17 MR. MORONEY: Matt Kiernan.

18 LEGISLATOR JACOBS: Pardon me?

19 MR. MORONEY: Matt Kiernan.

20 LEGISLATOR JACOBS: Oh, sorry. Okay.

21 And were there any republican staffers helping in
22 this process?

23 MR. MORONEY: Not directly, no. It was
24 more communication between primarily Matt and the
25 majority office.

2 LEGISLATOR JACOBS: And the majority
3 office. Okay.

4 Once you knew that this map was going to
5 be the one coming before us was there any thought
6 given to have someone like Matt come to the
7 minority leader and say, look -- I realize you're
8 not going to ask permission -- but just to say
9 this is the map we're going forward with, let us
10 know what you're thinking.

11 MR. MORONEY: No. That wasn't a
12 discussion that we had, I'll tell you honestly.
13 That's the choice of the legislators.

14 LEGISLATOR JACOBS: I don't know. I
15 just think sometimes the communication around
16 here is what really leads to what goes on
17 afterwards with all these questions and innuendos
18 and distrust that goes on. Seriously.

19 I have to piggyback on what Kevan was
20 saying. I've got to tell you, most people, when
21 they live in a community, because of the taxes
22 that we pay in the county, because so much of it
23 is based on schools, is the uniting factor for
24 somebody where they live. When you take Woodbury
25 - Woodbury is tiny -- when you take that and cut

1 it in half and you take Syosset and cut that in
2 half, and that's the Syosset school system, it
3 seems like a cut that is felt by the people that
4 live there. You can relate to the fact that even
5 when we have our assessment hearings or whatever,
6 the discussion is based on the demographics of
7 where they live. Norma, even in yours, where
8 East Meadow is cut into -- I'm just trying to
9 think. Parts of East Meadow are going into
10 different areas. Now you bring North Merrick and
11 North Bellmore into yours.

12
13 The truth of the matter is, if we're
14 being blind to incumbency here, I just don't know
15 the rationale in all of this, unless that we're
16 not -- that you weren't -- not you -- that there
17 wasn't a blindness to incumbency when this was
18 put together.

19 MR. MORONEY: Once the maps were out
20 and the incumbent overlay was put in, obviously
21 everybody was aware of incumbency. So at that
22 point everybody was aware of incumbency. The
23 question then is what policy was driving the
24 lines, who was going to be elected, or who was
25 going to be the people in the district to elect

2 somebody. And the priority has to be the voters,
3 not the incumbent.

4 LEGISLATOR JACOBS: But those decisions
5 -- those are exactly the decisions I'm talking
6 about. Those nitty gritty, bottom line
7 decisions, is that done by Skyline, is that done
8 by the input of the majority, or by Matt, if he
9 was the staffer? I just want to know who makes
10 that nitty gritty decision on school districts or
11 whatever, or whatever makes you cross from Oyster
12 Bay into North Hempstead or vice versa.

13 MR. MORONEY: Again, that's a
14 population decision. The cleanup -- the
15 temporary districting map, if I can be permitted
16 to call that the cleanup of that map, came after
17 January 3. On January 3, the testimony before
18 that commission, and its subject to verification,
19 I don't believe it once mentioned an incumbent.
20 I think the question dealt with not who was the
21 representative, but the issues dealt with
22 cleaning up certain areas.

23 Now, there were people with fans. I
24 think somebody was even here with a Dave
25 Denenberg sign. A lot of people spoke -- love

2 Judi Bosworth. I love Judi Bosworth.

3 LEGISLATOR JACOBS: I do too.

4 MR. MORONEY: But what we were trying
5 to accomplish was what the mayors and what the
6 different people who came to this hearing and put
7 it in a map that made sense.

8 LEGISLATOR JACOBS: I guess I'll get
9 back to my original point then. To me, the only
10 way we can have a meaningful hearing on the 25th,
11 as a follow up to this, is to have the actual
12 person or people who actually drew the lines, so
13 that if somebody says -- Judi, or Delia, or
14 Carrie, or Robert, or myself, or any of us say
15 how did you make this decision, that person
16 actually has nothing to do but answer.

17 MR. MORONEY: I defer to the presiding
18 officer.

19 CHAIRWOMAN GONSALVES: I'm going to say
20 this. The map speaks for itself. Who drew the
21 liens is immaterial at this point in time. We
22 have to decide on whether or not that map is fair
23 and transparent, and that is preserves the Voting
24 Rights Act of 1965, giving one person, one vote;
25 the premise on which the Legislature was formed

2 in 1994, and we need to go from there.

3 If there is anything that needs to be
4 questioned further, we will hear it at the Full
5 Legislature meeting. And if there's anything
6 that came out of today's meeting that needs to be
7 addressed, it will be addressed. That's where it
8 stands.

9 We are now owners of this map; therefore,
10 we need to address the map as it exists now. If
11 it's not something that the body is comfortable
12 with, then we will hear all of the comments and
13 listen to them, as well.

14 LEGISLATOR JACOBS: Presiding Officer, I
15 have to speak to you as one grandma to another.
16 It reminds me of when we say this is it, because
17 this is what it is and there's no discussion.
18 Because that's the idea of a hearing, to get the
19 answers, in my mind anyway.

20 CHAIRWOMAN GONSALVES: You know, Judy, I
21 don't want to rehash the past. But you know
22 what? What went on ten years ago was no
23 different than what's going on now. I can read
24 testimony right in front of me right now, okay.
25 The bottom line here is that we have worked on

2 this map long and hard and the democratic side of
3 the aisle has come up with their map that based
4 on the fact that absolutely no map came out of
5 the commission. Then, of course, the question
6 was who drew the map? Obviously, it was with our
7 input that this map was drawn. That's exactly
8 what Mr. Moroney had said.

9 Then you went on further. The maps are
10 not the product of hearings in the communities.
11 Maps that are drawn for redistricting are public
12 policy choices. It goes on and on and on. This
13 is the transcript from the 2003 February meeting.

14 LEGISLATOR JACOBS: But that answered
15 it, Norma.

16 CHAIRWOMAN GONSALVES: You know what?
17 We have an obligation to listen to the public,
18 and this is what we did today. And we have
19 another opportunity to listen to the public on
20 February 25. They have registered their concerns
21 with us. We are not here to answer all of the
22 questions that have come forth today. But we
23 certainly are giving consideration to whatever
24 has been discussed today so we can do what is
25 right on the part of all of the residents in

2 Nassau County.

3 Nobody likes change; neither do I.
4 Sometimes change is not the order of the day.
5 But, we have to look at this map, know that we
6 are the owners of this map at this point, and we
7 will address the map as it exists without the
8 input of Skyline.

9 LEGISLATOR JACOBS: Without the input.
10 So you've made that decision then about Skyline?

11 CHAIRWOMAN GONSALVES: Yes.

12 LEGISLATOR JACOBS: Alright. So what
13 you quoted from me ten years ago was my saying
14 that we had staffers and it is our map. Now you
15 just said the same thing. Now it's in the
16 record. Now we know that nobody on your side is
17 going to answer this as to how you arrived at
18 these decisions. So, let it be. I'm not going
19 to belabor it anymore.

20 CHAIRWOMAN GONSALVES: Legislator Wink.

21 LEGISLATOR WINK: Mr. Moroney, how are
22 you?

23 MR. MORONEY: Very fine, thank you.

24 LEGISLATOR WINK: Mr. Moroney, you
25 indicated in your testimony that there were three

2 communities that were changed between the map
3 that your commission -- well, certain members of
4 the commission proposed, and this map that's
5 before us today. Specifically, you referred to
6 the Great Neck peninsula, the 2nd Legislative
7 District, and the 11th Legislative District.

8 Mr. Moroney, based on the testimony that
9 was given to the commission up until the vote on
10 the map that the republican members proposed,
11 what testimony gave cause to alter the 11th
12 Legislative District?

13 MR. MORONEY: There were two pieces of
14 testimony, if I may. The hearing that was held
15 in Glen Cove on September 27, there was some
16 concern expressed from the residents of Port
17 Washington with respect to keeping the coastline
18 intact.

19 LEGISLATOR WINK: In fact, if I recall
20 correctly, they actually asked to keep the
21 peninsula intact, which 80 percent of the way you
22 succeeded with -- well, you largely succeeded in
23 the commission map and you 80 percent succeeded
24 in this map. As I recall, the discussion was
25 about keeping that peninsula together.

2 MR. MORONEY: As I recall the
3 testimony, the coastline issues were the issues
4 that drove that testimony.

5 LEGISLATOR WINK: In fact, wasn't the
6 coastline in discussion here Manhasset Bay and
7 not Hempstead Harbor? The fact that Hempstead
8 Bay, under the commission map, would have been
9 the means by which Legislator Nicoletto would
10 have gone from King Points to New Hyde Park, and
11 there was no actual land mass that would have
12 connected Kings Point and Saddle Rock with the
13 Pladomes and the rest of Legislator Nicoletto's
14 district.

15 MR. MORONEY: I'm sorry. We're
16 referring to two different things. I'm referring
17 to the testimony at the Glen Cove hearing that
18 was primarily keeping the coastline as one.

19 LEGISLATOR JACOBS: Excuse us one
20 second.

21 MR. MORONEY: Sure.

22 LEGISLATOR WINK: In conferring with
23 Legislator Jacobs, she was reminded of the fact
24 that ten years ago -- and point of fact, this
25 entire Legislature actually did, in fact, hear

2 the testimony of and have the ability to cross
3 examine the experts who developed the maps in
4 2003. So if past is prologue, then perhaps you
5 should reconsider your position, Presiding
6 Officer Gonsalves. But be that as it may.

7 You don't deny the fact that Manhasset
8 Bay was the vehicle by which Kings Point and
9 Saddle Rock was actually connected up to the rest
10 of the district that ran to New Hyde Park, right?

11 MR. MORONEY: I don't believe there was
12 a land bridge, no.

13 LEGISLATOR WINK: Right. So, in fact,
14 that was the discussion, if I'm not mistaken, on
15 behalf of Port Washington.

16 MR. MORONEY: Yes.

17 LEGISLATOR WINK: But having said that.
18 In the map that the commission considered, was
19 Roslyn in any way, shape, or form divided? The
20 commission map.

21 MR. MORONEY: I'd have to go back and
22 look.

23 LEGISLATOR WINK: Let me give you a tip.
24 Having lived in Roslyn for quite some time now, I
25 can tell you that Roslyn was, in fact, united as

2 a community of interest, as it has always been in
3 this legislature.

4 MR. MORONEY: It looks like in the
5 commission map that did not pass. It looks that
6 way.

7 LEGISLATOR WINK: And yet now Roslyn is
8 divided into not one, not two, not three, but
9 four legislative districts. You have quite
10 literally drawn and quartered the community of
11 Roslyn.

12 MR. MORONEY: And yet to this day we
13 haven't heard witness one talk about Roslyn.

14 LEGISLATOR WINK: When was this map
15 proposed, Mr. Moroney? And, by the way, yes, you
16 have. In fact, as Jane Thomas is pointing out in
17 the back, the League of Women Voters did testify
18 to this very issue today.

19 MR. MORONEY: I believe I said
20 resident.

21 LEGISLATOR WINK: When was this map
22 proposed?

23 MR. MORONEY: I believe I said resident
24 of Roslyn.

25 LEGISLATOR WINK: Excuse me?

2 MR. MORONEY: I believe I used the word
3 resident of Roslyn.

4 LEGISLATOR WINK: Okay. We're going to
5 remedy that. But the fact of the matter is this
6 map was proposed on Wednesday evening, on the eve
7 of a big snowstorm, from Monday morning
8 legislative session. And two weeks from now I
9 think you will hear plenty from the Roslyn
10 community. However, I suspect, given what I'm
11 hearing here today, that's pretty much going to
12 be a moot point and a fait accompli.

13 The fact of the matter is this thing has
14 been in existence for less than a week, and the
15 Roslyn community is only now learning of the fact
16 that they are being divided up into insignificant
17 portions of four legislative districts. For the
18 first time, they are hearing about this now.
19 Because it wasn't part of your commission map, it
20 wasn't even part of the Ciampoli map two years
21 ago. It wasn't part of any discussions until
22 Wednesday night, that's when Roslyn was first
23 divided up. So let's be clear, Mr. Moroney. You
24 haven't heard from Roslyn yet because Roslyn
25 didn't know until just now that they are being

2 divided up into four districts.

3 Let's continue.

4 You spent some time and energy discussing
5 the use of citizen voting age population as a
6 measure for this map. Is that correct? As
7 opposed to voting age population.

8 MR. MORONEY: No. It was a measurement
9 -- CVAP is used as a measurement of determining
10 whether the districts that are deemed to be
11 minority-majority districts meet that standard.

12 LEGISLATOR WINK: And you think CVAP is
13 the correct --

14 MR. MORONEY: For that purpose, yes.

15 LEGISLATOR WINK: For that purpose. Was
16 CVAP used in the prior court case when the --
17 I'll call it the Ciampoli map, for lack of a
18 better term, because he clearly owned it and took
19 ownership of it?

20 MR. MORONEY: I have no idea.

21 LEGISLATOR WINK: Was CVAP the measure
22 that the county attorney sought to use?

23 MR. MORONEY: I have no idea.

24 LEGISLATOR WINK: No. In point of fact
25 -- in point of fact, the CVAP standard was being

2 used by the plaintiffs in the federal case
3 against the Ciampoli map and, in fact, were
4 criticized by the county attorney, himself, and
5 his representatives for using CVAP as opposed to
6 using VAP.

7 MR. MORONEY: I wasn't part of that
8 process. I didn't see the statistics on that map
9 or analyze it, so I can't speak to that.

10 LEGISLATOR WINK: Well, we'll bring that
11 out as we go forward, I'm sure.

12 In point of fact, VAP is considered the
13 preferred standard because it's actually based on
14 actual census data as opposed to CVAP, which his
15 based on periodic sampling. Is that correct?

16 MR. MORONEY: If you say it is, then
17 I'll take your word for it.

18 LEGISLATOR WINK: Mr. Moroney, you're
19 too good a lawyer to do that. You know better.

20 You based your whole testimony on the use
21 of CVAP as a standard by which to say this is a
22 constitutional map.

23 MR. MORONEY: For comparison purposes,
24 yes.

25 LEGISLATOR WINK: For comparison

2 purposes. To say that this is a constitutional
3 map, you used CVAP as the standard.

4 MR. MORONEY: This map meets all the
5 legal standards that exist today.

6 LEGISLATOR WINK: Excuse me. I'm sorry.
7 Could you repeat that?

8 MR. MORONEY: This map meets all the
9 legal standards that exist today.

10 LEGISLATOR WINK: By use of CVAP?

11 MR. MORONEY: Whatever standard you
12 want to use, this map meets all those legal
13 standards.

14 LEGISLATOR WINK: Mr. Moroney, I've got
15 to tell you, I look at the communities that were
16 split in this map, many of which were split for
17 the first time -- Roslyn, the Five Towns, which
18 had historically always been one entity for
19 districting purposes, where Hewlett is now split
20 into two parts, Woodmere is split in four parts,
21 Lawrence is split in two parts, Merrick is split
22 in two parts, notwithstanding Elmont and many
23 other communities - Jericho, Syosset, Woodbury.
24 All these communities have something in common,
25 quite frankly, and it's not just the fact that

2 they may from time to time vote democrat. It
3 seems to me that suspect classification or not,
4 the Jewish population of this county is being
5 sliced and diced for the purposes of creating a
6 map that will guarantee a majority of
7 republicans, and for no other reasons.

8 MR. MORONEY: I would respectfully
9 disagree with you. That maybe an inflammatory
10 thing to get your people out, but that is not a
11 consideration in this map --

12 LEGISLATOR WINK: It seems like it was
13 the result.

14 MR. MORONEY: there was no religious-
15 based reason for drawing any of these districts,
16 even considered.

17 LEGISLATOR WINK: You know what, Mr.
18 Moroney? As Legislator Gonsalves has said, the
19 map speaks for itself, and in this case the facts
20 speak for themselves.

21 Specific to the community of Elmont, is
22 it your contention that there was no way to draw
23 a minority district with Elmont being at the
24 heart of it unless it extended all the way to
25 Inwood? Is that your contention?

2 MR. MORONEY: My contention is that the
3 Third District, as drawn on this map, meets the
4 Voting Rights Act standards and is a legitimate
5 minority-majority district that will withstand
6 any court challenge.

7 LEGISLATOR WINK: Could Elmont have
8 served as the heart of a minority district
9 without extending all the way south to Inwood?

10 MR. MORONEY: I don't believe so, no.

11 LEGISLATOR WINK: Did you try to
12 determine?

13 MR. MORONEY: No.

14 LEGISLATOR WINK: No?

15 MR. MORONEY: No.

16 LEGISLATOR WINK: Did you or did you not
17 at the Elmont hearing of the commission promise
18 that Elmont would stay together?

19 MR. MORONEY: Oh, no. I did not.

20 LEGISLATOR WINK: We'll bring that out.

21 MR. MORONEY: I believe what I said at
22 the end of that hearing is -- I believe that what
23 was said at the end of that hearing was simply
24 that the commissioners heard the residents of
25 Elmont loud and clear; you want to keep Elmont

2 together.

3 LEGISLATOR WINK: And you decided
4 against that, in spite of what you heard from the
5 Elmont community.

6 MR. MORONEY: As I said to Ms. Jacobs
7 when I answered her question, I didn't draw the
8 district. What happened was we asked them to
9 create, them being the demographers, after using
10 the standards of a learned counsel who testified
11 before the commission, to draw a minority-
12 majority district. And they advised us that
13 that's the best job that could be done, and I
14 have no reason to disagree with them.

15 LEGISLATOR WINK: Mr. Moroney, in
16 another life, another life you currently lead,
17 you're the republican leader of the Town of North
18 Hempstead. Is that correct?

19 MR. MORONEY: That's correct.

20 LEGISLATOR WINK: And currently there
21 are five legislators that touch upon some element
22 of the Town of North Hempstead, right? Under the
23 current map, not the one we're looking at today.
24 Not the one we're considering today. I'll name
25 them for you, if you'd like; Legislator Bosworth,

2 Legislator Wink, Legislator Troiano, Legislator
3 Nicoletto, and Legislator DeRiggi-Whitton, are
4 the five legislators that represent portions of
5 West Hempstead.

6 MR. MORONEY: Correct.

7 LEGISLATOR WINK: Has North Hempstead's
8 population changed radically in the last ten
9 years?

10 MR. MORONEY: Yes.

11 LEGISLATOR WINK: How much so?

12 MR. MORONEY: Give me a moment.

13 LEGISLATOR WINK: North Hempstead.

14 MR. MORONEY: That's what --

15 LEGISLATOR WINK: I'm not talking about
16 the 2nd LD. I'm talking about North Hempstead as
17 a town.

18 MR. MORONEY: We'll talk about it all.
19 Just give me a moment to find my statistics here.

20 It has changed dramatically. North
21 Hempstead, the districts that we have here are
22 Districts 9, 10, and 11, as currently drawn. As
23 currently drawn, just those three, ignoring the
24 other five because 9, 10 and 11 take up the bulk
25 of North Hempstead, the Asian, the non-Hispanic

2 Asian voting age population has exploded. In
3 addition, District 2, the Hispanic voting age
4 population has likewise exploded --

5 LEGISLATOR WINK: Fine. Okay. In terms
6 of proportion, are you talking in terms of
7 proportion or in terms of shared volume --

8 MR. MORONEY: I'm answering your
9 question. I'm giving you the statistics based
10 upon your question.

11 Those minorities have exploded in the
12 Town of North Hempstead.

13 LEGISLATOR WINK: Have they exploded at
14 the expense of other demographics or is it just
15 an aggregate increase of population
16 disproportionate in the Town of Hempstead and the
17 Town of Oyster Bay?

18 MR. MORONEY: I'm not sure I understand
19 what you're asking.

20 LEGISLATOR WINK: What I'm saying is
21 there may be far more Hispanic voters today than
22 there were ten years ago. But are there -- is it
23 a net increase in voters, keeping every other
24 demographic even or is it that there were other
25 demographics that decreased in numbers and the

2 Hispanic vote has supplanted it in terms of
3 proportion --

4 MR. MORONEY: I believe that that's the
5 case. That's the case.

6 LEGISLATOR WINK: So, in other words,
7 there hasn't been a vast increase in the number
8 of voters in Nassau County, simply an increase in
9 certain populations and others have declined.

10 MR. MORONEY: In relation to other
11 populations, yes. That's correct.

12 LEGISLATOR WINK: Okay. So, then if
13 North Hempstead is indicative of the entire
14 County in that regard --

15 MR. MORONEY: Which it is not.

16 LEGISLATOR WINK: why does North
17 Hempstead now to from five legislative districts
18 to seven?

19 MR. MORONEY: We need help.

20 LEGISLATOR WINK: We need help? I think
21 the five of us are doing a pretty damn good job,
22 myself. But having said that.

23 Mr. Moroney, as of today, there are five
24 legislators representing North Hempstead; four of
25 them happen to be democrats and one of happens to

2 be a republican. Well, for the moment. And
3 we're working on that one, Mr. Nicoletto. But
4 having said that.

5 The population staying even, North
6 Hempstead is now gaining two legislative
7 districts as part of its population. By my
8 counts, granted we haven't held elections yet.
9 But, certainly, by all indications it would
10 appear then of the seven legislative districts
11 representing North Hempstead four would be
12 democrats and three would be republicans. That
13 sounds like something like something a republican
14 leader of North Hempstead would actually really
15 want to see happen and would help make happen if
16 he was so able.

17 MR. MORONEY: May I, just for the sake
18 of lightening the conversation, put my tongue in
19 my cheek?

20 LEGISLATOR WINK: By all means.

21 MR. MORONEY: If you've ever had to
22 find candidates, you would not state that.

23 LEGISLATOR WINK: Based on the districts
24 I'm seeing, looks like present company may be one
25 of those candidates, actually. I'll leave that

2 to others to decide, who is actually going to be
3 running in some of these districts.

4 At the end of the day, it seems to me
5 it's not such a bad gig for people who can find
6 themselves in a significant majority. I don't
7 think it's that much of a heavy lift, for people
8 to find candidates in some of these districts.

9 MR. MORONEY: I appreciate your
10 confidence, but that's out of my system a long
11 time ago.

12 LEGISLATOR WINK: Okay. Understood.

13 I really think this entire process has
14 been nothing but a bait and switch. I believe
15 the Commission map was put out purposely to draw
16 the ire of communities like Great Neck and, at
17 the end of the day, communities like Roslyn
18 suffered the brunt of it because Roslyn was kept
19 whole right up until the eleventh hour. Here we
20 are now in the eleventh hour, with every
21 conceivable possibility that two weeks from now
22 we're going to hold a hearing and vote the same
23 day on this exact map, because we won't entertain
24 amendments between now and then, and because
25 given the limited time period in which people

2 have had time to analyze and discuss this new
3 map, there are a lot of communities that suffer
4 because of this map and never knew they were in
5 the crosshairs until Wednesday night, for the
6 first time.

7 It seems to me that that is something
8 that is really reprehensible about this entire
9 process here, that in the eleventh hour we are
10 not putting communities at risk that were never
11 at risk before, and without even a fair public
12 notice of it, to date.

13 Let me just take one last line of
14 questioning, if I could.

15 Mr. Moroney, back in 2011 -- I understand
16 you were not part of the process in 2011. But as
17 I've mentioned, the County Attorney, John
18 Ciampoli, was, in fact, an integral part of the
19 process, the point where we weren't sure who he
20 was working for, the county executive or the
21 republican majority. But having said that. One
22 of the key concerns on the part of the county
23 attorney was that district lines honor town
24 lines. In fact, as I -- as my quick perusal of
25 Mr. Ciampoli's map came to realize it looks as

2 though there were three districts that crossed
3 town lines, under Mr. Ciampoli's map. Mr.
4 Ciampoli indicated that state law, while not
5 including villages as a political subdivision,
6 says we should honor town lines.

7 We have seven areas where a legislative
8 district crosses town lines based on your maps.
9 How does that jive with Mr. Ciampoli's concern
10 for state law, and do you believe that he was
11 wrong in prioritizing town lines under state law?

12 MR. MORONEY: As I understand the Court
13 of Appeals' decision, there was no declaration
14 that that map was invalid on its face in any way,
15 but that the process was flawed and the process
16 needed to go forward.

17 LEGISLATOR WINK: We certainly knew
18 that, having lived through it.

19 MR. MORONEY: Having said that, my
20 guess is that he was correct.

21 LEGISLATOR WINK: That he was correct?

22 MR. MORONEY: The map that was passed
23 in 2011 was a correct map.

24 LEGISLATOR WINK: Because the courts
25 never opined about it you think it was correct?

2 MR. MORONEY: I would imagine.

3 LEGISLATOR WINK: Would you name one
4 court for me that actually said that these lines
5 were valid? Wasn't it, in fact, a threshold
6 issue as to whether or not the process was
7 properly followed and that the Legislature was,
8 in fact, entitled to redistrict when it did?
9 Wasn't it the threshold question, and therefore
10 the issue of the substance and the actual lines
11 were never addressed by any court?

12 MR. MORONEY: As I understand -- as I
13 understand the court's decision, what the court
14 did was restrain the election in 2011 from taking
15 place under the lines as redrawn in 2011.

16 LEGISLATOR WINK: Without addressing the
17 issue of whether those lines were in fact
18 constitutional suspect or invalid.

19 MR. MORONEY: I don't necessarily know
20 that to be true. Again, the decision speaks for
21 itself.

22 LEGISLATOR WINK: Okay. But you embrace
23 the concept that Mr. Ciampoli addressed, which is
24 that state law requires that we honor town lines.

25 MR. MORONEY: I think the piece of that

2 opinion that's missing is that certain standards
3 take precedence. One person, one vote takes
4 precedence. The Voting Rights Act takes
5 precedence. You have a pecking order, if you
6 will, of priorities, that some take precedent
7 over others. Crossing town lines for population
8 purposes, voting rights purposes is perfectly
9 legitimate and it's been on all the maps that
10 have ever come out of this body or any other body
11 before this body.

12 LEGISLATOR WINK: Understandably --

13 MR. MORONEY: By the way, just let me
14 correct you. The map that's here crosses seven
15 times -- six times.

16 LEGISLATOR WINK: Actually, the 14th
17 District crosses in two places; it crosses from
18 Hempstead to North Hempstead to Oyster Bay.

19 MR. MORONEY: The map then to which
20 everyone runs here, crosses the district lines
21 seven times, the current map. The Coalition map
22 I believe is five crossings, and the democrat
23 map, I believe, that's proposed but not in front
24 of you is always seven crossings.

25 LEGISLATOR WINK: It's not in front of

2 us, clearly, because it's been kept off the
3 calendar.

4 MR. MORONEY: My only point is that
5 that, in and of itself, will not be the downfall
6 of the map.

7 LEGISLATOR WINK: And my point is that
8 you've embraced the philosophies behind the
9 county attorney's map and yet you haven't exactly
10 adopted them.

11 MR. MORONEY: No, I haven't adopted
12 them. I think that you can't take one standard
13 out of context to challenge districts that exist
14 because they are drawn to meet a higher standard.
15 In other words, it was done ten years ago and it
16 was fine, that was not a problem. I don't think
17 it's a problem now, and I don't think it was a
18 problem in any of the other maps. I understand
19 and respect why you're raising the issue. But
20 that said, I don't think it's a legitimate
21 challenge to the map.

22 LEGISLATOR WINK: We're going to have to
23 agree to disagree. The county attorney certainly
24 made that a high priority in his map drawing and
25 the fact that you've chosen a different road is I

2 guess your prerogative, but at the same time it
3 seems to me to raise suspicion about many of the
4 philosophies that have been adopted here.

5 MR. MORONEY: If this map gets to the
6 county executive's office, you may have an
7 opportunity to question Mr. Ciampoli.

8 LEGISLATOR WINK: And I suspect we will
9 have that opportunity.

10 Thank you very much, Mr. Moroney. I look
11 forward to the next hearing on this when you will
12 hear from the communities that have been
13 adversely affected within the last 96 hours,
14 which had no reason to believe that they were
15 being adversely affected prior to then.

16 CHAIRWOMAN GONSALVES: Legislator
17 Abrahams.

18 LEGISLATOR ABRAHAMS: Thank you,
19 Presiding Officer Gonsalves. I just have two
20 things. I was listening to the questions and
21 answers between yourself and Legislator Wink
22 regards to Elmont and the fact that we had to
23 draw Elmont and Inwood to maintain a minority-
24 majority district. I don't know if you have the
25 numbers in front of you, but can you tell me what

2 the current demographics are for LD 3?

3 MR. MORONEY: You mean under the 2003
4 map?

5 LEGISLATOR ABRAHAMS: Yes. Currently
6 the 2003 map at the time of the Census.

7 MR. MORONEY: That I couldn't tell you.
8 But I can tell you this much. Legislative
9 District 3 was overpopulated by 1.89 percent.

10 LEGISLATOR ABRAHAMS: Actually, Mr.
11 Moroney, not to cut you off. I'm actually
12 looking for the racial composition of the
13 district, actually, because we're talking about
14 minority-majority.

15 MR. MORONEY: I don't believe I have
16 that.

17 LEGISLATOR ABRAHAMS: It was our
18 understanding, based off the testimony that I
19 think came up out of the 2011 process, that
20 Legislative District 3, by natural progression of
21 folks moving into that particular district, was
22 becoming more and more of a minority-majority
23 district just by the processes of people moving
24 in from the Queens border and possibly from the
25 City into that area.

2 MR. MORONEY: I'll accept that. I
3 don't know that. I don't have the numbers.

4 LEGISLATOR ABRAHAMS: I'm just
5 referencing that as a point. We went from a
6 stretch, to go down through four communities to
7 tie it into Inwood. It just seems to me that if
8 a district -- you had talked about it a little
9 bit earlier, the concern that obviously we don't
10 want to draw districts into a standard deviation
11 where they suddenly would fall out of compliance
12 in the next couple of years before the ten years.
13 To me, it just seems the natural progression
14 would be to leave this district alone as much as
15 possible, and that would ensure that it would
16 become a minority-majority as we see fit. I
17 truly believe that district elects people, the
18 best and brightest, and I'm not just saying that
19 because my friend Carrie A. Solages is here. Mr.
20 Solages has a Haitian background, as well as he's
21 African American. From that standpoint, if that
22 district is capable of electing him once, I would
23 think the natural progression would be that that
24 are would be able to select a minority, if they
25 choose to, they may not choose to, of their

2 choosing. I think that block is already being
3 established. That's my only concern in regards
4 to -- it wasn't a question, just more of a
5 commentary. That's my concern in regards to
6 drawing the way we see it now. I think that
7 district truly could have -- it's natural
8 progression.

9 My next commentary, I just really have
10 more of a question for Mrs. Garone. Mrs. Garone
11 -- if that's okay, Presiding Officer.

12 CHAIRWOMAN GONSALVES: Go right ahead.

13 LEGISLATOR ABRAHAMS: Mrs. Garone,
14 you've heard a lot of commentary in terms of what
15 the commission has done. No disrespect to Mr.
16 Moroney, there's always two sides of the coin. I
17 would like to have you just talk about if
18 everything you believe it to be the case or not
19 be the case or recollections, and then that's it
20 for me today.

21 MRS. GARONE: Yes. I'm happy to.

22 I think Mr. Moroney, I will give him
23 credit, he's a very slick speaker. I don't think
24 he really -- he purported to refute the things I
25 said; I don't think he did so.

2 But just so that we're clear, he began by
3 seeming to say that we were questioning whether
4 we had to redistrict them. Well, of course we
5 have to redistrict now. And that's exactly what
6 I explained to the public at the start of every
7 session, to give them a little background and
8 education about why we redistrict now. So
9 there's no question about that.

10 He purported to refute my claim that the
11 public didn't get to speak. Well, I never said
12 the public didn't get to speak; the public spoke,
13 the public wanted to be heard. What I said was
14 the public wasn't listened to; the public was
15 ignored. And that's exactly what happened with
16 respect to the resolution.

17 Mr. Moroney purported to refute my
18 claimed allegations about a resolution, that
19 there was a problem with our resolution. No, we
20 voted on the resolution; every republican member
21 voted against it, that was their choice. But my
22 point was that he refused to allow the public to
23 be heard about the terms of the resolution before
24 he forced a vote. The public was there, they
25 wanted to be heard. We made a motion. We

2 protested vigorously, and were told by Mr.
3 Moroney, who controlled the functioning of this
4 commission, we were told that we were going to
5 vote and then we were going to hear from the
6 people. That's ridiculous. When he got a little
7 flustered and he was explaining why, he said
8 public comment is gratuitous. We've all seen the
9 video. If you haven't seen the video, you ought
10 to go to YouTube and take a look. He actually --
11 I don't think he meant to -- but he actually told
12 us what he really thought, which was that public
13 comment was gratuitous. So, ya, we voted on the
14 resolution, but he wouldn't get the public be
15 heard before we voted -- that's crazy -- and
16 that's apparently what's going to happen on the
17 25th. We're going to let the public speak but
18 we're not going to listen because as soon as
19 they're done speaking there's going to be a vote.
20 So there's a great parallel here.

21 What I explained happened at the
22 commission is exactly what happened, and no
23 amount of slick talk is going to change what
24 occurred.

25 I also noted in Mr. Moroney's recitation

1 of all of the public sessions at which the public
2 got to speak, I didn't hear him mention one
3 working session, and that's because there was no
4 working session. He didn't refute the fact, the
5 key fact, that there was no discussion whatsoever
6 between the democratic appointees and the
7 republican appointees. As a matter of fact, just
8 like today, Mr. Moroney did all of the talking
9 for the republican appointees. They virtually
10 never even spoke to the public, much less to us.
11 So, Mr. Moroney, who admits that he didn't even
12 work on this map, is here as the spokesperson for
13 the map because he's a slick speaker, and I do
14 give him credit for that.
15

16 He did not say one thing about the key
17 point, which is they refused to speak to us, he
18 refused to put me in touch with them, he refused
19 to give me their e-mail addresses. I went online
20 and found them. I called them. I e-mailed them.
21 There was not a single discussion about any
22 redistricting subject whatsoever with the
23 republican commissioner, so that says to me he
24 orchestrated that commission as a sham, as a
25 charade. Because the court told us to have a

2 commission, they came back and they made believe
3 they had a commission and it absolutely didn't
4 function as a commission.

5 I will say what I said earlier today. I
6 hope that the people will be better served by
7 this Legislature. I hope that what I'm hearing
8 here today will change, and we're not going to go
9 through the same charade of having the public
10 come in and take a day off from work, and have to
11 spend money for child care, and come here and
12 speak to their elected representatives about what
13 they would like to see happens, and as soon as
14 the last person sits down, you call a vote and
15 ignore everything they said. That's exactly what
16 happened in the commission, and I hope that's not
17 going to happen here.

18 I also, as long as I'm here, I can't help
19 myself. I have a question. We heard from Mr.
20 Moroney that those are policy choices. We heard
21 from the presiding officer, those are policy
22 choices. Doesn't the public have a right to hear
23 what your policies are? Why are you making those
24 policy changes? Because if you don't tell us, if
25 you don't tell all of these people what your

2 policy choices are, then we are going to conclude
3 -- we know what your policy -- your policy
4 choices are to establish unassailable republican
5 seats so you stay in the majority for the next
6 ten years. If you have public -- if you have
7 policy choices other than that, then we beg you
8 to tell us. And I think the constituents have a
9 right to know.

10 CHAIRWOMAN GONSALVES: Thank you, Mrs.
11 Garone.

12 LEGISLATOR NICOLELLO: I just have a
13 couple of quick points.

14 There was much discussion before over
15 crossing school district lines. And while I was
16 sitting here, I counted the school district lines
17 in my own 9th District that was drawn in 2003 and
18 I came up with seven in my district alone. So I
19 think you can calculate that the numbers are
20 probably not that far off between the 2003 map
21 and the current map.

22 To show you how difficult it is to draw
23 legislative districts around school districts, in
24 my own community of New Hyde Park we have four
25 separate school districts that different parts of

2 11040 send their students to -- Elmont, New Hyde
3 Park, Garden City Park, Herricks, Great Neck
4 South. It is a very difficult thing to do. And
5 to confirm that I would just like to quote my
6 very good friend Judy Jacobs from the Rules
7 Meeting in 2003. Here you go. Ready?

8 My point is that no matter how hard you
9 try -- I just was telling Legislator Altmann --
10 that just in my district, my own district, when
11 Mr. Dunne talks about how horrible. And of
12 course we would all love to keep school districts
13 together and make that the basis of 19 districts.
14 Syosset was split among three legislators.
15 Jericho, which is tiny, was split amongst two,
16 and Plainview was split amongst one. Let's call
17 it the way it is. I mean, as much as you may
18 try, it is very difficult to keep these school
19 districts together.

20 I agree. Thank you.

21 LEGISLATOR JACOBS: I do have to say one
22 thing. Judy was obviously not speaking correctly
23 because Syosset has only always been one school
24 district, a pretty large one but they've never
25 been split. But Jericho, Jericho was split in

2 two all the time.

3 CHAIRWOMAN GONSALVES: I'd like to say
4 thank you to all of the members of the public who
5 came today and those, of course, who were able to
6 stay until the end of today's session.

7 I'd like to thank Bonnie Garone, I'd like
8 to thank Mr. Moroney, because this is not an easy
9 task for anyone.

10 At this particular time I want to
11 reiterate the fact that this is the procedure to
12 hear the case before the Rules Committee, and
13 then the Rules Committee votes to move it forward
14 to the Full Legislature, which would be on the
15 25th of February.

16 At this time -- I know you're all waiting
17 with bated breath to hear the vote.

18 All those in favor of the motion, which
19 is to pass this map onto the Full Legislature on
20 the 25th, please indicate by saying aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 The vote is four to three. It passes and
25 goes forward to the Full Legislature on the 25th.

2 I just pray to God we don't have another snow
3 storm in between.

4 Thank you, again.

5 Motion to adjourn?

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Motion to adjourn
9 by Legislator Dunne, seconded by Legislator
10 Walker.

11 All those in favor of adjourning indicate
12 by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The motion to adjourn passes unanimously.

17 Thank you.

18 (Whereupon, the Rules Committee adjourned
19 at 4:35 p.m.)

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C E R T I F I C A T E

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

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of February, 2013.

FRANK GRAY